

COUNTY OF LOS ANGELES

DEPARTMENT OF REGIONAL PLANNING

SANTA CATALINA ISLAND SPECIFIC PLAN
(Ordinance 89-0148: adopted November 28, 1989)

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APPENDIX A

SANTA CATALINA ISLAND: APPROPRIATE LANDSCAPE AND PLANT MATERIALS

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Recommended Trees

Ceanothus arboreus (Catalina Ceanothus)	Small tree with blue, lilac-like flowers.
Cercocarpus betuloides var. blanchae (Mountain Mahogany)	Small tree.
C. traskae (Catalina Mahogany)	Very rare.
Heteromeles arbutifolia var. macrocarpa (Big Berry Toyon)	Beautiful red berries. Small tree.
Lyonothamnus floribundus var. floribundus (Catalina Ironwood)	Most distinctive tree on island; use in place of eucalyptus.
Platanus racemosa (Sycamore)	
Populus fremontii (Fremont Cottonwood)	Wet locations.
P. trichocarpa (Black Cottonwood)	Wet locations.
Prunus lyonii (Catalina Cherry)	One of the largest and best shade trees.
Quercus chrysolepis (Canyon Oak)	
Q. douglasii (Blue Oak)	
Q. dumosa (Scrub Oak)	
Q. engelmannii (Engelmann Oak)	
Q. lobata (Valley Oak)	Exceptional for landscaping in protected locations.
Q. x macdonaldii (MacDonald Oak)	Exceptional for landscaping in protected locations.
Q. tomentella (Island Oak)	Exceptional for landscaping in protected locations.

Rhamnus pirifolia
(Island Red Berry)

Small tree.

Salix laevigata
(Red Willow)

Wet locations.

S. lasiolepis
(Arroyo Willow)

Small tree for wet loca-
tions.

Acceptable Trees

Eucalyptus spp.

Non-invasive types only.

Juglans californica
Calif. Black Walnut

Recommended Shrubs

<i>Adenostema fasciculatum</i> (Chamise)	White flowers, prunable.
<i>Arctostaphylos catalinae</i> (Catalina Manzanita)	
<i>Artemisia californica</i> (Coast Sagebrush)	Nice, low shrub if irrigated.
<i>Atriplex lentiformis</i> ssp. <i>breweri</i> (Quail Brush)	
<i>Baccharis pilularis consanguinea</i> (Coyote Brush)	Nice, pruned shrub.
<i>Bergerocactus emoryi</i> (Velvet Cactus)	For dry locations.
<i>Castilleja foliolosa</i> (Wooly Paint Brush)	Attractive, small shrub.
<i>Ceanothus megacarpus</i> ssp. <i>insularis</i> (Big Pod Ceanothus)	White flowering shrub.
<i>Clematis ligusticifolia</i> (Virgin's Bower)	
<i>Comarostaphylos diversifolia</i> var. <i>planifolia</i> (Summer Holly)	
<i>Coreopsis gigantea</i> (Giant Coreopsis)	Winter color; stays green if kept moist.
<i>Crossosoma californicum</i> (Catalina Crapapple Bush)	Beautiful shrub; needs water to stay green.
<i>Dendromecon rigida</i> ssp. <i>rhamnoides</i> (Bush Poppy)	Attractive, year-round, flowering shrub.
<i>Encelia californica</i> (Bush sunflower)	Drought tolerant. Yellow flowers, stays green if kept irrigated.
<i>Eriodictyon traskiae</i> var. <i>traskiae</i> (Catalina Yerba Santa)	Attractive small shrub.

Eriogonum giganteum ssp. giganteum (St. Catherine's Lace)	Exceptional, drought tolerant shrub.
E. grande (Island Buckwheat)	
Eriophyllum confertiflorum (Golden yarrow)	Small shrub.
Galium nuttallii var. insulare (climbing Bedstraw)	Small shrub.
Galvesia speciosa (Catalina Snapdragon)	
Holodiscus discolor var. franciscanus (Ocean Spray)	
Isomeris arborea (Bladder Pod)	Attractive shrub for very dry locations.
Keckiella cordifolia (Heart-leaf penstemon)	
Lavatera assurgentiflora (Malva Rose)	Attractive.
Lepechinia fragrans (White pitcher sage)	Good on south-facing slopes.
Lonicera subspicata var. johnstonii (Wild Honeysuckle)	
Lotus scoparius ssp. scoparius (Deerweed)	Small shrub.
Lupinus albifrons var. albifrons (Silver Bush Lupine)	Attractive blue flower.
Lycium brevipes var. hassei (Island Boxthorn)	Attractive.
L. californicum (Calif. Box Thorn)	
Malacothamnus fasciculatus ssp. catalinensis (Catalina Bush Mallow)	Nice shrub.

Mimulus puniceus (Red Bush Monkey Flower)	
Opuntia demissa (Prickly Pear)	
O. littoralis var. littoralis (Coast Prickly Pear)	
O. oricola (Pancake Prickly Pear)	
O. phaeacantha var. discata (Prickly Pear)	
Rhus integrifolia (Lemonade Berry)	Shrub.
R. integrifolia x R. ovata (Hybrid Sumac)	Shrub.
R. ovata (Sugar Bush)	
Ribes viburnifolium (Catalina Currant)	Good groundcover on north facing slopes.
Rosa californica (Wild Rose)	Pretty; good in wet loca- tions.
Rubus ursinus (Wild Blackberry)	Easy to grow; edible.
Salicornia subterminalis (Shrubby Pickleweed)	For saline locations.
Salix hindsiana var. hindsiana (Sandbar Willow)	Wet locations.
Salvia apiana	Good on south-facing slopes.
S. apiana x S. mellifera	Good on south-facing slopes.
S. mellifera (Black Sage)	
Sambucus mexicana (Elderberry)	
Solanum wallacei ssp. wallacei (Catalina Nightshade)	

Symphoricarpos mollis
(Snowberry)

Vitis girdiana
(Wild grape)

Vine.

Xylococcus bicolor
(Mission Manzanita)

Zauschneria californica
ssp. californica
ssp. mexicana
(California Fuchsia)

Nice, viney shrub.

Z. cana
(Hummingbird Trumpet)

Acceptable Shrubs

Corethrogyne filaginifolia Cudweed Aster	Stays green if kept moist.
Euphorbia misera Cliff-spurge	
Galium angustifolium Shrubby Bedstraw	Small shrub.
Haplopappus palmeri ssp. pachylepis Palmer Goldenbush	
H. squarrosus ssp. grindelioides Saw-Tooth Goldenbush	Small shrub.
H. venetus ssp. furfuraceus ssp. vernomioides Coast Goldenbush	
Hemizonia clementina Island Tarweed	Small shrub.
Opuntia prolifera Coast Cholla	
Pluchea sericea Arrow Weed	
Rhus laurina Laurel Sumac	
Senecio douglasii var. douglasii Bush Senecio	
S. lyonii Island Butterweed	Small shrub.
Suaeda californica Calif. Sea Blite	

Recommended Perennial Herbs

Abronia maritima (Red Sand Verbena)	For sandy locations.
A. umbellata (Rose Sand Verbena)	For sandy locations.
Achillea millefolium (Yarrow)	Pretty.
Adiantum capillus-veneris (Venus-Hair Fern)	For very wet, shaded locations.
A. jordani (Calif. Maiden Hair)	For very wet, shaded locations.
Allium praecox	Attractive spring wildflower.
Anemopsis californica (Yerba Mansa)	
Astragalus trichopodus var. leucopois (Rattleweed)	Toxic; but good for dry loca- tions.
Atriplex californica (Calif. saltbush)	For saline locations.
A. coulteri (Coulter's Saltbush)	
A. leucophylla (Beach Saltbush)	
Bloomeria crocea	Attractive spring wildflower.
Brodiaea jolonensis (Wild Brodiaea)	Attractive spring wildflower.
Calochortus catalinae (Catalina Mariposa)	Attractive.
C. splendens (Lilac Mariposa lily)	
Calystegia macrostegia (Wila Morning Glory)	
Carex triquetra (Sedge)	Wet locations.

<i>C. praegracilis</i> (Sedge)	Wet locations.
<i>Carpobrotus aequilaterus</i> (Sea Fig)	Groundcover.
<i>Castilleja affinis</i> (Indian Paint Brush)	Attractive.
<i>Delphinium parryi</i> (Blue Larkspur)	
<i>Dichelostemma pulchella</i> (Blue Dicks)	Attractive spring wildflower.
<i>Distichlis spicata</i> var. <i>spicata</i> (Salt Grass)	Good in saline locations.
<i>Dodecatheon clevelandii</i> ssp. <i>insulare</i> (Island Shooting Star)	
<i>Dryopteris arguta</i> (Woodfern)	For very wet, shaded locations.
<i>Dudleya hassei</i> (Catalina Live-forever)	Excellent ground cover.
<i>D. virens</i> (Island Live-forever)	Excellent ground cover.
<i>Eleocharis macrostachya</i> (Pale Spike-Rush)	Wet locations.
<i>Elymus condensatus</i> (Giant Wild Rye)	Good in wet locations.
<i>Epilobium adenocaulon</i> var. <i>holosericeum</i> (Willowherb)	
<i>Eriophyllum nevinii</i> (Dusty Miller)	Great ground cover, gray-green with yellow flowers.
<i>Frankenia salina</i> (Alkali Heath)	For saline locations.
<i>Galium catalinense</i> (Catalina Bedstraw)	
<i>Habenaria unalascensis</i> (Rein Orchid)	Small.
<i>Helianthemum greenii</i> (Island Rock Rose)	

H. scoparium var. vulgare (Wild Rock Rose)	
Juncus acutus (Spiny Rush)	Attractive clumping grass-like plant for wet locations.
J. balticus (Wire Rush)	Attractive clumping grass-like plant for wet locations.
J. bufonius (Toad Rush)	Attractive clumping grass-like plant for wet locations.
J. mexicanus (Mexican Rush)	
J. textilis (Indian Rush)	
J. xiphioides (Iris-leaved Rush)	
Lathryus laetiflorus ssp. alefeldii (Wild Sweetpea)	Good color.
Lithophragma affine ssp. mixtum (Woodland Star)	
Lonicera hispidula (Calif. Honeysuckle)	Ground cover for north- facing locations.
Lotus argophyllus ssp. ornithopus (Silver Lotus)	Attractive; ground cover for south slopes.
L. grandiflorus (Large flowered lotus)	
L. heermannii	
Malacothrix saxatilis var. tenuifolia (Cliff-aster)	
Mimulus guttatus var. guttatus (Creek Monkey Flower)	Good in wet locations.
Mirabilis californica (Wishbone Bush)	
Monanthochloe littoralis (Shore grass)	

Pellaea andromedaefolia (Coffee Fern)	For very wet, shaded locations.
P. mucronata (Cliff-Brake)	For very wet, shaded locations.
Phyllospadix scouleri (Surf-grass)	Found near Catalina Harbor.
P. torreyi (Torrey's Surf-Grass)	Found near Catalina Harbor.
Pityrogramma triangularis var. triangularis (Goldback Fern)	For very wet, shaded locations.
P. triangularis var. viridis (Silverback Fern)	For very wet, shaded locations.
Polypodium californicum (Calif. Polypody)	For very wet, shaded locations.
Potentilla glandulosa var. glandulosa (Sticky Cinquefoil)	
Pteridium aquilinum (Bracken)	For very wet, shaded locations.
Salicornia virginica (Pickleweed)	Saline locations.
Scirpus microcarpus (Small Fruited Bulrush)	Wet locations.
S. robustus (Pacific Coast Bulrush)	Wet locations.
Scrophularia villosa (Figwort)	
Selaginella bigelovii (Spike-moss)	For very wet, shaded locations.
Sisyrinchium bellum (Blue-Eyed Grass)	Spring wildflowers.
Stipa cernua (Needlegrass)	Native, bunch grasses.
S. lepida (Feather grass)	Native, bunch grasses.

S. pulchra
(Nodding Needlegrass)

Native, bunch grasses.

Typha domingensis
(Slender cat-tail)

Good in wet marshy areas.

T. latifolia
(Cat-Tail)

Good in wet marshy areas.

Viola pedunculata
(Johnny Jump-Up)

In shady locations as an orna-
mental.

Zostera marina
(Eel grass)

Found near Catalina Harbor.

Acceptable Perennial Herbs

Agrostis diegoensis
Bent grass

Ambrosia chamissonis
Silver Beach Bur

A. psilostachya
Western Ragweed

Artemisia douglasiana
Mugwort

Asclepias fascicularis
Narrow Leaf Milkweed

Atriplex watsonii
Watson's Saltbush

Azolla filiculoides
Duckweed Fern

Baccharis douglasii
Douglas Baccharis

B. emoryi
Emory Baccharis

B. glutinosa
Mule Fat

Bothriochloa barbinodis
Beard grass

Brickellia californica
Calif. Brickell bush

Bromus carinatus
Calif. Brome

B. pseudolaevipes
Woodland Brome

Cardamine californica
Milk Maids

Good in shade.

Cheilanthes californica
Calif. Lace Fern

For wet shaded locations.

Chenopodium californicum
Calif. goosefoot

Cressa truxillensis
 var. *vallicola*
 Alkali Weed

Dichondra occidentalis
 Wild Dichondra

Elymus glaucus
 Western Rye Grass

Equisetum laevigatum For wet, shaded locations.
 Scouring Rush

E. telmateia For wet, shaded locations.
 Giant Horsetail

Erigeron foliosus
 Fleabane Aster

Gnaphalium bicolor
 Two-Tone Everlasting

G. californicum
 Green Everlasting

G. microcephalum
 Felt-Leaf

Grindelia robusta
 Gum Plant

Helenium puberulum
 Sneezeweed

Hordeum californicum
 Meadow Barley

Jaumea carnososa
 Jaumea

Jepsonia malvaefolia
 Island Jepsonia

Marah macrocarpus
 Wild Cucumber

Melica imperfecta
 Chaparral Melic

Notholaena californica For wet, shaded locations.

Oxalis albicans californica
 Wild Sour-grass

Paspalum distichum
Knotgrass

Perezia microcephala
Perezia

Phalaris scabrella
Malpais Blue Grass

Polygonum amphibium
var. *emersum*
Swamp Knotweed

Polypogon interruptus
Beard grass

Potamogeton foliosus
Leafy Pondweed

P. pectinatus
Pondweed

Rumex salicifolius
Willow Park

Ruppia maritima
Ditch-grass

Sanicula arguta
Snake Root

S. crassicaulis
Tall Sanicule

Sarcostemma cynanchoides
Climbing Milkweed

Satureja douglasii
Yerba Buena

Sida leprosa
Alkali-Mallow

Sitanien jubatum
Squirrel Tail

Solidago californica
Calif. Goldenrod

Spergularia macrotheca v. *macrotheca*
Sand spurrey

S. villosa
Villous Sand Spurrey

Torilis nodosa
Hedge-Parsley

Urtica holosericea
Stinging Nettle

Verbena bracteata
Vervain

V. robusta
Robust Vervain

Recommended Annual Herbs

Antirrhinum nuttallianum (Wild Snapdragon)	Attractive.
Aphanisma blitoides (Aphanisma)	For saline locations.
Atriplex argentea (Silver saltbush)	For saline locations.
A. pacifica (Pacific saltbush)	
Camissonia californica (Calif. Evening Primrose)	
C. micrantha (Small-flowered Evening Primrose)	
Clarkia epilobioides (Willow-Herb Clarkia)	
Clarkia purpurea quadrivulnera (Purple Clarkia)	
Claytonia perfoliata (Miner's Lettuce)	Wet locations.
Dissanthelium californicum (Calif. dissanthelium)	Good for saline locations.
Draba cuneifolia var. integrifolia (Rock Cress)	For use in very wet locations.
Eschscholzia californica var. peninsularis (Calif. Poppy)	Attractive and drought tolerant.
E. ramosa (Island Poppy)	Attractive and drought tolerant.
Festuca pacifica (Pacific fescue)	
F. reflexa (Few flowered fescue)	
Lasthenia chrysostoma (Goldfield)	Spring color.

Layia platyglossa campestris (Tidy Tips)	Spring color.
Linanthus bicolor (Bicolor linanthus)	May be extinct.
L. dianthiflorus (Ground Pinks)	
Lotus hamatus (Prostrate lotus)	
L. humistratus	
L. purshianus (Spanish clover)	
L. salsuginosus (Coastal lotus)	
Lupinus agardhianus (Annual lupine)	Attractive blue flower.
L. bicolor ssp. pipersmithii (Dove lupine)	Attractive blue flower.
L. concinnus (Bajada lupine)	Attractive blue flower.
L. hirsutissimus (Stinging lupine)	Attractive blue flower.
L. succulentus (Arroyo lupine)	Attractive blue flower.
L. truncatus (Collar lupine)	
Mentzelia micrantha (Blazing star)	
Mimulus cardinalis (Scarlet Monkey Flower)	Good in wet locations.
M. floribundus (Shiny Monkey Flower)	
M. traskiae (Catalina Monkey Flower)	
Nemophilla menziesii (Baby Blue Eyes)	

Orthocarpus purpurascens
(Owl's Clover)

Phacelia cicutaria
var. *hispida*
(Caterpillar phacelia)

P. distans
(Fern-leaf phacelia)

P. grandiflora
(Large flowered phacelia)

P. lyonii
(Lyon's Phacelia)

Platystemon californicus
(Cream cups)

Pretty, but may be
extinct.

Ranunculus hebecarpus
(Buttercup)

Salvia columbariae
(Chia)

Good on south-facing
slopes.

Stylomecon heterophylla
(Wind poppy)

Acceptable Annual Herbs

Alchemilla occidentalis
Lady's Mantle

Allophyllum glutinosum
Stinky Gilia

Ambrosia acanthicarpa
Burweed

Ammannia coccinea
Ammannia

Amsinckia intermedia
Fiddleneck

A. menziesii
Little flowered Fiddleneck

Antirrhinum kelloggii
Twining Snapdragon

Apiastrum angustifolium
Wild celery

Arenaria douglasii
Sandwort

Aristida adscensionis
Three-Awned grass

Astragalus didymocarpus
Dwarf Locoweed

Toxic, but good for dry
locations.

A. gambeliamus
Dwarf Locoweed

Athysanus pusillus
Athysanus

Atriplex serenanae v. *dauidsonii*
Annual Saltbush

Bromus arizonicus
Arizona Brome

B. trinii
Chilean Brome

Calandrinia ciliata
Red Maids

C. maritima
Sea Kisses

Callitriche marginata
Water-Starwort

Caucalis microcorpa
Hedge-Parsley

Centaureum venustum
Canchalagua

Chaetopappa lyonii
Chaetopappa

Chorizanthe coriacea
Spiny Herb

C. staticoides
Turkish Rugging

Cirsium californicum
Calif. Thistle

C. occidentale
Red Thistle

Conja coulteri

Crassula aquatica
Water Pigmy Weed

C. erecta
Pigmy Weed

Cryptantha clevelandii
White Forget-Me-Not

C. intermedia
Popcorn flower

C. maritima
Guadalupe Popcorn Flower

C. micromeres
Mini-flowered Popcorn Flower

C. microstachys
Mini-flowered Popcorn Flower

Daucus pusillus
Rattlesnake Weed

Descurainia pinnata
ssp. menziesii
Tansy Mustard

Elatine californica
Waterwort

Emmenanthe penduliflora
Whispering Bells

Eremalche exilis
White Mallow

Eriastrum filifolium
Thread Stem Eriastrum

Eucrypta chrysanthemifolia
Eucrypta

Euphorbia crenulata
Chinese Caps

E. serpyllifolia
Thyme-leaved spurge

E. spathulata

Festuca megalura
Foxtail Fescue

F. myuros
Rattail Fescue

F. octoflora
Six-Week Fescue

Filago arizonica
Arizona filago

Galium aparine
Cleavers

Geranium carolinianum
Cranes bill

Gilia angelensis
Angeles Gilia

G. capitata
Globe Gilia

G. nevinii
Island Gilia

Gnaphalium chilense
Cotton-Batting Plant

G. palustre
Lowland Cudweed

G. purpureum
Purple Cudweed

Harpagonella palmeri
Harpagonella

Heliotropium curassavicum
Wild Heliotrope

Good for sandy sites.

Hemizonica fasciculata
Tarweed

Hesperocnide tenella
Black Hair Nettle

Hesperolinon micranthum
Dwarf Flax

Heterotheca grandiflora
Telegraph Weed

Hordeum pusillum
Barley grass

Lepidium lasiocarpum ,
Hairy Peppergrass

L. latipes
Dwarf Peppergrass

L. nitidum
Shiny Peppergrass

Linaria bipartita
Toadflax

L. canadensis
Blue Toadflax

Lotus strigosus
Strigose Lotus

L. Subpinnatus
Chile Lotus

Madia exigua
Small Tarweed

M. gracilis
Gum Weed

M. sativa
Chile Tarweed

Malva parviflora
Cheeseweed

Microseris douglasii
ssp. *platycarpa*
Silver Puffs

M. heterocarpa
Brown Microseris

M. linearifolia
White Microseris

Muhlenbergia microsperma
Annual Muhly

Navarretia atractyloides
Holly-leaved Navarretia

N. hamata var. *hamata*
var. *foliaceae*
Hooked Navarretia ,

Oligomeris linifolia
Olgomeris

Parietaria floridana
Pellitory

Pectocarya linearis
Comb-Bur

P. pencillata
Comb-Bur

Perityle emoryi
Rock Daisy

Phalaris lemmonii
Lemmon's Canary Grass

Pholistoma auritum
Fiesta Flower

P. racemosum
White Fiesta Flower

Plagiobothrys californicus
Calif. Popcorn Flower

P. canescens var. *catalinensis*
Catalina Popcorn Flower

Plantago erecta
Calif. Plantain

P. insularis
Island Plantain

Pluchea purpurascens
Marsh Fleabane

Polycarpon depressum
Calif. Polycarp

Psilocarphus tenellus
Woolly-Heads

Pterostegia drymarioides
Thread Stem

Rafinesquia californica
Calif. Chicory

Sagina occidentalis
Pearlwort

Sibara filifolia
Island Rock Cress

Silene antirrhina
Sleepy Catchfly

S. multinervia
Nervy Catchfly

Spergularia marina
Sea Spurrey

Stellaria nitens
Shiny Chickweed

Stephanomeria exigua
Small Hepharpmeria

S. virgata
Wand Chicory

Stylocline gnaphalioides
Everlasting Nest-Straw

Thelypodium lasiophyllum
Calif. mustard

Thysanocarpus curvipes
Lace-pod

T. laciniatus
Fringe-pod

Trichostema lanceolatum
Vinegar Weed

Trifolium albopurpureum
Indian Clover

T. amplectens
Pale Sack Clover

T. gracilentum
Pin-Point Clover

T. macraei
Double-Headed Clover

T. microcephalum
Small-Headed Clover

T. microdon
Valparaiso Clover

T. palmeri
Palmer's Clover

T. tridentatum
Tomcat Clover

Triodanis biflora
Little Venus Looking glass

Tropidocarpum gracile
Dobie pod

Vicia exigua
Slender Vetch

Xanthium strumarium
Cockle Bar

APPENDIX B

LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION,

Review Guidelines

For

Helicopter Landing Facilities

I. INTRODUCTION

The following guidelines set forth the policies, procedures and criteria employed by the Los Angeles County Airport Land Use Commission in its review of proposed new helicopter landing facilities. These guidelines will be included as part of the normal Conditional Use Permit process for helistops proposed within unincorporated areas, and will assist the Commission in preparing advisory comments on proposals to establish such facilities within incorporated local jurisdictions.

II. ALUC HELICOPTER POLICY

A. Statement of Intent

The Los Angeles County Airport Land Use Commission hereby finds and declares as follows:

- Within Los Angeles County there is a trend toward increased use of helicopters in the business, medical, media, public safety, and commercial transportation sectors.
- While helicopter transport is becoming an increasingly important component of the regional transportation system, unguided proliferation of helicopter landing facilities may adversely affect local land use and environmental quality.
- At present there are no uniform criteria employed in the review of potential helicopter landing sites which adequately address potential land use impacts within the affected community or region as a whole.
- Particular concern has been expressed by many regarding the potential noise and safety impacts associated with helistop approach and departure paths, and the low level overflight of residential areas.
- The Airport Land Use Commission is mandated by the State Public Utilities Code to review and act on proposed new helicopter landing facilities with reference to local land use considerations and the maintenance of a viable regionwide aviation system.

Therefore, it is the intent of the Los Angeles County Airport Land Use Commission to:

- 1) Actively review proposals for the development of new helicopter landing facilities within Los Angeles County relative to potential noise and safety impacts; and,

- 2) Provide assistance to involved local jurisdictions, state and regional agencies, and private interests in the identification and mitigation of potential adverse impacts associated with such facilities.

B. Statement of Policy

It is the policy of the Los Angeles County Airport Land Use Commission, in cooperation with involved local, state and federal agencies, and industry representatives, to:

- 1) Provide for the establishment of helicopter landing facilities to serve the special needs of the emergency medical and public service sectors.
- 2) Provide for the establishment of helicopter landing facilities for business and personal use only where it can be demonstrated that:
 - . Substantial public benefit will be derived from the intended use of the proposed facility; and that,*
 - . The intended use of the proposed facility will not increase community exposure to adverse health (particularly noise), safety or nuisance impacts.**
- 3) Promote efforts to establish defined regional corridors for private and commercial helicopter traffic in order to maintain the safe and efficient use of airspace and reduce overflight of noise sensitive land uses.

III. REVIEW CRITERIA

The following factors and criteria shall be conditions of development imposed by the ALUC in its review of proposed new helicopter landing facilities:

*The finding of "substantial public benefit" is a subjective determination which can only be reached after careful consideration of each specific proposal. For example, proposed facilities which significantly contribute to the creation or retention of employment opportunities, demonstrably reduce the costs of goods and services consumed by the public at large, or are integral and necessary to the continued viability of an otherwise desirable enterprise, may be found to have substantial public benefit. Facilities intended for the personal convenience of a limited and exclusive set of users should be carefully considered in light of potential adverse impacts on the surrounding community.

**See review criteria for proposed helicopter landing facilities.

1. Intended Use and Purpose: Proposed new helicopter landing facilities to be used in conjunction with emergency medical, police, fire or other public health and safety services will be accorded first priority consideration.
2. Location, Elevation and Design: The design of the proposed facility shall comply with standards established by the FAA and set forth in Advisory Circular No. 150/539-1B (Heliport Design Guide). In urbanized settings, rooftop landing facilities are generally preferable to ground level pads due to the increased separation between ground activities and conflicting aircraft operations.
3. Approach and Departure Routes: Overflight of noise sensitive land uses shall be avoided. The availability of alternative emergency landing sites along designated approach and departure paths will be assessed.
4. Noise Impact Assessment: The following factors will be considered in the assessment of potential noise impacts.
 - Size and type of aircraft to use the proposed facility.
 - Acoustical propagation characteristics associated with operations at the proposed facility.
 - Anticipated number and hours of operations.
 - Location and height of surrounding buildings, walls and other noise attenuating features.
 - Prevailing local wind patterns.
 - Proximity of residential areas, schools and other noise sensitive use.
5. Noise Standard: The noise impact areas is defined as that area exposed to a SENEL of 70 dB or greater as a result of helicopter operations at the proposed facility. Exposure of residential and other sensitive uses to such noise impacts shall be avoided, particularly during noise sensitive hours.
6. Pedestrian and Automotive Thoroughfares: Low level overflight of pedestrian and automotive thoroughfares shall be avoided.
7. Special Land Use Considerations: The proximity of land uses involving special compatibility and/or safety issues, such as places of public assembly, storage facilities for volatile or dangerous materials, and manufacturing or communication facilities particularly sensitive to noise and vibration will be assessed. Low level overflight of such uses shall be avoided.

8. Proximity to Other Helicopter Landing Facilities: The proximity of the proposed landing facility to other active helicopter facilities will be assessed. Non-emergency medical/public safety related private landing facilities will be discouraged within 2 miles of an established public use helistop or heliport.

IV. PERMIT CONDITIONS

Permits issued by local jurisdictions for proposed new helicopter landing facilities shall incorporate the following provisions:

- . A standard defining acceptable noise emission and impacts associated with operation of the proposed helistop.
- . Helistop design, location and use conditions as necessary to assure noise and safety compatibility with surrounding community (i.e., type of aircraft permitted, number and hours of operations, designated approach and departure paths, quiet landing and take off procedures, restricted over-flight areas, etc.)
- . An effective permit duration not to exceed ten years, with annual reviews relative to conditions of approval. Such permits may be renewed upon expiration following formal public review and hearing.
- . Helistop owners/operators, in conjunction with users, to develop and institute a 'fly neighborly' program.
- . Helistop owners/operators to maintain an up-to-date log of aircraft operations at the facility.
- . A specific revocation clause based upon violation of the conditions of approval.
- . Required maintenance of adequate liability insurance.
- . Other special conditions as may be required by local health and safety agencies.

APPENDIX C

A Study of the Marine Environment of Catalina Harbor,
Santa Catalina Island, California, with Reference to
a Proposed Residential-Recreational Development

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A STUDY OF THE MARINE ENVIRONMENT OF CATALINA HARBOR
SANTA CATALINA ISLAND, CALIFORNIA
with reference to
A PROPOSED RESIDENTIAL-RECREATIONAL DEVELOPMENT
WORK PROGRAM

INTRODUCTION

The purpose of this program is to outline the type of ecological study necessary to evaluate adequately the impact of the proposed Two Harbors development* on the Catalina Harbor ecosystem.

It is intended that the results of the study will provide information necessary 1) to condition the extent of development around Catalina Harbor, 2) to guide the determination of mitigation measures, and 3) to establish the type and degree of impact monitoring.

The criteria for evaluating the impact of proposed developments in, or near, a wetland/estuary such as Catalina Harbor have been detailed in the "Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas", adopted by the California Coastal Commission on February 4, 1981.

In the Catalina Harbor Plan, the only proposed "development" actually in the wetland/estuary would be 1) maintenance dredging to recover

Note: "Development" and other terms which have particular and specific meaning under the Coastal Act have been stated and are defined in the Appendix attached to this report.

lost mooring areas, 2) addition of more moorings, and 3) effect of the proposed development attracting more people and boats to the area.

Section 30233(c) of the Coastal Act requires that "diking, filling or dredging in existing wetland or estuary shall maintain or enhance the functional capacity* of the wetland or estuary".

The rest of the actual development (construction, etc.) would be adjacent to* (landside of) the wet areas and would be guided by Section 30240(b) of the Coastal Act:

"Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas (emphasis added)."

In both cases, the key for evaluating development impact on an environmentally sensitive area* is the extent to which the proposed development maintains or enhances the functional capacity of that area. A development which does not significantly degrade an environmentally sensitive habitat will maintain its functional capacity. The type of proposed development, the particulars of its design, location in relation to the habitat area, and other relevant factors all affect the determination of functional capacity.

In order to establish that the functional capacity is at least being maintained, the applicant for development must demonstrate all of the following:

- 1) That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of

the ecosystem, i.e., natural species diversity, and, the abundance and composition are essentially unchanged as a result of the project.

- 2) That the project does not harm or destroy a species or habitat that is rare or endangered.
- 3) That the project does not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary.
- 4) That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (i.e., water quality and research opportunity) values of the wetland or estuarine ecosystem.

To assess adequately the impact of the proposed development in the Catalina Harbor mudflat/estuary, using the above guidelines and criteria, we propose a three-part program of an ecological survey, an ecosystem functional study, and an impact prediction study. The information gathered would also be used to guide mitigation measures and monitoring program. According to the 1981 Guidelines, this three-part study program would also address the following: "--- an applicant for a permit to develop within or near an environmentally sensitive habitat area may be required to submit supplemental information ---." "It is recommended that this information be developed before the application comes before the Commission, but the Commission may require additional information as a part of its permit process." Recognizing the sensitivity and visibility of the proposed Catalina Harbor development, we feel that it is prudent at this time to attempt to anticipate the type and magnitude of the "supplemental information" and to build the study program around both the primary and supplemental criteria.

The Guidelines also state "A report should be prepared which demonstrates that all of the criteria for development in environment-

ally sensitive habitat areas have been met. The report should investigate physical and biological features existing in the habitat area and evaluate the impact of the development on the existing ecosystem. The report should be based on an on-site investigation, in addition to a review of the existing information on the area, and should be sufficiently detailed to enable the Commission to determine potential immediate and long range impacts of the proposed projects." The guidelines specifically require, among other items an examination of the following:

- 1) previous and existing ecological conditions,
- 2) present and potential adverse physical and biological impacts on the system and
- 3) mitigation measures, including restoration measures and proposed buffer areas.

The following objectives of the three part study plan parallel and compliment the above items, and address them in detail:

STUDY PLAN OBJECTIVES

SUB-PROJECT 1 - Ecological Study

To survey the marine resources of Catalina Harbor including:

- 1) composition of the biological assemblages (species, abundance, biomass, life-history, dispersion, etc.)
- 2) quantity and distribution of abiotic materials (substrates, nutrients, etc.)
- 3) range or gradient of physical environmental factors (temperature, light, etc.)

SUB-PROJECT 2 - Ecosystem Functional Study

To determine functional relationships among key components of the Catalina Harbor marine ecosystem, including:

- 1) pathways of energy flow between major compartments and through the system

- 2) rate of cycling for certain critical elements (e.g., nitrogen)
- 3) regulation of system by physical environment and by organisms

SUB-PROJECT 3 - Impact Prediction Study

To predict and define the types, degrees and possible effect of developmental impacts on the Catalina Harbor marine ecosystem, including:

- 1) construction/facilities impacts (erosion, pollution, dredging, etc.)
- 2) people impacts (habitat disturbance, collection/harvesting, pollution, etc.)

STUDY PLAN DESCRIPTION

To a certain extent, each sub-project is dependent on the findings of others; however, each also has aspects that can be explored independently of the others. Therefore, due to time constraints, the three should be carried out concurrently. Since the sub-projects are interrelated and overlapping close coordination and cooperation among their leaders and participants would be necessary.

Three time phases for carrying out the overall study plan can be identified as follows:

- I. Reconnaissance (3 months duration)
- II. Data Gathering (12 months duration)
- III. Data Analysis (6-9 months duration)

The type of work to be carried out during each of the three time phases is described in outline form below.

RECONNAISSANCE (3 months duration)

The marine environment of Catalina Harbor should be evaluated initially by short-term reconnaissance surveys. These preliminary

surveys are needed to plan the details of the year-long Data Gathering phase. Subtidal, intertidal and adjacent terrestrial habitats should be described and mapped. Preliminary physical and chemical data should be gathered to assess the magnitude, range and distribution of important environmental factors throughout Catalina Harbor. Plants, invertebrates, fishes, birds, mammals, and the herpetofauna should be inventoried qualitatively. Their distribution and relative abundance throughout the harbor should be determined. Obvious behavioral and ecological phenomena (e.g., activity patterns, food habits, recruitment) should be recorded. Present land and water uses should be determined and pollution threats (oil from inside and outside, boat and landslide discharges, etc.) noted. All existing data and literature pertaining to Catalina Harbor should be accumulated and organized.

More specifically, the reconnaissance surveys should produce preliminary information for each of the following categories:

A. Physical and Chemical Characteristics

- 1) location and size of the study area: boundaries of Catalina Harbor, including volume of water, length of shoreline, etc.
- 2) geophysical characteristics: topography, substrate geomorphology, sediment composition and quality (inorganics, organics, pH, O₂, H₂S, pollutants, etc.)
- 3) meteorology: air temperatures, rainfall, wind effects, air quality (light levels, "pollutants", etc.)
- 4) physical oceanography: water temperatures, salinity, water movement (tides, currents, swells) water quality (turbidity, nutrients, dissolved O₂, "pollutants", etc.)

B. Biological Characteristics

- 1) species composition, distribution and abundance: rare, unique or sensitive species.
- 2) behavioral phenomena: locomotion, activity patterns, predator/prey interactions, reproductive behavior, etc.

- 3) ecological phenomena: productivity, trophic structure, seasonality, species assemblages, habitats, species diversity and population dynamics (recruitment, growth, age-size relationships, fecundity, mortality).

C. Land/Water Uses

- 1) marine resource harvesting: sport, commercial, aquaculture
- 2) municipal and industrial activities: refuse disposal, road grading, etc.
- 3) transportation corridors: roads, sea lanes, etc.
- 4) recreational uses: boating, scuba diving, tidepooling, etc.
- 5) scientific research and education

DATA GATHERING (12 months duration)

Information from the reconnaissance surveys should be used to organize the Data Gathering studies. These studies would include all three sub-projects of the proposed work program (ecological surveys, ecosystem function, and impact prediction).

Sub-Project 1 - Ecological Survey

Based on the information gathered in the reconnaissance phase, quantitative survey methods (e.g., transects and quadrats) should be dictated by the nature of the habitat and species employed in representative intertidal and subtidal habitats. Specific survey methods should be dictated by the nature of the habitat and species present (anticipated methods include core or grab samples for mud dwellers, beach seines for nearshore fishes, plankton tows for water day/night and seasonal monitoring of the above conditions (over a single annual cycle) should be carried out to determine temporal variability. All efforts in this ecological survey should be closely coordinated with the ecosystem function and impact prediction sub-projects.

Sub-Project 2 - Ecosystem Function Study

Concurrent with the marine ecological survey, and relying initially on its results, the ecosystem function study would identify the major functional compartments of the Catalina Harbor ecosystem and measure directly the magnitude of their metabolic rates (see Appendix 2). Conventionally these compartments include primary producers (plants and algae), herbivores (plant eaters), carnivores (animal eaters), and detritivores (detritus eaters). For the Catalina Harbor study, this represents the simplest initial grouping. During the preliminary field work, the adequacy of these groups must be evaluated, perhaps with the subdivision of each compartment into two or more parts with significantly different responses to controlling physical factors. For example, we may anticipate already that it would be desirable to divide the primary producers into sub-groups such as phytoplankton, benthic algae, and sea grasses.

The methods used to measure compartment metabolic rates would depend on the physical characteristics of the system and upon the dominant species present. For primary producers, some combination of light and dark chamber incubation techniques with measurements of oxygen and nutrient change and/or carbon 14 uptake would be likely choices. Such methods have been used successfully in studies of a wide variety of marine ecosystems.

An implicit goal of compartment functional rate measurements is to relate the variability observed to variations in certain physical factors (e.g., temperature, light and water motion). In some cases, correlations can suggest functional relationships, describing, for example, primary productivity as a function of light intensity. Such relationships can provide a key for anticipating the responses

of those compartments to possible perturbations (disturbances) resulting from the proposed development. Two additional approaches may also be useful. First, functional responses may be extrapolated for patterns observed in other ecosystems judged comparable from the descriptive inventory and rate measurements. Secondly, manipulative field experiments may be coupled with the survey measurements to provide specific information on the response of the community to perturbations. Thus, photosynthetic rates observed when screening is suspended over sectors could be compared to control samples to help determine the functional response to reduced light levels.

For this study, the later direct experiments may prove to be an important tool for the prediction of effects of possible perturbations resulting from the proposed development. Once the most likely types of perturbation have been identified, controlled small-scale experiments may be undertaken to anticipate and evaluate their impact.

Sub-Project 3 - Impact Prediction Study

Even during the reconnaissance phase, the potential impacts of all phases of the proposed development, both stated and implied, would be considered. As stated earlier, the two major impact categories deal with 1) the short-and long-term effects of the construction itself and 2) the effect of the increased numbers of people, and their activities, which that construction and development will attract and support.

Particular consideration should be given to the following:

- 1) Pre-construction effects on the marine environment
 - a) site preparation (earth moving)

- b) construction roads, barge ramps, etc.
- c) size, type and support needs of equipment to be used.
- d) source and compatibility of fill dirt.
- e) impact of proposed dredging.
- f) consideration of mitigation for both construction and post-construction impacts.
- g) input into planning compatible recreational and visitor-serving access areas, based on survey data and systems analysis.

2) Construction period effects on the marine environment

- a) continued surveillance to the potential impact of newly constructed roads, ramps, paths, etc.
- b) potential contamination due to accidental disposal of construction wastes (washing cement trucks, drainage from batch plants, etc.)
- c) composition of ground contact materials (road surfacing, landscaping, culverts, etc.) which might reach or be carried to Catalina Harbor in runoff.
- d) any mitigation for all of the above.

3) Post-construction effects on the marine environment

- a) establishment of the most functional and acceptable monitoring program, subject to periodic updates and revisions.
- b) periodic evaluation of the success of the mitigation requirements, with possible alteration and updates.
- c) careful documentation and continual assessment of the activities of the people attracted to, and supported by, the development.

DATA ANALYSIS (6-9 months duration; may run concurrently with Data Gathering in some cases.)

During this phase, the data gathered in the other sub-projects would be evaluated with respect to the criteria set forth in the "Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas". Key guideline concepts to be considered in all evaluations would include those relating to functional capacity, long-term stability, natural species

diversity, essential or rare species or habitats, and consumptive or non-consumptive values of the ecosystem.

Combined results from the ecological survey and the ecosystem functional sub-projects would identify those biotic and abiotic components of Catalina Harbor which are relevant to the guideline criteria and the proposed development. Based on results of the impact prediction sub-project, the various potential impacts could be ranked and specific impacts identified as most serious with respect to sensitive parts of the ecosystem. Careful analysis of possible perturbations, coupled with their resulting impacts, would permit informed judgements to be made concerning the extent of development compatible with maintaining the functional capacity of the Catalina Harbor ecosystem. In addition, appropriate mitigation measures could be ascertained, and the most meaningful approach to short- and long-term monitoring could be determined.

To further strengthen the basis for final evaluations, the results of the ecosystem functional study could be formulated into a quantitative model. If the various functional responses to critical environmental factors are determined, these responses can be expressed mathematically. Utilizing impact prediction results from Sub-Project 3, certain development scenarios can be simulated as forced changes in critical factors, and the ecological consequences calculated. For example, if a major impact is anticipated to be increased freshwater runoff or elevated turbidity during the construction phase, the functional responses of organisms to these perturbations could be included on the model and the extent of resulting effects estimated.

Simulation models are not foolproof, but they can provide a powerful quantitative tool for predicting the consequences of the ecological interactions expressed in the equations and provide a firm basis for the final interpretations and judgements made by experts in the field.

STUDY APPENDIX 1 - GLOSSARY OF COASTAL ACT DEFINITIONS

"adjacent to" -- means situated near or next to, adjoining, abutting or juxtaposed to an environmentally sensitive habitat area. This will usually mean that any development proposed in an undeveloped area within a distance up to 500 feet from an environmentally sensitive habitat area will be considered adjacent to that habitat area.

"development" -- includes placement of fill; construction or alteration of any structure or facility; discharge of any waste material; dredging or extraction of any materials; change in the density or intensity of use of land; removal or harvest of major vegetation except for agricultural purposes; and, other alterations to the land and water in the coastal area.

"environmentally sensitive area" -- means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

"functional capacity" -- means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. The intention here is to convey the importance of not only how many species there are but also the size of their populations (abundance) and the relative importance of the different species to the whole system (composition). It cannot be overemphasized that the presence of a species by itself is an inadequate indicator of the condition of the natural system.

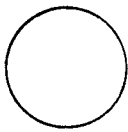
In a "healthy" wetland ecosystem, the absolute number of individuals of a species and the relative number compared to other species will depend on the size of the organism and its place in the food the food web. Major changes in absolute or relative numbers of some species will have far-reaching consequences for the whole ecosystem because of their interactions with other species.

STUDY APPENDIX 2 - ENERGY NETWORK DIAGRAM AND SYMBOL EXPLANATION

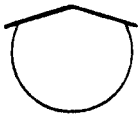
This energy network diagram presents the major biotic and abiotic compartments, energy flows, and forces functioning in Catalina Harbor, including the perceived sphere of influence of the proposed development project. It is intended to be a general diagram and does not delineate the complete array of complex interactions occurring in Catalina Harbor. An explanation of the energy circuit language is given below:



Arrow: indicates a flow of energy in a particular direction.



Circular symbol: represents a source of energy.



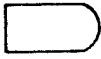
Passive storage symbol: no new potential energy is generated.



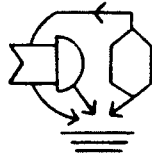
Heat sink symbol: required according to the Second Law of Thermodynamics.



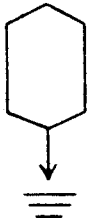
Work gate symbol: a module at which a flow of energy makes possible another flow of energy; + and/or - indicate an increased or decreased effect



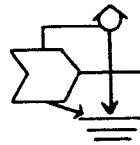
Green plant symbol: represents a combination of



where energy captured by a cycling receptor unit is passed to a self maintaining unit that also keeps the cycling receptor machinery working.

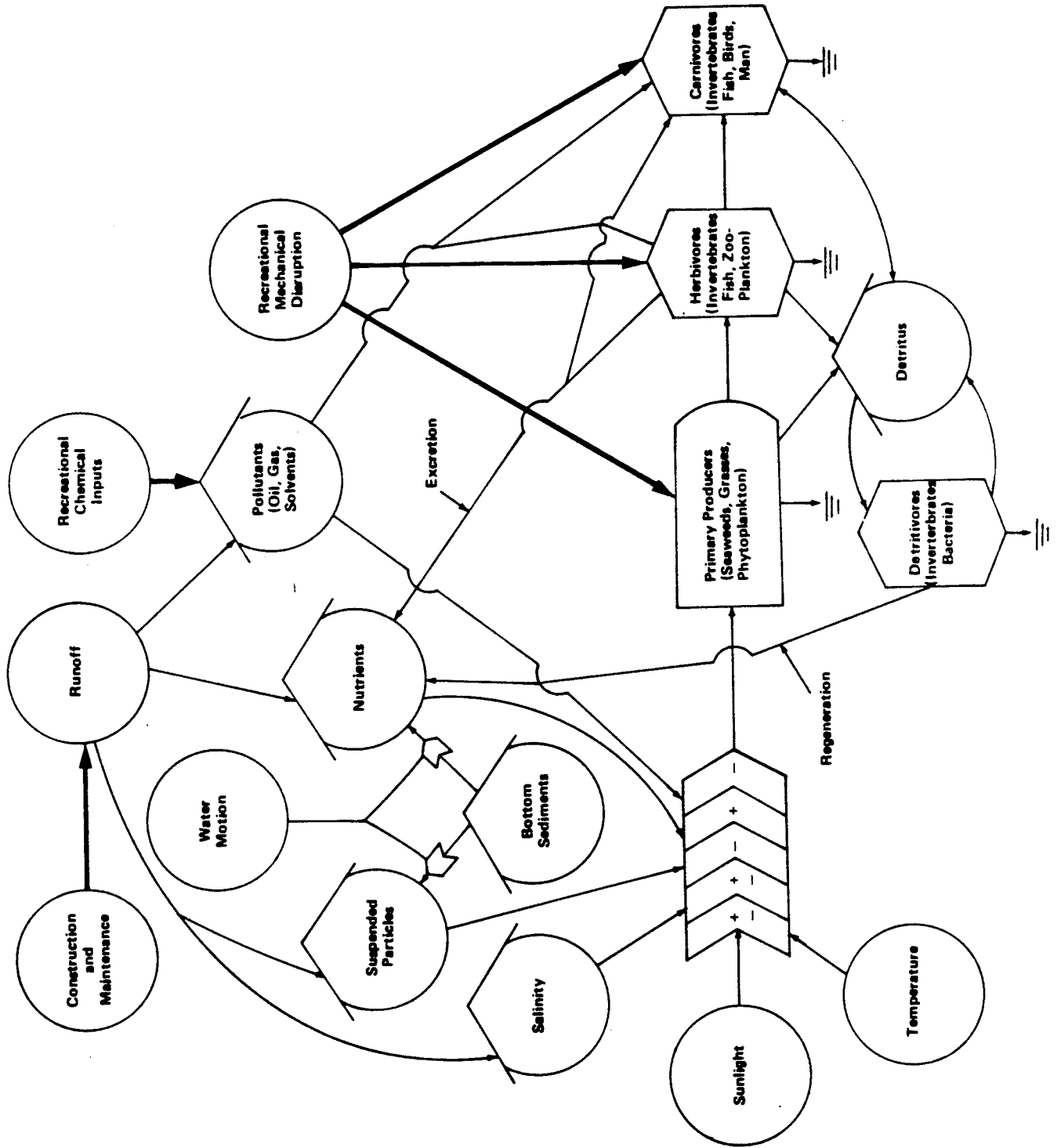


Hexagonal symbol: represents a combination



of where stored energy is fed back to do work on the successful processing and work of that unit.

ENERGY NETWORK DIAGRAM



STUDY APPENDIX 3 - List of Authors

The authors of this document are on the staff of, or affiliated with, the University of Southern California:

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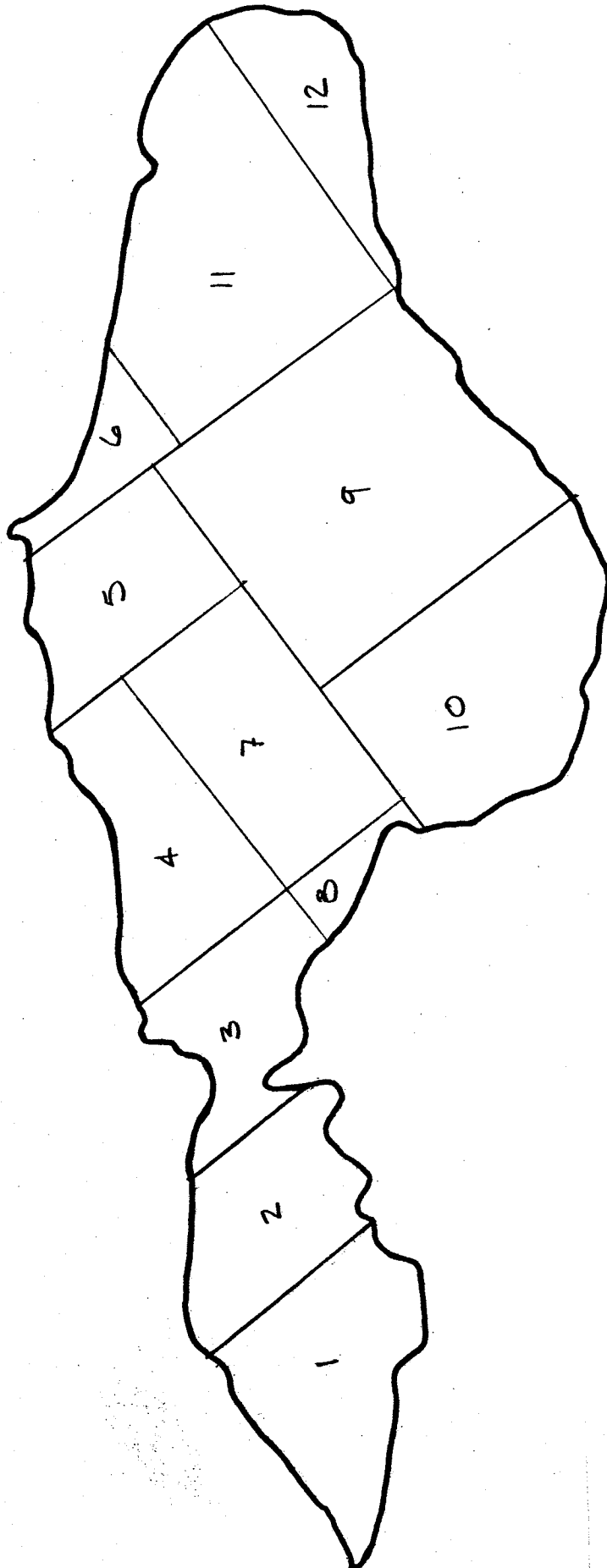
APPENDIX D

Maps

APPENDIX D. Maps

This appendix contains maps that can be used to implement the Specific Plan. Maps 1-12 show the locations of various places (see table below) mentioned in the Specific Plan, significant ecological areas, Los Angeles County Assessor lots and major ridgelines. Maps 13A, 13B, 14A and 14B show detailed information about the Two Harbors area.

<u>Location</u>	<u>Map No.</u>
Airport Hub - LACA Lot 71	4, 5, 7
Avalon Canyon - LACA Lots 7, 8, 9, and 14	11
Ben Weston Beach - LACA Lot 44	10
Big Fisherman's Cove - LACA Lot 86	3
Big Geiger Cove - LACA Lot 99	2
Black Jack - LACA Lot 63	5
Buffalo Corral - LACA Lot 84	3
Button Shell Beach - LACA Lot 65	6
Cherry Cove/Valley - LACA Lot 98	2, 3
Corsair Beach - LACA Lot 99	2
Cottonwood Canyon - LACA Lots 59, 60, 61, 62 and 69	7, 8
Cottonwood Cove - LACA Lot 58	8
Eagle's Nest - LACA Lot 42	10
Emerald Bay - LACA Lot 99	2
Empire Landing - LACA Lots 82 and 83	4
Gallagher's Beach - LACA Lot 17	6
Hen Rock - LACA Lot 64	6
Howland's Landing - LACA Lot 99	2
Johnson's Landing - LACA Lot 99	2
Little Geiger Cove - LACA Lot 98	3
Little Gibraltar Harbor (Steadman Cove) - LACA Lot 67	5
Little Harbor - LACA Lot 59	8
Middle Ranch - LACA Lots 39, 40 and 41	9, 10
Moonstone Beach - LACA Lot 64	6
Parson's Landing - LACA Lot 100	2
Pebbly Beach - LACA Lots 1 and 3	11, 12
Perdition Caves - LACA Lot 85	3
Rancho Escondido - LACA Lot 60	7
Ripper's Cove - LACA Lot 82	4
Shark Harbor - LACA Lot 59	8
Spouting Caves - LACA Lot 85	8
Starlight Beach - LACA Lot 104 & 105	1
Sullivan's Beach - LACA Lot 99	2
Swain's Canyon/Echo Lake - LACA Lots 51*, 52* and 66	6*, 5
Sweetwater Canyon - LACA Lots 42, 45 and 46	9, 10
Toyon Cove - LACA Lot 52	6
Toyon/Haypress Junction - LACA Lots 16, 18 and 19	11
Two Harbors - LACA Lots 88 and 89	3
Wells' Beach Uplands - LACA Lot 97	2
White's Landing - LACA Lot 64	6

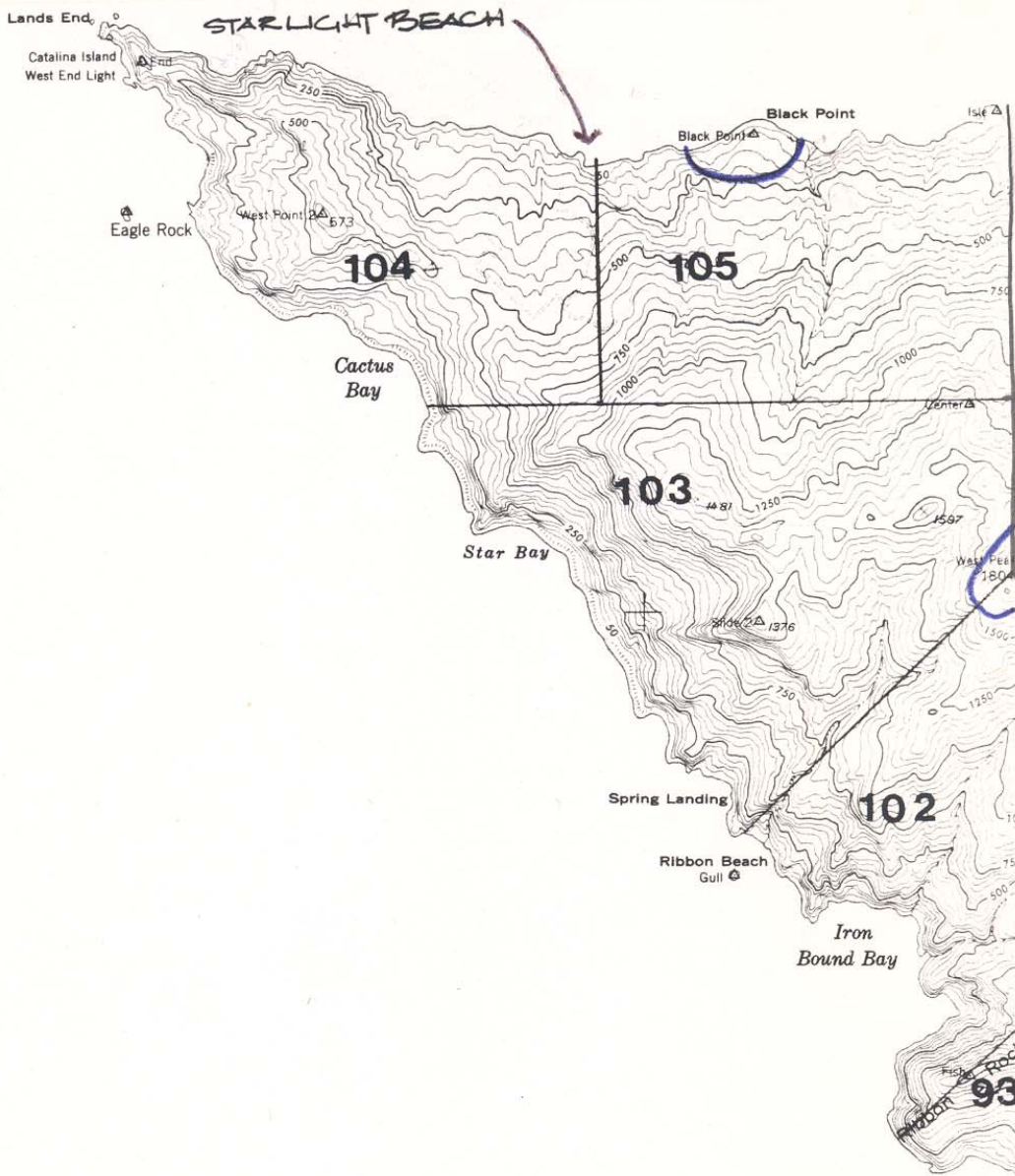


D-2


PAGE INDEX OF DETAIL MAPS

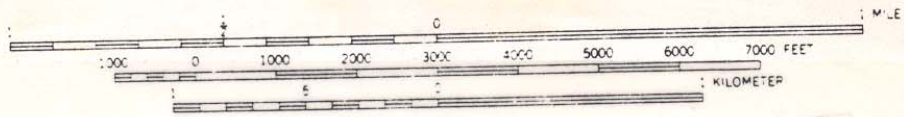
santa catalina island



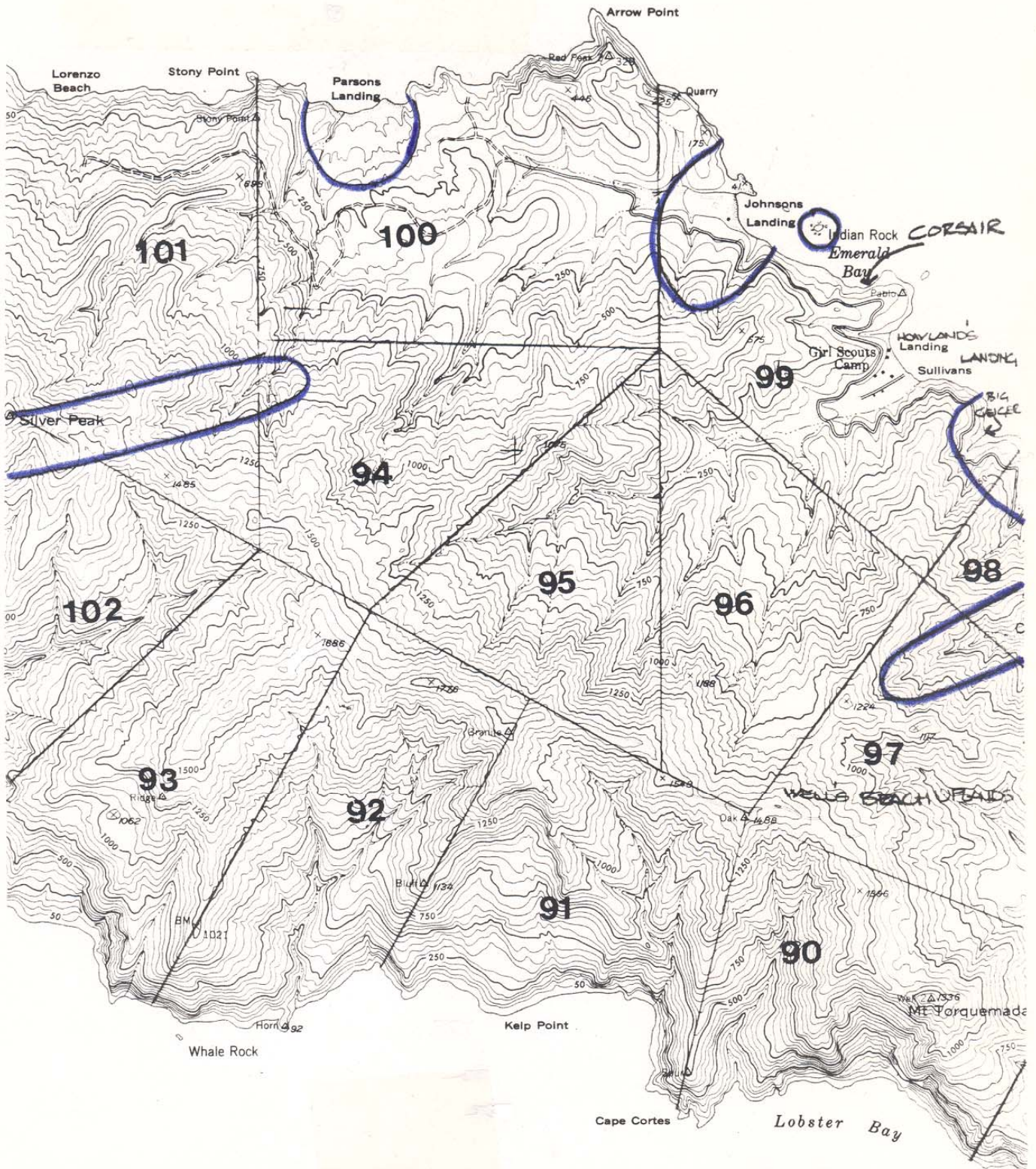



Numbers Signify Los Angeles County Assessor's Lot Numbers

Significant Ecological Area - 

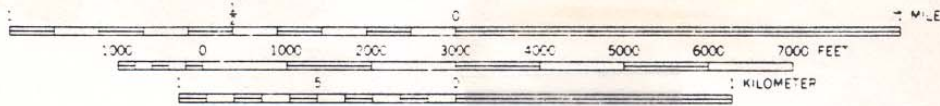


MAP 1

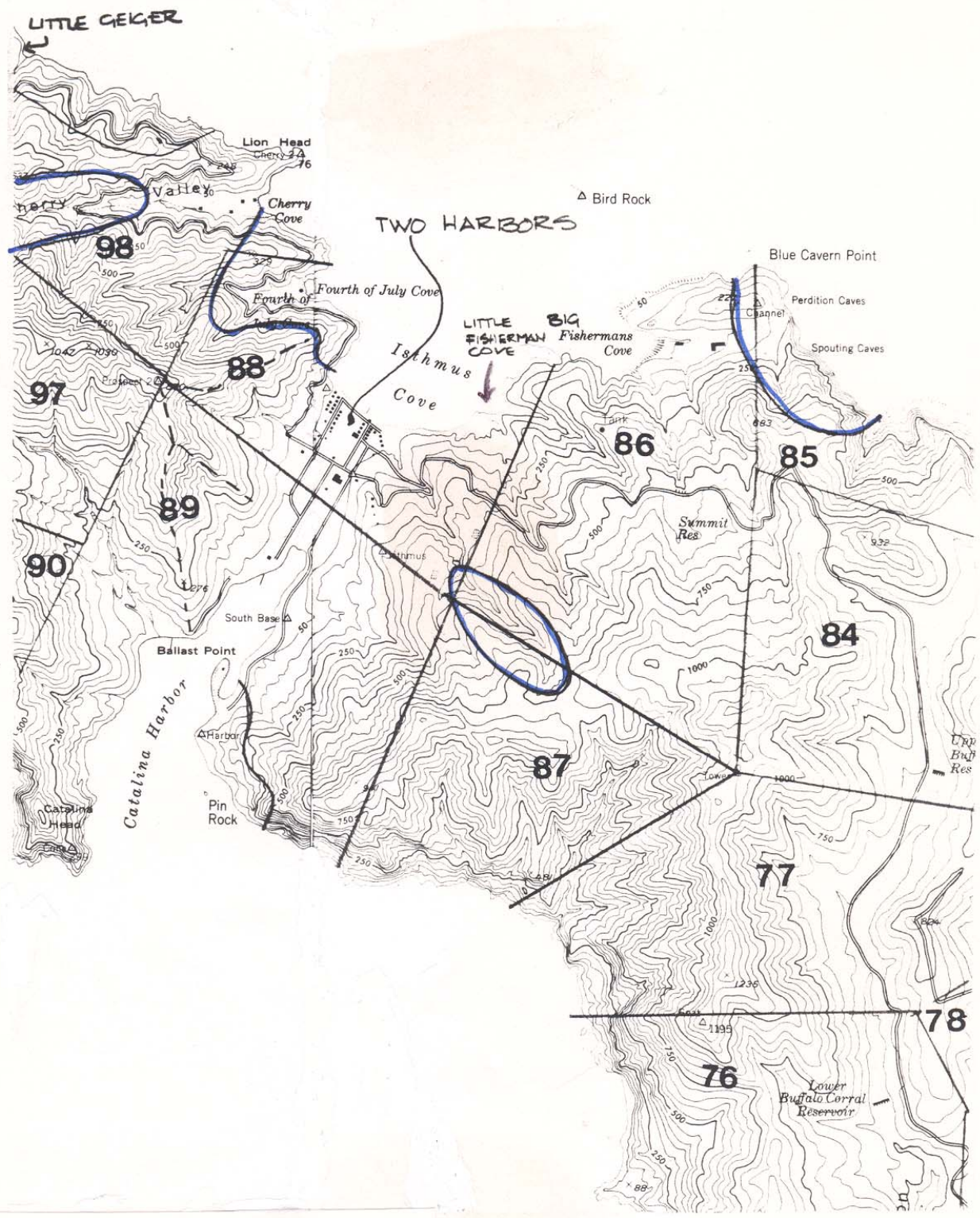


Numbers Signify Los Angeles County Assessor's Lot Numbers
 Significant Ecological Area - 

Lobster Point




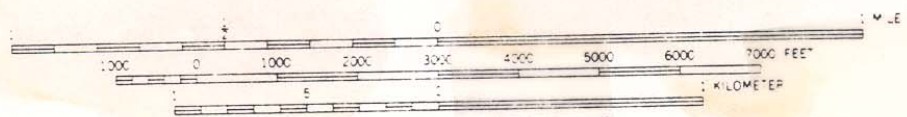
MAP 2



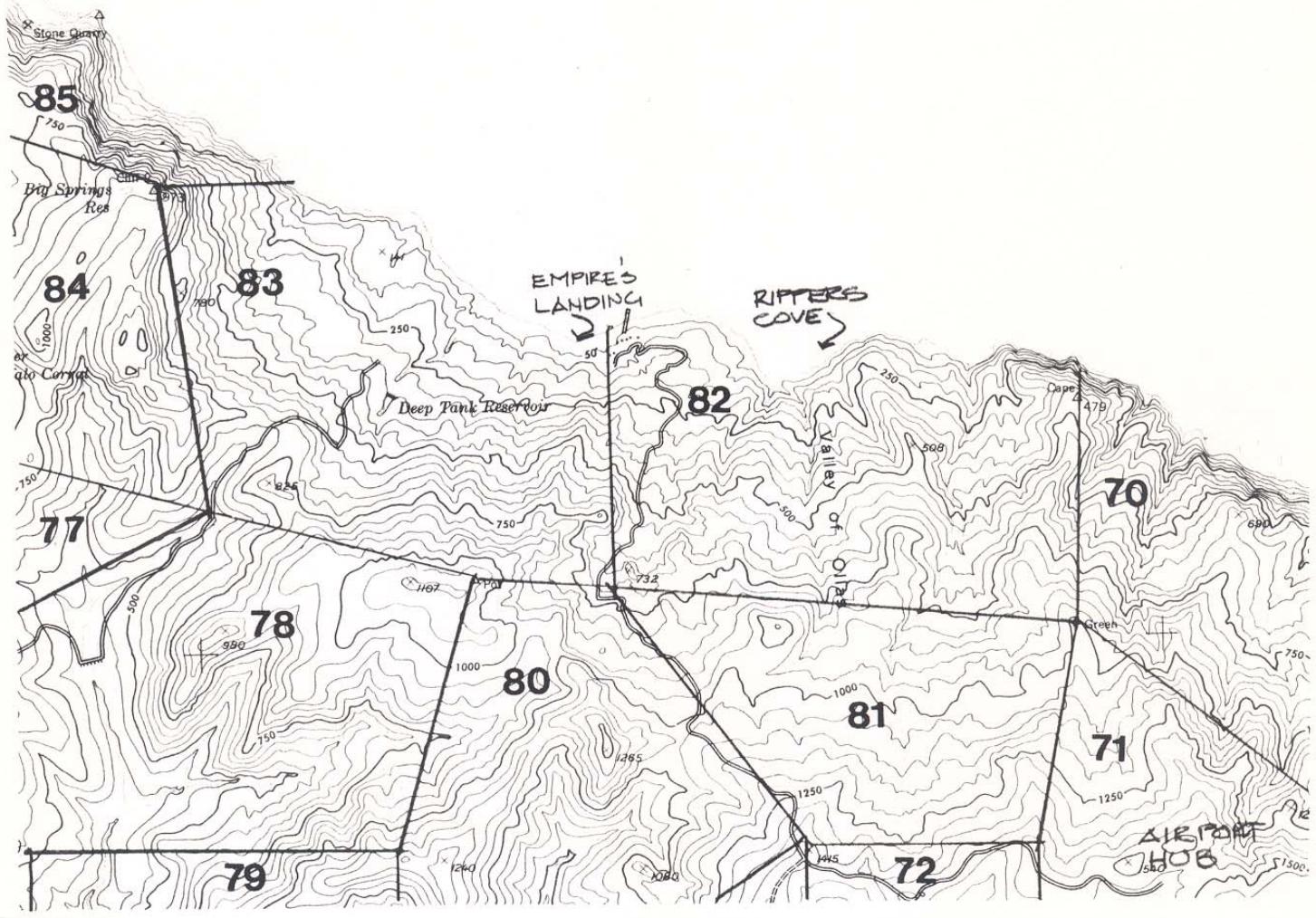
MAJOR RIDGELINES - - - -

Numbers Signify Los Angeles County Assessor's Lot Numbers


Significant Ecological Area - 

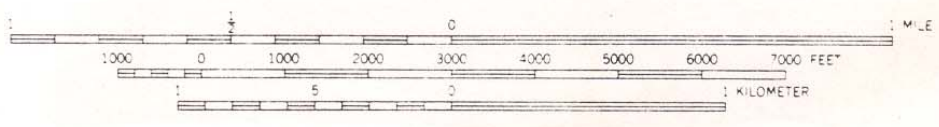


MAP 3

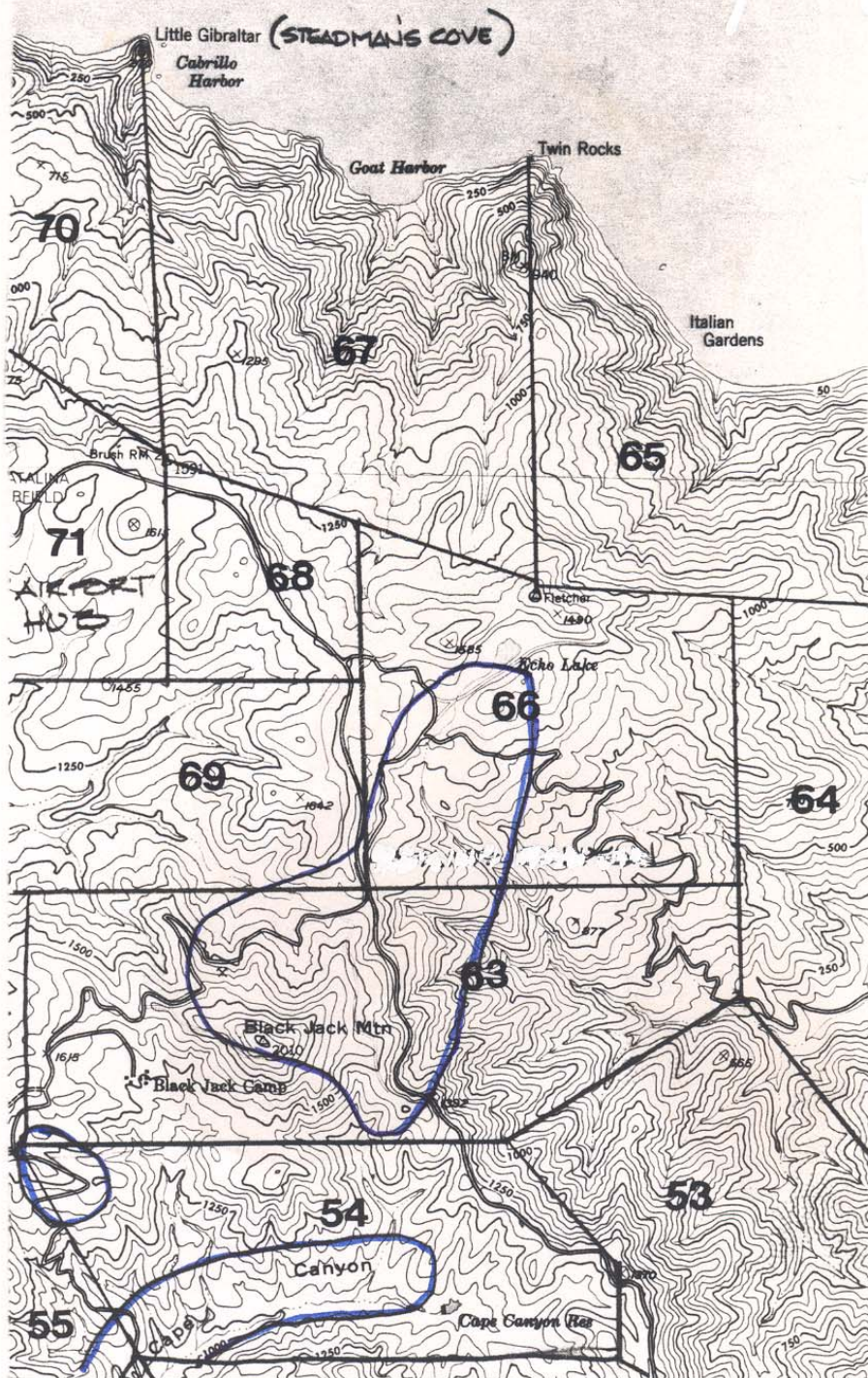



Numbers Signify Los Angeles County Assessor's Lot Numbers

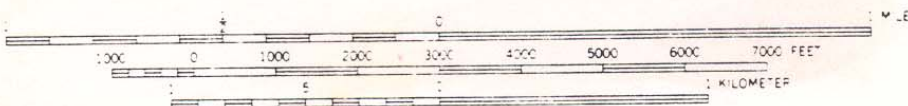
Significant Ecological Area - 



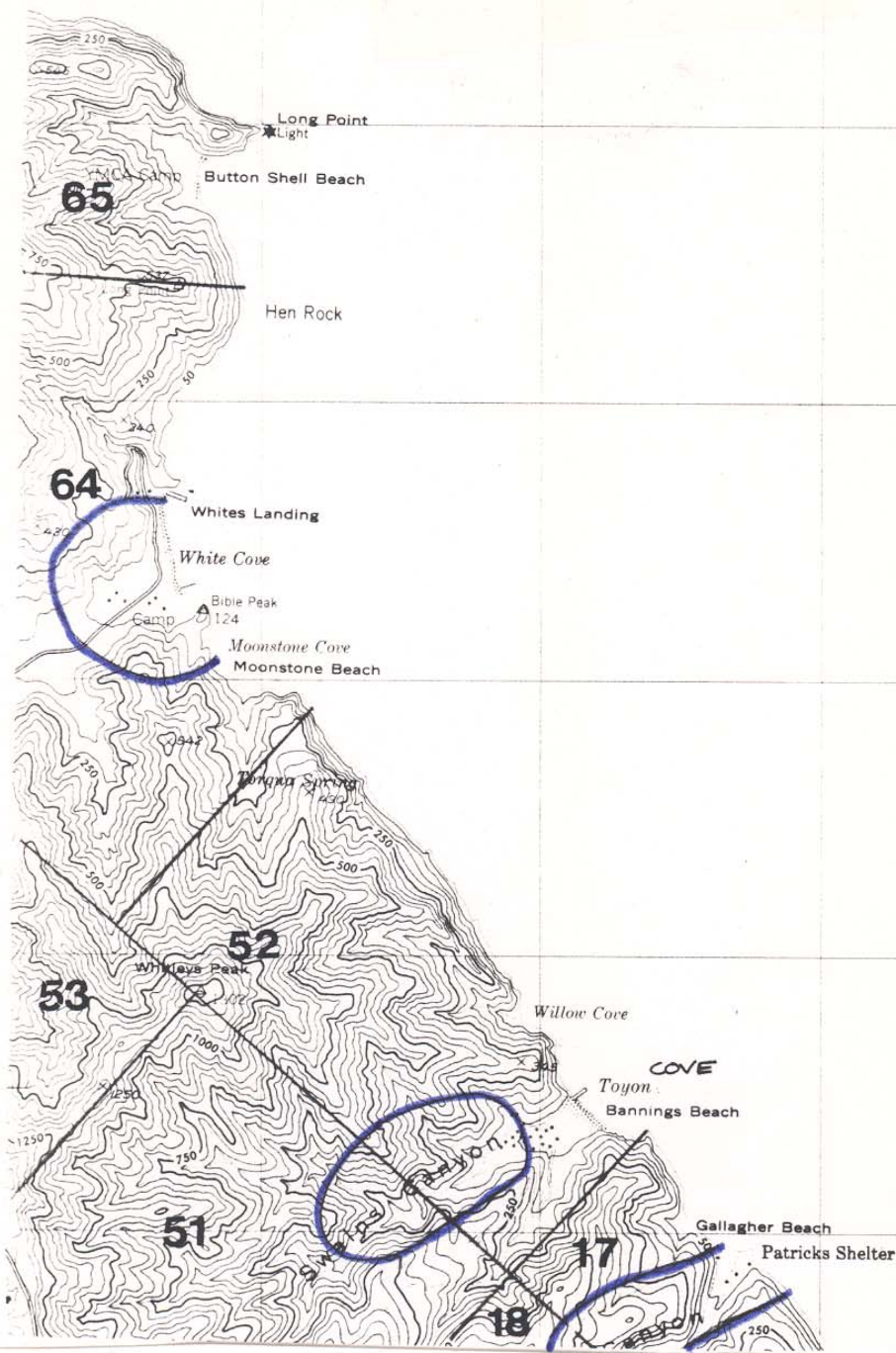
MAP 4



Numbers Signify Los Angeles County Assessor's Lot Numbers
Significant Ecological Area - 

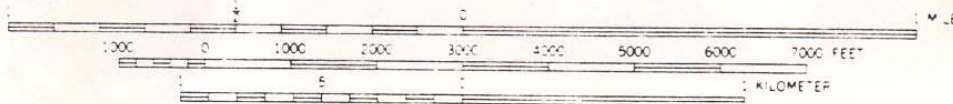


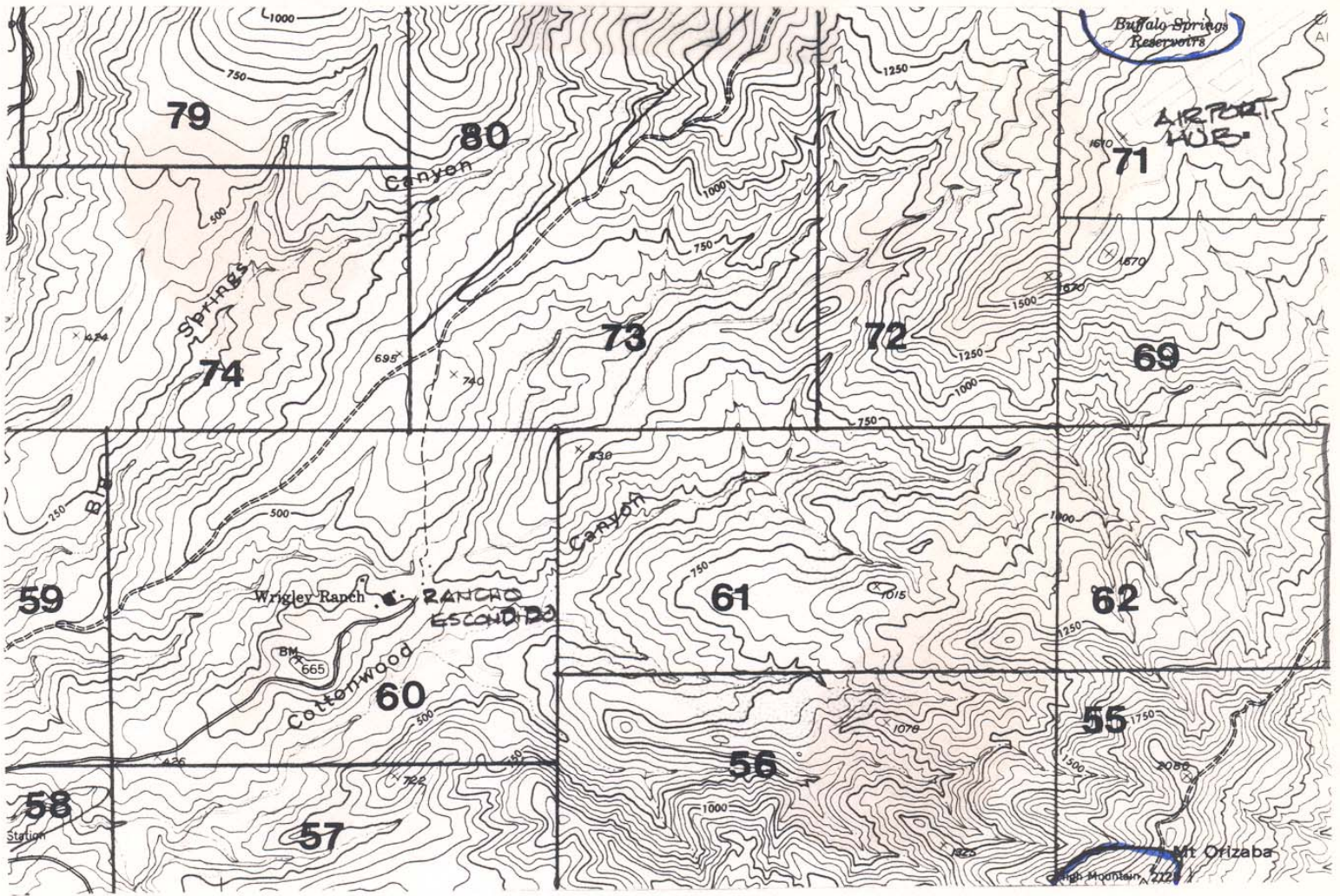
MAP 5



Numbers Signify Los Angeles County Assessor's Lot Numbers

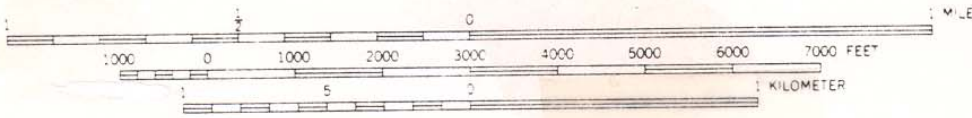
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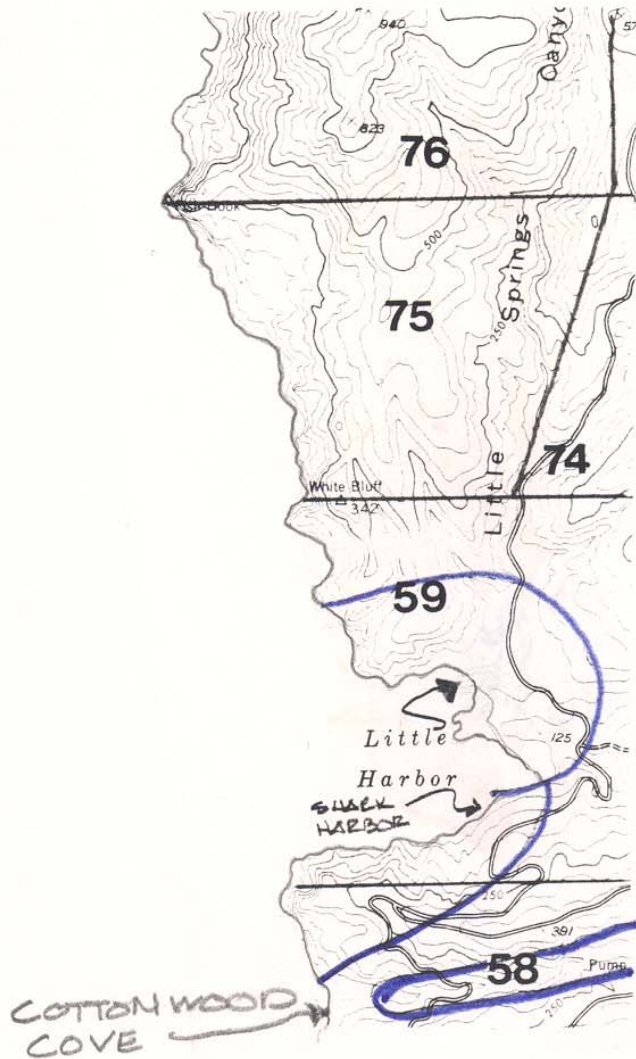





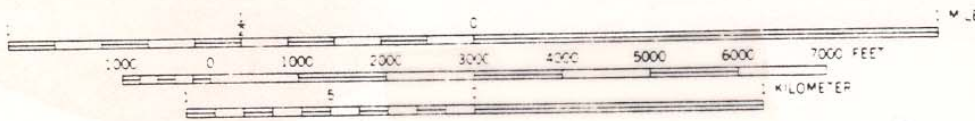
Numbers Signify Los Angeles County Assessor's Lot Numbers

Significant Ecological Area -





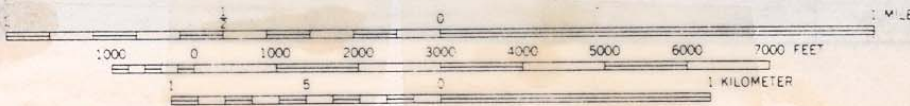
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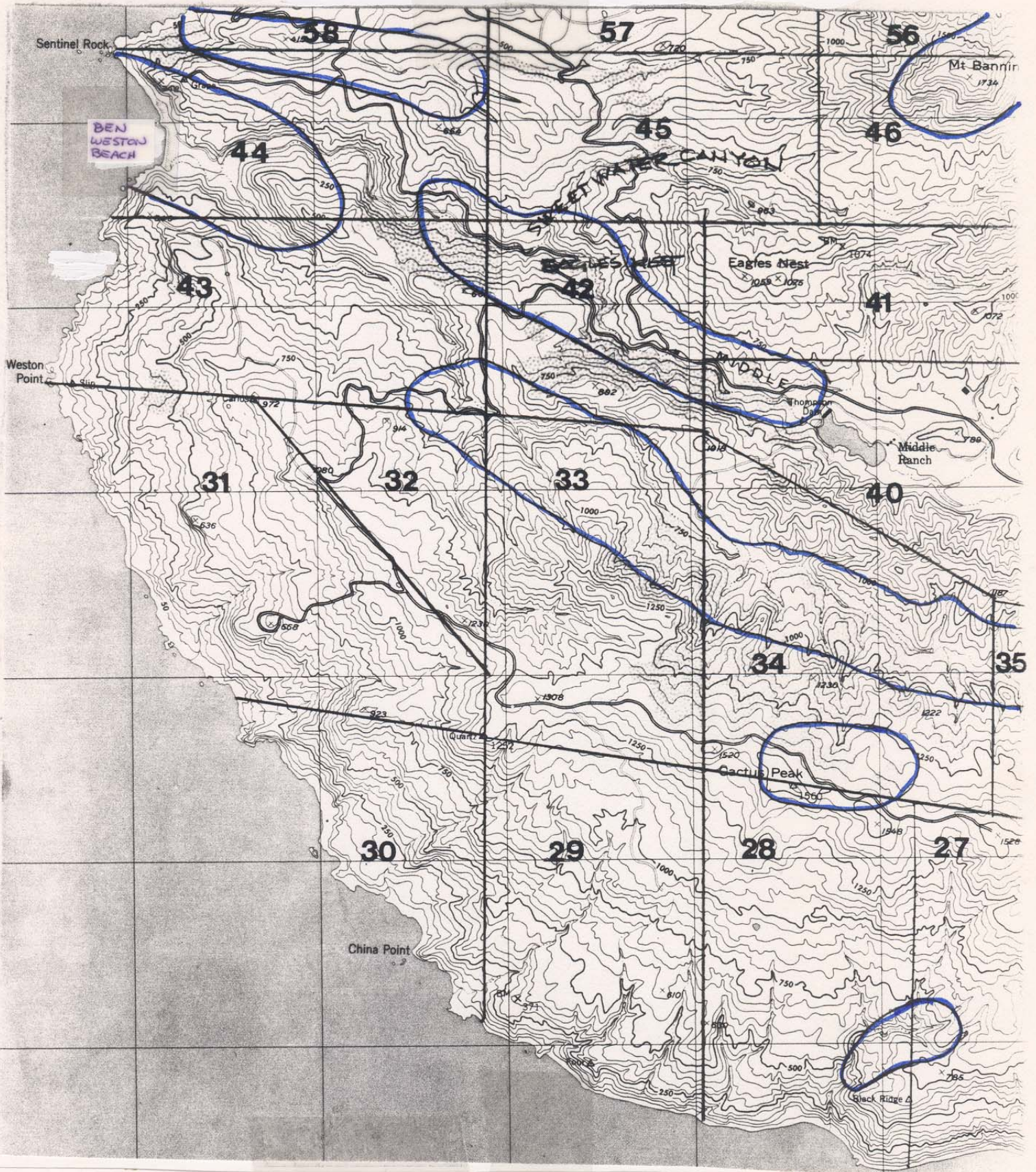


Numbers Signify Los Angeles County Assessor's Lot Numbers

Significant Ecological Area -



MAP 9

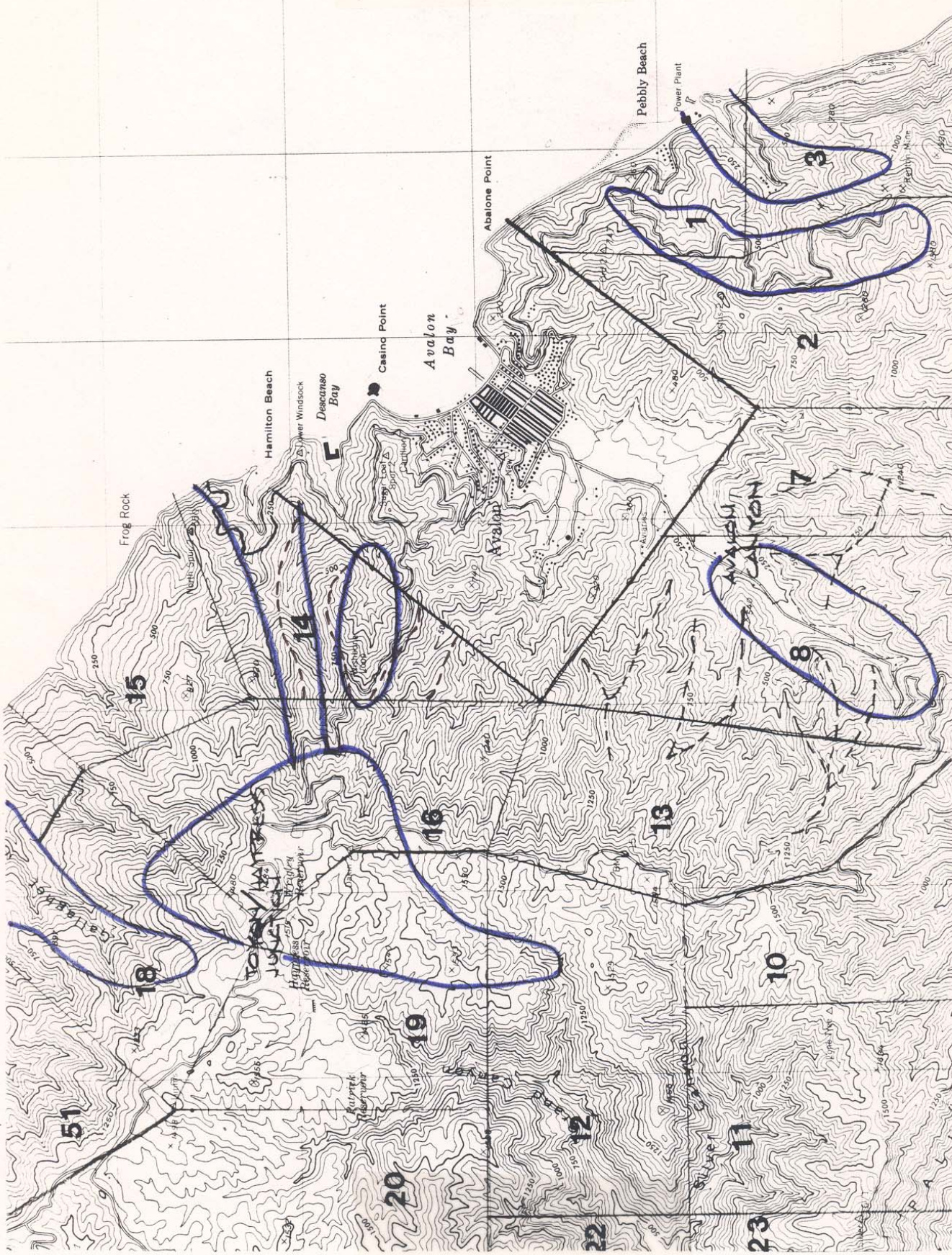


Numbers Signify Los Angeles County Assessor's Lot Numbers

Significant Ecological Area -



MAP 10

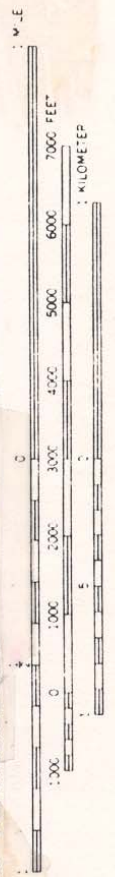


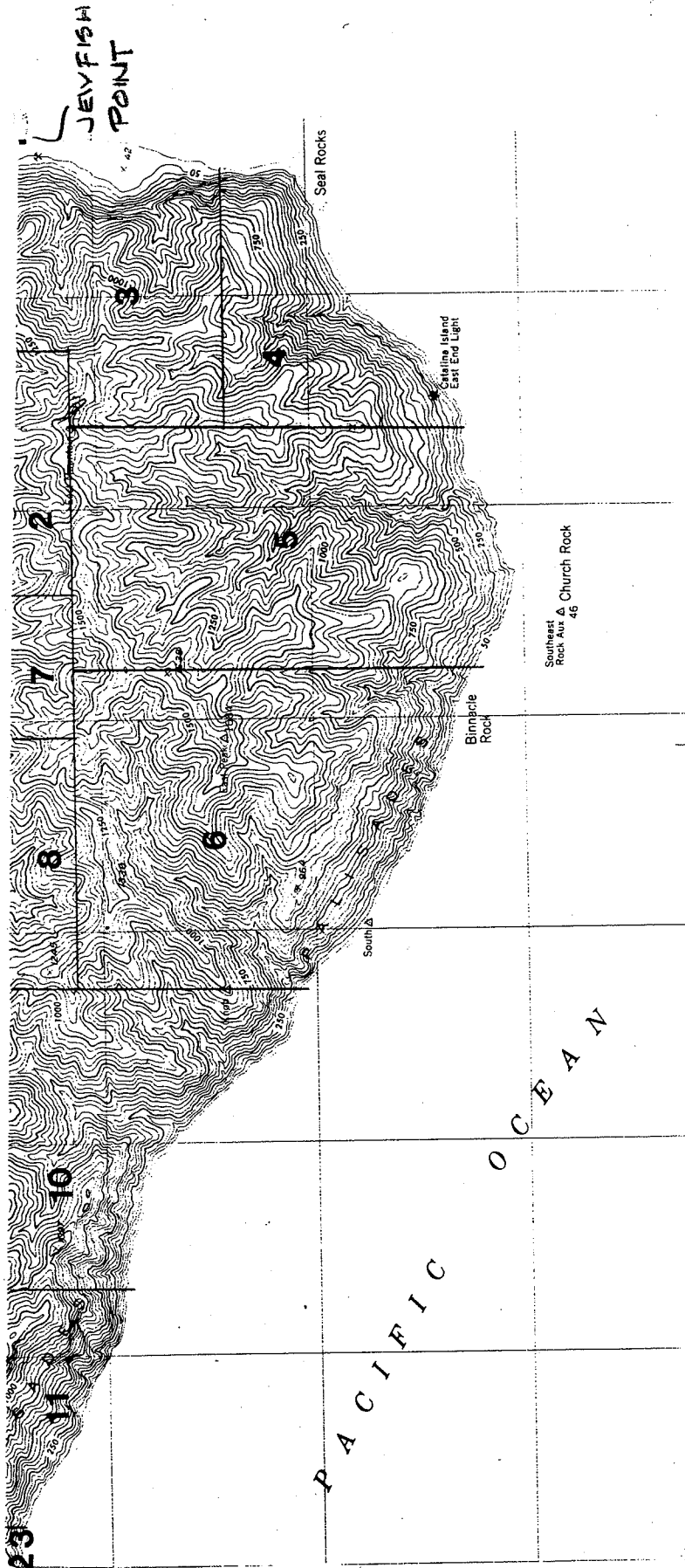
Numbers Signify Los Angeles County Assessor's Lot Numbers



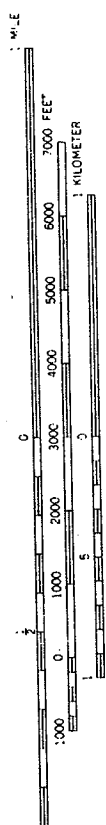
Significant Ecological Area -

MAJOR RIDGELINES - - - - -



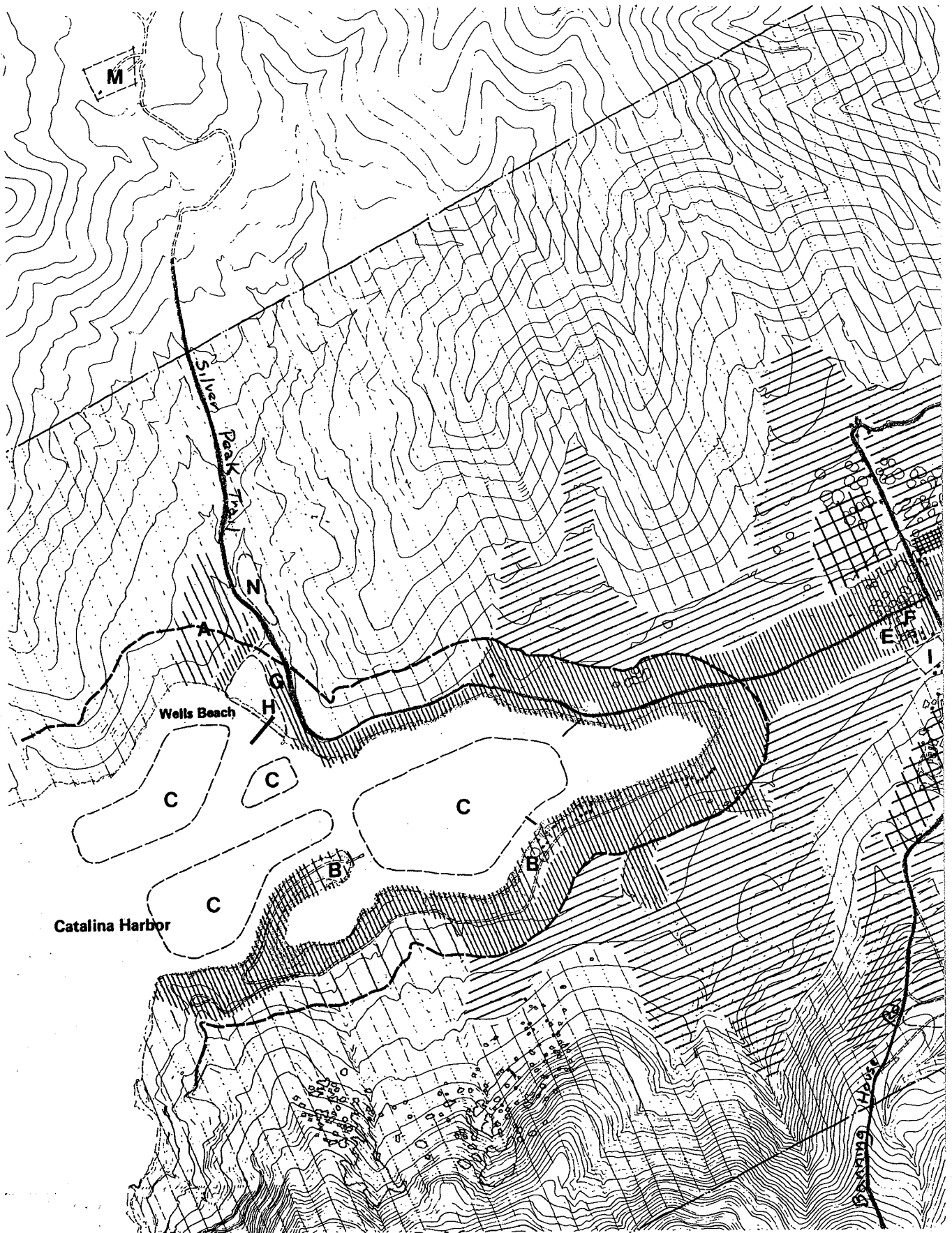


Numbers Signify Los Angeles County Assessor's Lot Numbers
 Significant Ecological Area - 



Two Harbors' Maps

local coastal program TWO HARBORS LAND USE

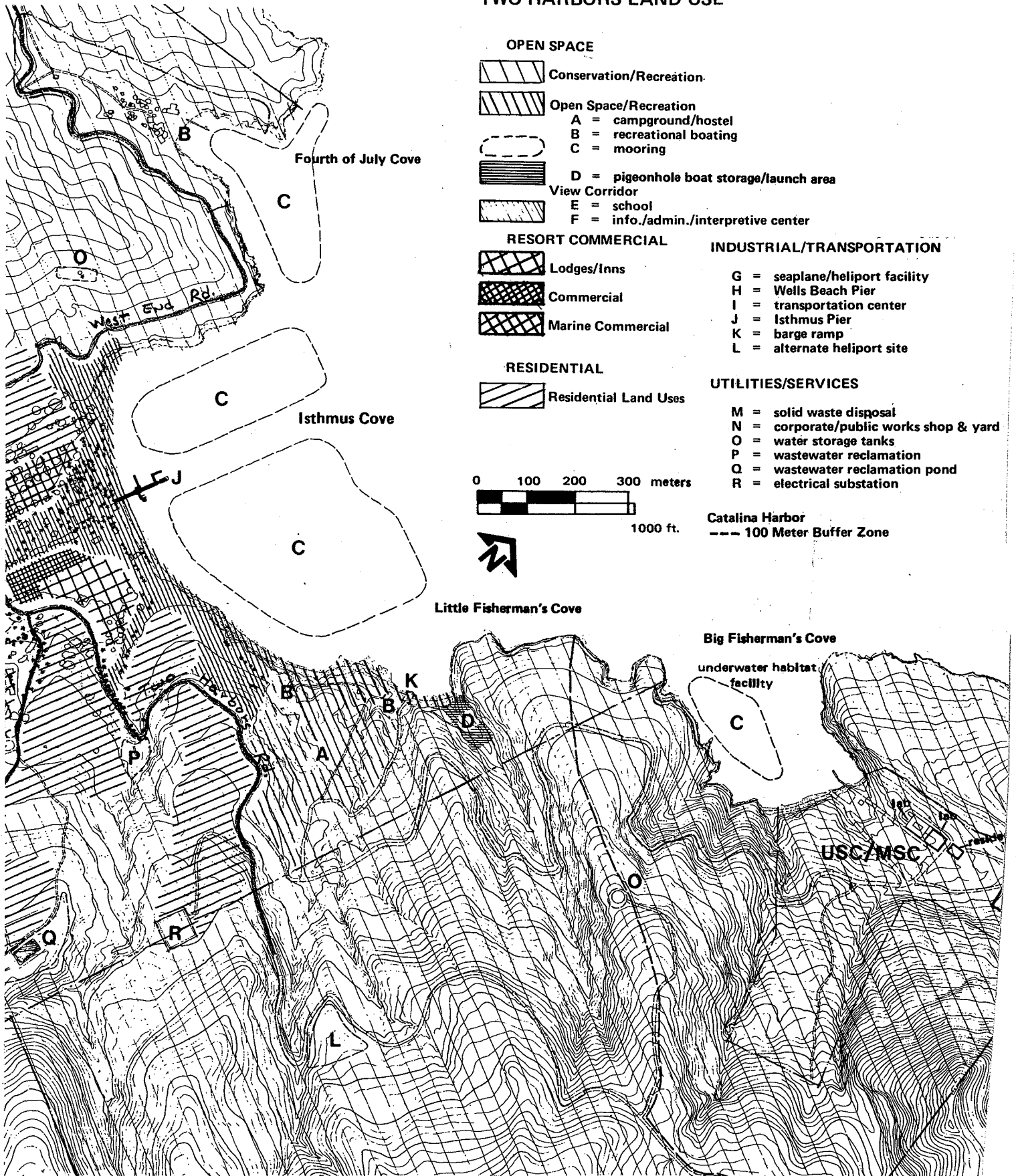


D-16

MAP 134

santa catalina island plan

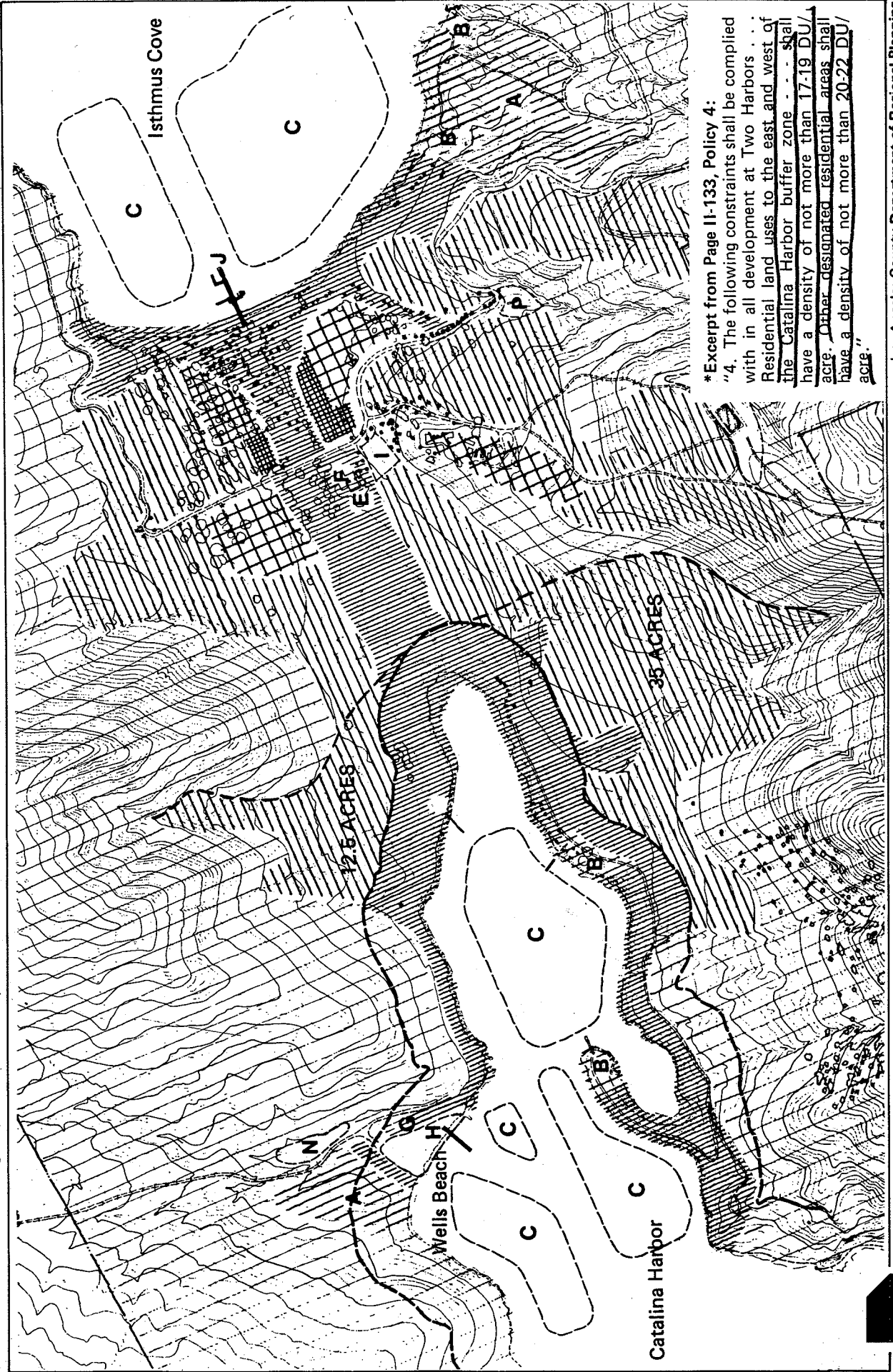
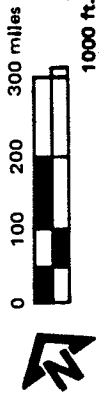
TWO HARBORS LAND USE



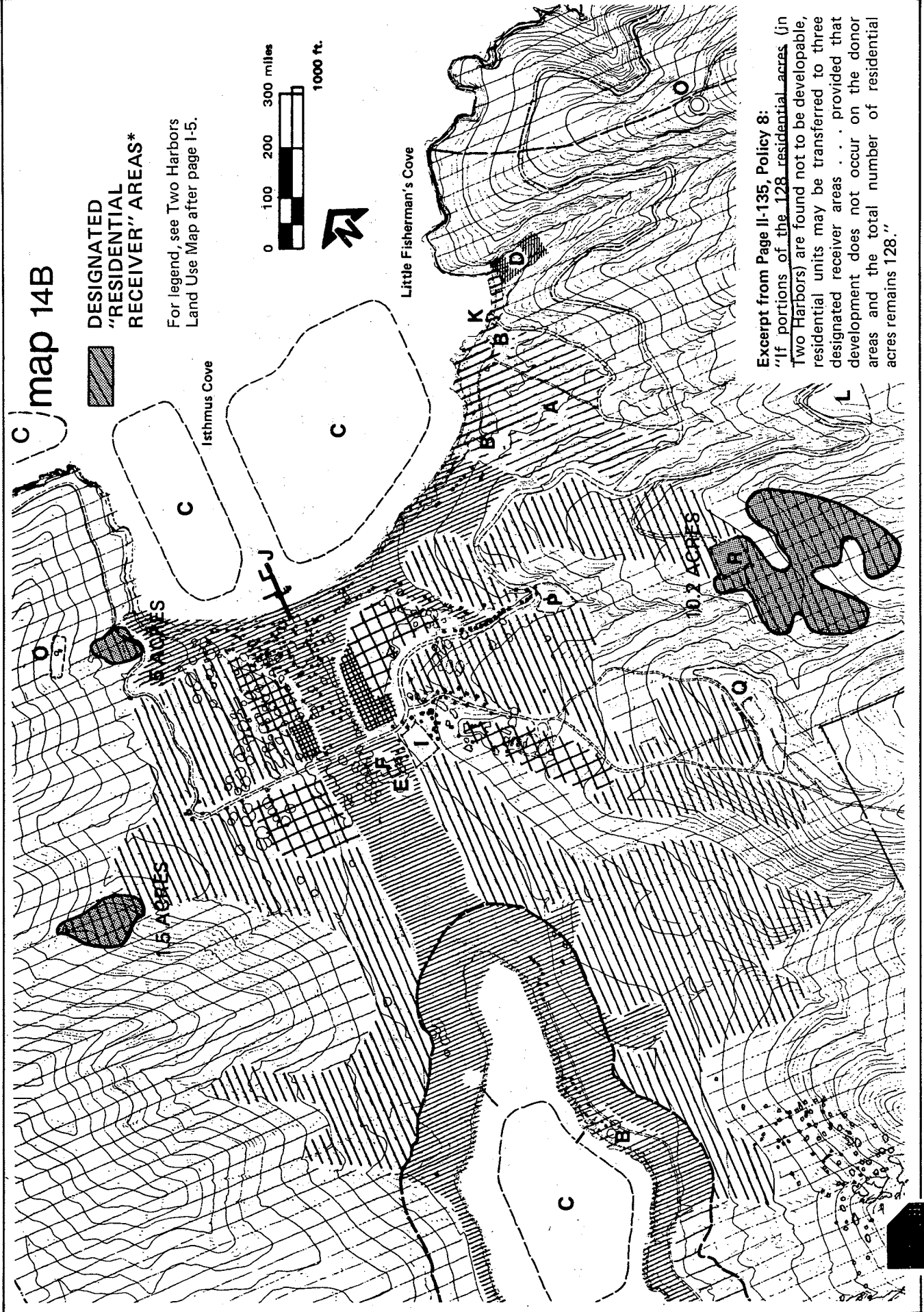
MAPI30

map 14A RESIDENTIAL LAND USE DENSITIES IN TWO HARBORS*

For legend, see Two Harbors Land Use Map after page I-5.



* Excerpt from Page II-133, Policy 4:
 "4. The following constraints shall be compiled with in all development at Two Harbors . . . Residential land uses to the east and west of the Catalina Harbor buffer zone . . . shall have a density of not more than 17.19 DU/acre. Other designated residential areas shall have a density of not more than 20.22 DU/acre."



APPENDIX E

Excerpts of Title 22 of The
Los Angeles County Code

APPENDIX E

EXCERPTS OF THE LOS ANGELES COUNTY CODE

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**PART 3 — CHAPTER 22.52
ANIMALS AS PETS**

SECTIONS:

- 22.52.300 Purpose of Part 3 provisions.
- 22.52.310 Keeping animals permitted when — Limitations.
- 22.52.320 Livestock kept as pets — Restrictions generally.
- 22.52.340 Livestock kept as pets — Animals existing as of February 27, 1974.
- 22.52.350 Livestock kept as pets — Date of nonconformity.

22.52.300. PURPOSE OF PART 3 PROVISIONS. Regulations governing animals as pets or for the personal use of the family residing on the premises are established in order to provide for the keeping of domestic and wild animals where accessory to the residential use of property, as opposed to maintenance for commercial purposes. Such regulations presume a reasonable effort on the part of the animal owner to recognize the rights of surrounding neighbors by maintaining and controlling his animals in a safe and healthy manner at a reasonable location, and neither authorize nor legalize the maintenance of any private or public nuisance. (*Ord. 1494 Ch. 7 Art. 12 § 712.1, 1927.*)

22.52.310. KEEPING ANIMALS PERMITTED WHEN — LIMITATIONS. A person shall not keep or maintain any animal other than those permitted in Sections 22.20.040, 22.20.050, 22.24.040, 22.24.050 or 22.24.160 for personal use in any zone except as hereinafter specifically permitted in this Part 3 and subject to all regulations and conditions enumerated in this Part 3. This section, however, shall not be interpreted to prohibit the keeping of animals for personal use to the extent permitted by commercial provisions in the same zone, subject to the same conditions and restrictions. (*Ord. 1494 Ch. 7 Art. 12 § 712.2, 1927.*)

22.52.320. LIVESTOCK KEPT AS PETS — RESTRICTIONS GENERALLY.
A. Domestic and wild animals specified herein may be kept or maintained as pets or for the personal use of members of the family residing on the premises subject to the following restrictions.

B. Lots or parcels of land having, as a condition of use, a minimum area of 15,000 square feet per dwelling unit may keep or maintain the animals listed in Table 1 in the numbers specified, not to exceed one animal per 5,000 square feet:

TABLE 1

Type of Animal	Number Permitted
Horses, donkeys, mules and other equine, cattle.	One over nine months of age for each 5,000 square feet of lot area.
Sheep and goats	One over six months of age for each 5,000 square feet of lot area. (<i>Ord. 1494 Ch 7 Art. 12 § 712.3, 1927.</i>)

22.52.330. OTHER ANIMALS PERMITTED AS PETS — PERMIT REQUIRED.

Animals other than those listed in this Part 3 or in Sections 22.20.040, 22.20.050, 22.24.040, 22.24.050 or 22.24.160 or in numbers greater than those given in Sections 22.20.040, 22.20.050, 22.24.040, 22.24.050 and 22.52.320, or on lots or parcels of land having less than the area required, may be kept or maintained for personal use or as pets, provided an animal permit has first been obtained as provided in Part 3 of Chapter 22.56. (*Ord. 1494 Ch. 7 Art. 12 § 712.4, 1927.*)

22.52.340. LIVESTOCK KEPT AS PETS — ANIMALS EXISTING AS OF FEBRUARY 27, 1974. Each lot or parcel of land having a minimum area of 10,000 square feet but less than 15,000 square feet per dwelling unit where horses, donkeys, mules or other equine, cattle, sheep or goats are kept or maintained is hereby granted an animal permit permitting one such animal per 5,000 square feet of lot area, provided:

A. That such animals were kept or maintained as pets or for the personal use of members of the family residing on the premises prior to and on February 27, 1974; and

B. That a notarized affidavit so certifying is filed with the Director within 120 days of September 20, 1974, the effective date of ordinance which added the provisions codified in this section. (*Ord. 1494 Ch. 7 Art. 12 § 712.7, 1927.*)

22.52.350. LIVESTOCK KEPT AS PETS — DATE OF NONCONFORMITY. In computing the time period within which horses, donkeys, mules or other equine, cattle, sheep and goats kept or maintained as pets or for personal use must be discontinued and removed, pursuant to the provisions of Subsection B of Section 22.56.1540, the date such uses became nonconforming shall be deemed to be September 20, 1974, the effective date of the ordinance establishing the provisions codified in this section. (*Ord. 1494 Ch. 7 Art. 12 § 712.10, 1927.*)

PART 7 — CHAPTER 22.52 OUTSIDE STORAGE AND DISPLAY

SECTIONS:

- 22.52.560 Compliance with Part 7 requirements.
- 22.52.570 Fence or wall required — Exemptions.
- 22.52.580 Time limit for compliance — Variance.
- 22.52.590 Development standards not exclusive.
- 22.52.600 Proposed development — Plan submittal required when.
- 22.52.610 Specifications for fences and walls.
- 22.52.620 Modification of fences or walls — Conditions.
- 22.52.630 Landscaping requirements.
- 22.52.640 Storage restrictions.

22.52.560. COMPLIANCE WITH PART 7 REQUIREMENTS. No property shall be used for outside storage or display of raw materials, equipment or finished products in any industrial zone unless said storage complies with the requirements of this Part 7, which are conditions of use. (*Ord. 1494 Ch. 7 Art. 8 § 708.1, 1927.*)

22.52.570. FENCE OR WALL REQUIRED — EXEMPTIONS. All outside storage or display open to view from the exterior boundary of the lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence as set forth in this Part 7, except that the following uses shall be exempted from this requirement:

- Automobile dismantling yards, junk and salvage yards and scrap metal processing yards, which shall be subject to the requirements of Chapter 22.32 and Part 9 of Chapter 22.52, respectively.
- Automobile service stations, limited to automobile accessories and facilities necessary to dispensing petroleum products only.
- Automobile sales, limited to automobiles and trucks held for sale or rental only.
- Boat Sales, limited to boats held for sale or rental only.
- Crops — Field, tree, bush, berry and row, including nursery stock.
- Mobilehome sales.
- Parking lots.
- Recreational vehicle sales.
- Trailer sales and rental, box and utility.

(Ord. 1494 Ch. 7 Art. 8 § 708.2, 1927.)

22.52.580. TIME LIMIT FOR COMPLIANCE — VARIANCE. All outside storage and display as enumerated in this Part 7 shall cease to be carried on in any area outside the confines of the fenced or walled area within six months from February 23, 1973, the effective date of the ordinance codified in this Part 7, with the following exceptions:

- A. Upon showing of substantial compliance with the provisions of this Part 7, the Hearing Officer may extend the time for compliance for a period not to exceed one year.
- B. The owner or proprietor of a business involving outside storage or display may apply to the Hearing Officer for a variance in those in-

stances where said applicant desires to be relieved of any requirements imposed by this Part 7 for reasons outlined in Part 2 of Chapter 22.56. (Ord. 85-0195, Sec. 9 (part); Ord. 1494 Ch. 7 Art. 8 Sec. 708.9.)

22.52.590. DEVELOPMENT STANDARDS NOT EXCLUSIVE. The standards of development for outside storage and display as set forth in this Title 22 shall not relieve the proprietors of such business from complying with all regulations, laws and ordinances of the County of Los Angeles and the State of California. (Ord. 1494 Ch. 7 Art. 8 § 708.8, 1927.)

22.52.600. PROPOSED DEVELOPMENT — PLAN SUBMITTAL REQUIRED WHEN. Site and preliminary architectural plans showing the proposed development, improvements, landscaping and other facilities shall be submitted to the Director, who shall approve such plans if he finds that they comply with the standards provided in this Part 7. (Ord. 1494 Ch. 8 § 708.7, 1927.)

22.52.610. SPECIFICATIONS FOR FENCES AND WALLS. Where a fence or wall is required pursuant to Section 22.52.570, it shall be developed as provided herein:

A. All fences and walls shall be of uniform height in relation to the ground upon which they stand, and shall be a minimum of eight feet and shall not exceed 15 feet in height. Where fences or walls exceed a height of 10 feet and are located on street or highway frontages they shall be set back at least three feet from the property line. The area between the fence and the lot line shall be fully landscaped according to the specifications hereinafter described in Section 22.52.630.

B. All fences and walls open to view from any street or highway or any area in a residential, agricultural or commercial zone shall be constructed of the following materials:

1. Metallic panels, at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish;
2. Masonry;
3. Other materials comparable to the foregoing if approved by the Director.

C. Required fences which are not open to view from any street or highway or any area in a residential, agricultural or commercial zone may be constructed of material other than as specified in Subsection B of this section if constructed and maintained in accordance with the provisions of this Part 7.

D. All fences and walls shall be constructed in workmanlike manner and shall consist solely of new materials unless the Director approves the substitution of used materials where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life.

E. 1. All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times.

2. No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet.

F. Any structures which are used as part of the yard boundaries and/or are exposed to view from a street or highway frontage shall be subject to painting, maintenance and sign requirements for fences and walls as provided in Subsection E of this section. (Ord. 1494 Ch. 7 Art. 8 § 708.3, 1927.)

22.52.620. MODIFICATION OF FENCES OR WALLS — CONDITIONS. A. The Director may modify fences or walls not open to view from any street or highway, or any area in a residential, agricultural or commercial zone: 1. Where adjoining property is located in an industrial zone and is developed with another outside storage use; or

2. Where substantial fences, walls or buildings are located adjacent to property lines on surrounding property which serve to enclose such yard as well or better than the wall or fence required herein.

B. Should the use, fence, wall or building providing justification for such modification be removed, such wall or fence shall be provided in compliance with this section within six months from the date of such removal. (Ord. 1494 Ch. 7 Art. 8 § 708.4, 1927.)

22.52.630. LANDSCAPING REQUIREMENTS. A. All required fences or walls which are open to view from any street or highway, or any area in a residential, agricultural or commercial zone, shall be provided with at least one square foot of landscaping for each linear foot of such frontage, and said landscaping shall be developed in accordance with a site plan which complies with the following criteria:

1. Landscaping shall be distributed along said frontage in accordance with the site plan approved by the Director.

2. No planting area shall have a horizontal dimension of less than three feet.

3. Landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

4. A permanent watering system shall be provided which satisfactorily irrigates all planted areas. Where the watering system consists of hose bibs alone, these bibs shall be located not more than 50 feet apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be spaced to assure complete coverage of the required landscape area.

B. The Director may approve alternative methods of providing landscaping where the criteria provided herein would cause unnecessary hardship or constitute an unreasonable requirement and an alternative plan will, in his opinion, provide as well or better for landscaping within the intent of this provision. (Ord. 1494 Ch. 7 Art. 8 § 708.5, 1927.)

22.52.640. STORAGE RESTRICTIONS. All portions of outside storage and display areas shall have adequate grading and drainage and shall be continuously maintained, and all raw material, equipment or finished products stored or displayed pursuant to the provisions of this Part 7.

A. Shall not be stored above the height of the fence or wall within 10 feet of said fence or wall; and

B. Shall be stored in such manner that it cannot be blown from the enclosed storage area; and

C. Shall not be placed or allowed to remain outside the enclosed storage area. (Ord. 1494 Ch. 7 Art. 8 § 708.6, 1927.)

PART 1 — CHAPTER 22.56 CONDITIONAL USE PERMITS

SECTIONS:

- 22.56.010 Conditional use defined — purpose of permit.
 Application — Filing.
 22.56.020 Application — Information required.
 22.56.030 Application — Burden of proof.
 22.56.040 Application — Fee and deposit.
 22.56.050 Application — Denial for lack of information.
 22.56.060 Application — Public hearing required — Exception.
 22.56.070 Permit — Granted following ex parte consideration — Exceptions.
 22.56.080 Application — Grant or denial — Findings and decision at public hearing.
 22.56.090 Permit — Additional conditions imposed when.
 22.56.100 All zone regulations apply unless permit is granted.
 22.56.110 Repealed.
 22.56.120 Repealed.
 22.56.130 Repealed.
 22.56.140 Expiration date of unused permits.
 22.56.150 Expiration following cessation of use.
 22.56.160 Permit does not legalize nuisances.
 22.56.170 Continuing validity of permit.
 22.56.180 Adequate water supply — Criteria.
 22.56.190 Adult business — Additional findings prerequisite to permit.
 22.56.200 Building bulk provisions.
 22.56.205 Density-controlled development — Additional regulations.
 22.56.210 Grading project, off-site transport — Requirements for compliance.
 22.56.215 Hillside management and significant ecological areas — Additional regulations.
 22.56.220 Hotels in Zone R-4 — Additional conditions.
 22.56.230 Off-site transport for public construction — Exemptions from permit requirement.
 22.56.235 Senior citizen residences — Additional conditions.
 22.56.240 Signs.
 22.56.250 Temporary war uses.
 22.56.255 Townhouse development — Additional regulations.

22.56.010. CONDITIONAL USE DEFINED — PURPOSE OF PERMIT. A “conditional use,” as defined by this Title 22, means a use which because of characteristics peculiar to it, or because of size, technological process or type of equipment, or because of its location with reference to surroundings, street or highway width, traffic generation or other demands on public services, requires special consideration relative to placement at specific locations in the zone or zones where classified to ensure proper integration with other existing or permitted uses in the same zone or zones. Pursuant to Part 1 of Chapter 22.56, such use, depending on the characteristics of the individual site and location within the zone where proposed, may be approved without conditions, or approved with conditions to ensure proper integration with other

existing or permitted uses in the same zone or zones, or such use may be denied. (Ord. 82-0024 § 7, 1982; Ord. 1494 Ch. 5 Art. 1 § 501.1, 1927.)

22.56.020. APPLICATION — FILING. Any person desiring a conditional use permit required or provided for in this Title 22 may file an application with the Director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by the Hearing Officer, Commission or Board of Supervisors on an application requesting the same, or substantially the same permit. (Ord. 85-0195, Sec. 11 (part); Ord. 1494 Ch. 5 Art. 1 § 501.2, 1927.)

22.56.030. APPLICATION — INFORMATION REQUIRED. A. An application for a conditional use permit shall contain the following information:

1. Name and address of the applicant and of all persons owning any or all of the property proposed to be used;
2. Evidence that the applicant:

- (a) Is the owner of the premises involved, or
- (b) Has written permission of the owner or owners to make such application, or
- (c) Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or
- (d) In the case of a public agency, is negotiating to acquire a portion of the premises involved;

3. Location of subject property (address or vicinity);

4. Legal description of the property involved;

5. The nature of the requested use, indicating the business, occupation or purpose for which such building, structure or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used;
6. Indicate the nature, condition and development of adjacent uses, buildings and structures; and

7. Provide a site plan drawn to a scale satisfactory to and in the number of copies prescribed by the Director, indicating:

- (a) The area and dimensions of proposed site for the requested use,

- (b) The location and dimensions of all structures, yards, walls, fences, parking and loading facilities, landscaping, and other development features;

8. Indicate the dimensions and state of improvement of the adjoining streets and highways providing access to the proposed site of the requested use;

9. Indicate other permits and approvals secured in compliance with the provisions of other applicable ordinances;

10. With each application, the applicant shall also file:

- (a) Maps in the number prescribed, and drawn to a scale specified by the Director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 700 feet from the exterior boundaries of such proposed use,

- (b) One copy of said map shall indicate the uses established on every lot and parcel of land shown within said 700-foot radius,

(c) A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the County of Los Angeles as owners of the subject property and as owning property within a distance of 500 feet from the exterior boundaries of the area actually to be occupied by the use. One copy of said map shall indicate where such ownerships are located,

(d) Proof satisfactory to the Director that water will be available in quantities and pressures required by the Water Ordinance, set out at Division 1 of Title 20 of this code, or by a variance granted pursuant to said Division 1. The Director may accept as such proof a certificate from the person who is to supply water that he can supply water as required by said Division 1 of Title 20, also stating the amount and pressure, which certificate also shall be signed by the Forester and Fire Warden, or a certificate from the County Engineer that such water will be available;

(e) The Director may waive the filing of one or more of the above items;

11. Such other information as the Director may require.
- B. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant. (Ord. 1494 Ch. 5 Art. 1 § 501.3, 1927.)

22.56.040. APPLICATION — BURDEN OF PROOF. In addition to the information required in the application by Section 22.56.030, the applicant shall substantiate to the satisfaction of the Hearing Officer the following facts:

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

(Ord. 85-0195, Sec. 16 (part); Ord. 1494 Ch. 5 Art. 1 § 501.4, 1927.)

22.56.050. APPLICATION — FEE AND DEPOSIT. When an application is filed, it shall be accompanied by the filing fee and deposit as required in Section 22.60.100. (Ord. 1494 Ch. 5 Art. 1 § 501.5, 1927.)

22.56.060. APPLICATION — DENIAL FOR LACK OF INFORMATION. The Hearing Officer may deny, without a public hearing, an application for a conditional use permit if such application does not contain the information required by Sections 22.56.030 and 22.56.040. The Hearing Officer may permit the applicant to amend such application. (Ord. 85-0195, Secs. 13 (part) and 14 (part); Ord. 1494 Ch. 5 Art. 1 § 501.6, 1927.)

22.56.070. APPLICATION — PUBLIC HEARING REQUIRED — EXCEPTION. In all cases where an application for a conditional use permit is filed and the Hearing Officer does not grant a request for ex parte consideration, the Hearing Officer shall hold a public hearing unless the Commission determines to and itself holds a public hearing. In either case, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60. (Ord. 85-0195; Ord. 85-0009, Sec. 7; Ord. 1494 Ch. 5 Art. 1 § 501.7, 1927.)

22.56.080. PERMIT — GRANTED FOLLOWING EX PARTE CONSIDERATION — EXCEPTIONS. Where the Hearing Officer finds that the use requested, subject to such conditions as he deems necessary, will comply with the findings required by Section 22.56.090, he may grant such permit without a public hearing except that this section does not apply to an application for the following:

- Airports.
- Amusement and entertainment enterprises and concessions, including all structural devices and contrivances designed and operated for patron participation and pleasure.
- Circus winter quarters.
- Colleges and universities.
- Communication equipment buildings.
- Correctional institutions.
- Day nurseries.
- Earth stations.
- Electrical distribution substations.
- Electric transmission substations.
- Electric generating plants.
- Golf courses, including the customary clubhouse and appurtenant facilities.
- Golf driving ranges.
- Guest ranches.
- Heliports.
- Helistops.
- Hospitals.
- Juvenile halls.
- Land reclamation projects.
- Landing strips.
- Mobilehome parks.
- Motor recreational facilities for the driving, testing and racing of automobiles, dune buggies, motorcycles, trail bikes or similar vehicles, including appurtenant facilities in conjunction therewith.
- Nudist camps.
- Oil wells.
- Outdoor festivals.
- Parking buildings.

- Public utility service centers.
- Race tracks.
- Radio and television stations and towers.
- Recreation clubs, private.
- Rifle, pistol, skeet or trap ranges.
- Sewage treatment plants.

(Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 1 § 501.8, 1927.)

22.56.090. APPLICATION — GRANT OR DENIAL — FINDINGS AND DECISION AT PUBLIC HEARING. A. The Hearing Officer shall approve an application for a conditional use permit where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

1. That the proposed use will not be in substantial conflict with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply;
2. That the requested use at the location proposed will not:

- (a) Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
- (b) Be materially detrimental to the use, enjoyment or value of property of other persons located in the vicinity of the site, or
- (c) Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare; and

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as otherwise required in order to integrate said use with the uses in the surrounding area; and

4. That the proposed site is adequately served:
 - (a) By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - (b) By other public or private service facilities as are required.

B. The Hearing Officer shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate such findings to the satisfaction of the Hearing Officer. (Ord. 85-0195, Sec. 22; Ord. 85-0009, Sec. 8; Ord. 82-0024 § 8 (part), 1982; Ord. 1494 Ch. 5 Art. 1 § 501.9, 1927.)

22.56.100. PERMIT — ADDITIONAL CONDITIONS IMPOSED WHEN. A. The Hearing Officer, in approving an application for a conditional use permit, may impose such conditions as he deems necessary to ensure that such use will be in accord with the findings required by Section 22.56.090. Conditions imposed by the Hearing Officer may involve any pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to:

1. Special yards, open spaces and buffer areas;
2. Fences and walls;
3. Parking facilities, including vehicular ingress and egress and the surfacing or parking areas and driveways to specified standards;

4. Street and highway dedications and improvements, including sidewalks, curbs and gutters;

5. Water supply and fire protection in accordance with the provisions of Division 1 of Title 20 of this code;

6. Landscaping and maintenance of grounds;

7. Regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation;

8. Regulation of operating hours for activities affecting normal neighborhood schedules and functions;

9. Regulation of signs, including outdoor advertising;

10. A specified validation period limiting the time in which development may begin;

11. Provisions for a bond or other surety that the proposed conditional use will be removed on or before a specified date;

12. A site plan indicating all details and data as prescribed in Title 22 of this code;

13. Such other conditions as will make possible the development of the proposed conditional use in an orderly and efficient manner and in general accord with all elements of the General Plan and the intent and purpose of this Title 22;

B. The Hearing Officer may also approve the requested permit contingent upon compliance with applicable provisions of other ordinances. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 1 § 501.12, 1927.)

22.56.110. ALL ZONE REGULATIONS APPLY UNLESS PERMIT IS GRANTED. Unless specifically modified by a conditional use permit, all regulations prescribed in the zone in which such conditional use permit is granted shall apply. (Ord. 1494 Ch. 5 Art. 1 § 501.22, 1927.)

22.56.120. COMMISSION DECISIONS — EFFECTIVE DATE. (Repealed Ord. 85-0195, Sec. 1 (part).)

22.56.130. EFFECTIVE DATE WHEN AN APPEAL IS FILED. (Repealed Ord. 85-0195, Sec. 1 (part).)

22.56.140. EXPIRATION DATE OF UNUSED PERMITS. A. A permit issued on or after January 21, 1987, which is not used within the time specified in such permit, or, if no time is specified, within two years after the granting of the permit, becomes null void and of no effect except;

1. That in all cases the Hearing Officer may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. In the case of a nonprofit corporation organized to provide low-income housing for the poor or elderly, the Hearing Officer may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension;

2. That in the case of a surface mining operation for which a valid permit is in full force and effect, provided such operation complies with the requirements of Section 22.56.1400 for intermittent mining operations, and if from the cessation of use the outer boundaries of the premises have been continuously posted with signs as described in Subsection 1 of Section 22.56.1380;

3. That in the case of a permit for a publicly owned use, no time limit shall apply to utilization of such permit, provided that the public agency:

(a) Within one year of the date of such approval either acquires the property involved or commences legal proceedings for its acquisition, and

(b) Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts such 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 of which it is to be developed. One such 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;

4. That, in the case of a conditional use permit filed and heard concurrently with a land division, the Hearing Officer shall specify time limits and extensions to be concurrent and consistent with those of the Land Division.

B. A conditional use permit shall be considered used, within the intent of this section, when construction or other development authorized by such permit has commenced that would be prohibited in the zone if no permit had been granted. (Ord. 85-0195, Sec. 14 (part); Ord. 85-0099, Sec. 9; Ord. 82-0003 § 3, 1982; Ord. 1494 Ch. 5 Art. 1 § 501.17, 1927.)

22.56.150. EXPIRATION FOLLOWING CESSATION OF USE. A conditional use permit granted by action of the Hearing Officer or the Commission shall automatically cease to be of any force and effect if the use for which such conditional use permit was granted has ceased or has been suspended for a consecutive period of two or more years. (Ord. 85-0195, Sec. 10 (part); Ord. 1494 Ch. 5 Art. 1 § 501.19, 1927.)

22.56.160. PERMIT DOES NOT LEGALIZE NUISANCES. Neither the provisions of this Part 1, nor the granting of any permit provided for in this Part 1, authorizes or legalizes the maintenance of any public or private nuisance. (Ord. 1494 Ch. 5 Art. 1 § 501.20, 1927.)

22.56.170. CONTINUING VALIDITY OF PERMIT. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this Title 22 shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land. (Ord. 1494 Ch. 5 Art. 1 § 501.23, 1927.)

22.56.180. ADEQUATE WATER SUPPLY — CRITERIA. If it appears that the use requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted without a conditional use permit in the same zone, and will not comply with the provisions of Division 1 of Title 20 of this code, such facts shall be prima facie evidence that such requested use will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the provisions of Section 22.56.090. If the Water Appeals Board grants a variance pursuant to any provision of

existing or proposed water supply, this section shall not apply. (*Ord. 1494 Ch. 1 § 501.11, 1927.*)

22.56.190. ADULT BUSINESSES — ADDITIONAL FINDINGS PREREQUISITE TO PERMIT. In addition to the findings required pursuant to Subsections A1, A3 and A4 of Section 22.56.090, the Hearing Officer shall approve an application for a conditional use permit for an adult business where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

1. The requested use at the proposed location will not adversely affect the use of a church, temple or other place used exclusively for religious worship, school, park, playground or similar use within a 500-foot radius; and
2. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect said areas; and
3. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood. (*Ord. 85-0136, Sec. 23; Ord. 82-0233 § 1, 1982; Ord. 82-0024 §§ 8 (part) and 9, 1982; Ord. 1494 Ch. 5 Art. 1 § 501.25, 1927.*)

22.56.200. BUILDING BULK PROVISIONS. The building bulk provisions prescribed in the various zones shall not apply to uses permitted by conditional use permit. In granting a conditional use permit, the Hearing Officer shall prescribe the height limit, maximum lot coverage or floor-area ratio for the use approved. Where the Hearing Officer fails to specify said height limit, maximum lot coverage or floor-area ratio, those provisions applicable to principal permitted uses in the specific zone shall be deemed to be specified. (*Ord. 85-0195; Ord. 1494 Ch. 5 Art. 1 § 501.10, 1927.*)

22.56.202. DENSITY BONUS — ADDITIONAL PROVISIONS. In addition to the provisions contained in this Part 1, applications for a conditional use permit for a density bonus shall also comply with the following provisions:

- A. **Application — Eligibility.** An application for a conditional use permit for a density bonus shall be filed and accepted for filing by the Director if the proposed project contains five or more dwelling units, provided that:
 1. The applicant agrees to provide at least 10 percent of the total number of dwelling units in the proposed project for occupancy of low and/or moderate income families or individuals; or
 2. The applicant agrees to provide, pursuant to Civil Code Sections 51.2 and 51.3, as amended, at least 50 percent of the total dwelling units of a housing development for qualifying residents or senior citizens, as defined therein.
- B. **Application — Contents.** An application for a conditional use permit for a density bonus shall contain the following additional information and/or documents:
 1. The total number of dwelling units proposed; and
 2. The number of dwelling units designed for low and/or moderate income residents or senior citizens; and

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3. The amount of bonus or type of incentives of equivalent financial value requested; and
4. Financial information such that a determination can be made of an alternative incentive of equivalent financial value, if requested, to the grant of a density bonus; and
5. A map, to the scale and in a number satisfactory to the Director, indicating the locations of dwelling units intended for low and/or moderate income residents or senior citizens, and further indicating which units are for rental and which are for sale if combined in the same proposal; and
6. A draft agreement suitable for recordation in the office of the County Recorder, as a covenant running with the land for the benefit of the County of Los Angeles, indicating the number of dwelling units as specified by subsections B1 and B2 of this section and also specifying the number of years that said dwelling units will be continuously available for use by low and/or moderate income persons or senior citizens. In lieu of such covenant and agreement, the applicant may furnish a different mechanism to guarantee the availability of the dwelling units for low and/or moderate income residents or senior citizens, subject to review by and the prior approval of the County Counsel. The means proposed to insure the continuing availability of dwelling units designated for low and/or moderate income housing shall be effective for a period of not less than 10 years, unless the planning agency approves a different time period as provided under subsection H3;
7. The market rental rates, purchase sale prices or value ratios, whichever are appropriate, for dwelling units of comparable size and type within the market area of the subject property, to the satisfaction of the Director; and
8. When transfer of density is proposed as provided herein, the filing requirements listed in Section 22.56.030 shall apply to all parcels under consideration. In addition, the Director shall effect notice of the public hearing for such developments for all parcels independently using the procedure contained in Part 4 of Chapter 22.60.

C. **Fee Waiver.** The application and filing fee required by this Title 22 for a conditional use permit for a density bonus shall be waived for proposed manufactured housing development, including mobilehome parks, which request a density bonus or incentives of equivalent financial value. All other pertinent provisions of this Part 1 including, but not limited to, burden of proof and the imposition of conditions, shall be met at the time of discretionary approval of the proposed development.

D. **Additional Burden of Proof.** The applicant shall substantiate the burden of proof for a conditional use permit and the following:

1. That the proposed project at the location proposed has been designed to be as compatible as possible with the surrounding area in terms of land use patterns, design and established community character; and
2. That the proposed project has an ability to meet identified low and/or moderate income or senior citizen housing needs, and is viable in terms of continuing availability to meet such housing needs; and

the applicant, the quality of architectural design and other amenities including, but not limited to, landscaping and/or recreational areas.

3. Except as provided herein, nothing in this section shall be interpreted to preclude the County from taking any additional actions or measures which will aid housing developers to construct affordable housing units nor shall it be interpreted to prohibit the applicant from proposing incentives or concessions which would result in identifiable cost reductions.

G. Findings Prerequisite to Approval. Approval of an application for a conditional use permit for a density bonus shall be predicated upon substantial compliance with the requirements of Section 22.56.090 and upon the following additional findings:

1. That the proposed density bonus or alternative incentives will not be in conflict with the adopted General Plan, including any adopted community, areawide or specific plan; and
2. That the proposed project will not cause or add to an unreasonable concentration of low and/or moderate income residents, or senior citizens where applicable, in the surrounding community; and
3. That a covenant and agreement or other mechanism deemed appropriate and subject to approval by the County Counsel is to be recorded as provided herein, so as to effectively insure the continuing availability of such housing for qualified persons and families for the time specified; and
4. That the Executive Director of the Community Development Commission has had the opportunity to review and comment on the proposed project.

H. Permit Approval Conditions. A conditional use permit for a density bonus shall include the following mandatory conditions which may not be modified, except by means of the variance procedure provided by Part 2 of Chapter 22.56:

1. That all dwelling units granted as a density bonus shall be reserved for occupancy by low and/or moderate income households or senior citizens for the time specified; and
2. That dwelling units to be reserved for low and/or moderate income families or senior citizens shall be reasonably dispersed throughout the proposed project and shall be compatible with the exterior design of other units in the project in terms of appearance, materials and finished quality; and
3. That dwelling units designated as low/moderate income or senior citizen housing shall be reserved for a minimum period of 10 years, unless a different time period is specifically approved; and
4. That the reserved low/moderate income or senior citizen dwelling units shall be constructed and offered for sale and/or for hire concurrently with or prior to the construction and sale and/or rental of the non-reserved or market rate dwelling units in the development project unless specifically deemed inappropriate; and
7. That where there is direct financial contribution of a housing development through participation in the cost of the infrastructure, write-down of land costs or subsidizing the cost of construction, con-

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3. That the proposed project shall be reasonably proximate to public transit, shopping and, except for senior citizen housing, employment centers.

E. Notification of the Community Development Commission. The Department of Regional Planning shall refer a copy of the application for a conditional use permit for a density bonus to the Executive Director of the Community Development Commission for review and comment. The Executive Director shall review such application, and may submit comments and recommendations concerning such proposed low and/or moderate income housing as he deems appropriate.

F. Authorized Bonuses and/or Incentives.

1. The following density bonus and/or other incentives of equivalent financial value may be granted pursuant to the provisions of this section:

- (a) A density bonus of not less than 10 percent, nor more than 25 percent, except that a new manufactured housing development which will include used mobilehomes may have a bonus of not to exceed 50 percent.
- (b) A density bonus of up to, but in no case in excess of, 50 percent may be granted for a proposed development, provided there are special or unique circumstances applicable to the project that justify such a density bonus as a means to further and enhance, rather than diminish, the general health and welfare. Examples of special or unique circumstances may include, but are not necessarily limited to, such factors as the percentage of units reserved for low and/or moderate income persons or senior citizens, a time period greater than 10 years for the continuing availability of such housing units for qualified persons or families, the inclusion or provision of significant and substantial amenities in the proposed development, and/or such other aesthetic measures or features which substantially exceed the minimum requirements for the grant of a 25 percent density bonus.
- (c) Other incentives of equivalent financial value may include, but are not necessarily limited to, the following:
 - (i) Expedited case processing; and
 - (ii) Waiver of zoning, environmental impact and subdivision fees, deposits and/or surcharges; and
 - (iii) Utilization of federal or state grant moneys or local revenues to provide land and/or material for the proposed project at a reduced cost;
 - (iv) Construction of public improvements appurtenant to the proposed development project, which may include, but shall not be limited to, curbs, streets, highways, sewers and sidewalks.
 - (v) Exemption of the development, in whole or part, from the requirements of Section 21.24.320 of Title 21;
2. The amount of density bonus and/or type of incentives granted shall be based on, but need not be limited to, such factors as the percentage of units reserved for low and/or moderate income persons or senior citizens, the length of time such units are exclusively reserved by written instrument, the amount and nature of open space proposed by

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continued availability to low and/or moderate income families or senior citizen housing shall be assured for a period of not less than 30 years; and

8. Where concurrent development of noncontiguous properties is approved, and in other instances deemed appropriate, a bond or other form of security such as, but not limited to, letters of credit in an amount sufficient to assure completion of all designated low- and moderate income or senior citizen dwelling units shall be specified.

I. Density Bonus for Lower Income Households — Additional Provisions.

1. Where the applicant agrees to provide at least 20 percent of the total number of dwelling units in a project for occupancy by lower income households, as defined by Section 50079.5 of the Health and Safety Code, at least one or more of the following concessions or incentives to ensure that the development will be produced at a reduced cost shall be granted.

(a) Modification of development standards such as, but not limited to, a reduction in setbacks and in the amount of vehicular parking required by Title 22;

(b) Authorized bonuses and/or incentives as contained in subsection F;

(c) Mixed use development in conjunction with the housing project if the commercial, office, industrial or other proposed land uses will reduce the cost of the housing development, in accordance with Part 11 of Chapter 22.40; and

(d) Such other incentives or concessions which may be proposed by the applicant which will result in identifiable cost reductions.

2. Any density bonus granted pursuant to this subsection is an alternative to, and shall not be in addition to, a density bonus granted pursuant to other provisions of this Title 22.

3. Notwithstanding the above provisions, in evaluating the regulatory incentives or concessions it may be determined that it is unnecessary or inappropriate to grant any of the actions identified above if either of the following are found:

(a) The proposed housing development does not require further local assistance as the reserved units in the development would be affordable to very low income households, as defined by Section 50105 of the Health and Safety Code, without additional assistance; or

(b) The action or actions identified in Subsection 1 above would reasonably have a substantial adverse impact upon the public health or safety.

J. Transfer of Density. Where an applicant proposed to concurrently develop noncontiguous properties within the same major planning area, as defined on the major subregional policy framework map of the General Plan, the transfer of density bonuses and/or incentives may be approved subject to the provisions of this Part 1 from one property to the other, provided:

1. That the total density bonuses and/or incentives approved shall not exceed that obtained if developed separately; and

2. That such properties shall be concurrently developed, and it shall be made a condition of the permit that all low and moderate income or senior citizen dwelling units shall be constructed at the same time as or prior to other units on either site; and

3. That the applicant shall demonstrate the ability to complete the development approved both in terms of ownership or control of the sites and adequate financial commitment; and

4. That such transfer will not result in the undue concentration and/or segregation of low and moderate income or senior citizen dwelling units at either site in relation to the existing and concurrently proposed development of the surrounding area. (Ord. No. 86-0170, Eff. 11/7/86)

22.56.205. DENSITY-CONTROLLED DEVELOPMENT — ADDITIONAL REGULATIONS. A. Unless otherwise specified as a condition of grant, all standards of development of the zone in which a density-controlled development is proposed shall be deemed to be conditions of every conditional use permit granted for such development, whether such conditions are set forth in the conditional use permit or not.

B. In approving a conditional use permit for density-controlled development, the Hearing Officer shall impose conditions pertaining to the following, which may not be modified except by Part 2 of Chapter 22.56:

1. The Preservation of Commonly Owned Areas.

(a) The Hearing Officer shall require the permanent reservation of all commonly owned areas. Such reservation of all commonly owned areas. Such reservation shall be by establishment of a homeowners' association, maintenance district or other appropriate means or methods to ensure to the satisfaction of the Hearing Officer the permanent reservation and continued perpetual maintenance of required commonly owned areas.

(b) As a means to further insure the reservation of commonly owned areas, the Hearing Officer shall also require that where lots or parcels of land are sold or otherwise separated in ownership, no dwelling unit shall be sold, conveyed or otherwise alienated or encumbered separately from an undivided interest in any commonly owned areas comprising a part of such development. Such undivided interest shall include either:

- i. An undivided interest in the commonly owned areas; or

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(ii) A share in the corporation or voting membership in an association owning the commonly owned area, where approved as provided in this Section 22.56.205.

2. **Dwelling Unit Type.** The Hearing Officer shall require that all dwelling units be single-family residences unless a townhouse development is requested and approved.

3. **Location, Separation and Height of Buildings.** The Hearing Officer shall impose conditions as it deems necessary to govern the location, separation and height of buildings to insure compatible placement on the proposed site and with relationship to the surrounding area. This provision shall not be deemed to permit approval of a greater height than is permitted in the zone where development is proposed.

C. In addition to conditions imposed pursuant to Section 22.56.100, in approving a density-controlled development, the Hearing Officer may impose conditions pertaining to the following:

1. **Location of Automobile Parking Facilities.** Where the Hearing Officer determines that the proposed development will contain design features offering amenities equal to or better than a development plan incorporating required automobile-parking facilities on the same lot or parcel, provided that such automobile parking facility is:

- (a) In full compliance with all other provisions of Part 11 of Chapter 22.52; and
- (b) Located on a separate lot or parcel of land under common ownership; and
- (c) Conveniently located and easily accessible to the dwelling it is intended to serve; and
- (d) No greater than 200 feet from the residence it is intended to serve.

2. **Architecture.** The Hearing Officer may impose conditions governing the suitability of architecture as necessary to integrate the proposed development project within the proposed site and the surrounding area, including appearance of the proposed development from surrounding property.

3. **Yards.** The Hearing Officer may modify any or all yard requirements of the basic zone wherein a density-controlled development is proposed. In reaching its determination to modify the yard requirements and to what extent the Hearing Officer shall base its decision on whether such modification will:

- (a) Encourage design features promoting amenities equal to or better than a development plan incorporating required yards; and
- (b) Assist in integrating the proposed development in relation to location on the site and its relationship to the surrounding area.

Nothing in this subsection shall be construed to prohibit the imposition of yards exceeding the minimum provided in the zone.

4. **Landscaping.** The Hearing Officer may require a plan for the landscaping of any or all parts of the development be submitted to and approved by the Hearing Officer in order to ensure that the development will be complementary to, and compatible with, the uses in the surrounding area.

5. **Utilities.** The Hearing Officer may require the applicant to submit to the Hearing Officer, and it may be made a condition of approval for a density-controlled development, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. (Ord. 85-0195, Sec. 14 (part); Ord. 82-0003 § 4 (part), 1982.)

22.56.210. GRADING PROJECT, OFF-SITE TRANSPORT — REQUIREMENTS FOR COMPLIANCE. Grading projects, off-site transport, requiring a conditional use permit shall comply with the following requirements:

A. A grading permit, when required, shall first be obtained as provided in the Building Code set out at Title 26 of this code before the commencement of any grading project, off-site transport.

B. The application for a conditional use permit shall contain statements setting forth the following information, in addition to that required by Section 22.56.030:

- 1. The names and addresses of all persons owning all or any part of the property from which such material is proposed to be removed from and transported to;
- 2. The names and addresses of the persons who will be conducting the operations proposed;
- 3. The ultimate proposed use of the lot or parcel of land;
- 4. Such other information as the Director finds necessary in order to determine whether the application should be granted.

C. The applicant shall submit a map showing in sufficient detail the location of the site from which such material is proposed to be removed, the proposed route over streets and highways, and the location to which such material is to be imported.

D. All hauling as approved under this section shall be restricted to a route approved by the Road Commissioner.

E. Compliance shall be made with all applicable requirements of other County departments and other governmental agencies.

F. If any condition of this section is violated, or if any law, statute or ordinance is violated, the privileges granted herein shall lapse and such approval shall be suspended.

G. Neither the provisions of this section nor the granting of any permit provided for in this Part 1 authorizes or legalizes the maintenance of a public or private nuisance. (Ord. 1494 Ch. 5 Art. 1 § 501.14, 1927.)

22.56.215. HILLSIDE MANAGEMENT AND SIGNIFICANT ECOLOGICAL AREAS — ADDITIONAL REGULATIONS. A. 1. Permit Required. Except as specified in Subsection C, prior to the issuance of any building or grading permits, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel which is in or partly in an area designated in the County General Plan and related maps as a significant ecological area within a hillside management area as specified herein, a conditional use permit shall be applied for and approved as provided by this section.

2. A conditional use permit is required in hillside management areas when:

6. Complete applications for development proposals which were filed for approval prior to February 5, 1981, except at the specific request of the applicant. This exemption shall also apply to the refile of applications which were denied solely by reason of Sections 65950 through 65967 of the Government Code and were originally filed prior to February 5, 1981. Any development proposals within this exemption still must be consistent with the County of Los Angeles' adopted General Plan.

D. Additional Contents of Application. In addition to the material specified in Section 22.56.030, an application for a conditional use permit for hillside management or significant ecological areas shall contain the following information:

1. In all applications:
 - (a) Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property;
 - (b) Maps showing the existing topography of the subject property. Commercially available maps may be deemed acceptable.
 - (i) One copy of such map shall identify the locations of all drainage patterns, watercourses and any other physical features which are customarily found on topographical maps prepared by the United States Geological Survey.
 - (ii) A second copy shall delineate all property having a natural slope of 25 to 49.99 percent, and a natural slope of 50 percent or more;
 - (c) A grading plan to a scale satisfactory to the Director, indicating all proposed grading, including the natural and finished elevations of all slopes to be graded;
 - (d) The following, if the construction of dwelling or other structures are part of the proposed project:
 - (i) Exterior elevation drawings, to a scale satisfactory to the Director, indicating proposed building heights and major architectural features, and
 - (ii) Plans for decorative landscaping, showing the location of proposed ground-cover areas, shrub mass, and existing and proposed tree locations for common or open space areas not left in a natural state. Such plan shall also include botanical and common names of all planting materials;

2. In hillside management areas, the following additional information:

- (a) Geology and soil reports indicating active or potentially active faults at and near the proposed site and the stability of the area within the various slope categories used in this section.
- (b) For proposed residential uses in areas identified as non-urban hillside management areas in the General Plan, the number of acres within the following slope categories, as determined by a licensed civil engineer, licensed land surveyor or a registered ecologist:
 - (i) Zero to 24.99 percent natural slope,
 - (ii) 25 to 49.99 percent natural slope,
 - (iii) 50 percent or greater natural slope;

(a) The property contains any area with a natural slope of 25 percent or more in an urban hillside management area proposed to be developed with residential uses at a density exceeding the midpoint of the range of densities established by an adopted areawide, community or specified plan covering the areas in which the proposed development is located. Where there is no adopted areawide, community or specified plan, the applicable density range shall be established by the land use element of the General Plan.

(b) The property contains any area with a natural slope of 25 percent or more in a nonurban hillside management area proposed to be developed, with residential uses at a density exceeding the low-density threshold established for such property pursuant to Subsection E.

B. Intent and Purpose of Regulations.

1. A conditional use permit is required in order to protect resources contained in significant ecological areas and in hillside management areas as specified in the County General Plan from incompatible development, which may result in or have the potential for environmental degradation and/or destruction of life and property. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the significant ecological areas, and the natural topography, resources and amenities of the hillside management areas, while allowing for limited controlled development therein.

C. Exemptions from Permit. Permit exemptions include:

1. Accessory buildings and structures as defined in this title;
2. Additions or modifications to existing residences; provided, however, that such additions or modifications do not increase the number of families that can be housed in said residences;
3. Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots or parcels of land;
4. In hillside management areas only (these provisions shall not apply where the subject property is also within a significant ecological areas):
 - (a) Issuance of building permits pursuant to a final map where project grading has commenced in accordance with an approved grading permit;
 - (b) Development proposals which are so designed that all areas within the project which have a natural slope of 25 percent or greater remain in a completely natural state. The Director shall make this determination using the proposed development plan, slope maps and any other material he deems necessary.

5. Final maps and development approvals (permits) related thereto which are in substantial conformance with a tentative map approved or extended by the County of Los Angeles since December 31, 1978, except as California state law may otherwise specify.

(b) That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area, and

(c) That the proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan, and

(d) That the proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;

2. Significant Ecological Areas.

(a) That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas, and

(b) That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state, and

(c) That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state, and

(d) That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development, and

(e) That where necessary, fences or walls are provided to buffer important habitat areas from development, and

(f) That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

G. Hearings. In all cases where formal filing for a conditional use permit-hillside management and significant ecological areas is submitted, a public hearing shall be held pursuant to current procedures. In all cases, however, where a conditional use permit-hillside management and significant ecological areas is filed and processed as a single application with a land division case, such public hearings shall be held concurrently.

H. Director's Report.

1. In all cases where a public hearing is required, the Director shall prepare a report to the Hearing Officer containing, but not limited to, the following:

(a) Detailed review of the applicant's development proposal, including:

(i) Appraisal of measures proposed to avoid or mitigate identified natural hazards, and

(ii) Appraisal of measures taken to protect scenic, biotic and other resources, and

(iii) Recommended changes in the proposed development necessary or desirable to achieve compliance with the findings required by Subsection I of this section and the provisions of the General Plan, and

(iv) Recommended conditions to be imposed to ensure that the proposed development will be in accord with the findings required by Subsection I and the provisions of the General Plan;

3. In significant ecological areas, the following additional information:

(a) Identification and location of the resources constituting the basis for classification of such area as a significant ecological area where not provided by the environmental assessment or the initial study for an environmental document;

(b) Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use;

(c) Such other information as the Planning Director determines to be necessary for adequate evaluation. The Planning Director may waive one or more of the above items where he deems such item(s) to be unnecessary to process the application.

E. Calculation of Thresholds Is Nonurban Hillside Management Areas. Density thresholds for residential uses in nonurban hillside management areas shall be calculated, using the analysis of slope categories required by Subsection D2b, as follows:

1. **Low-density Threshold.** The low-density threshold for a proposed development shall be determined by:

(a) Multiplying the number of acres in each of the following slope categories by the density threshold indicated as follows:

(i) One dwelling unit per five acres of land within the zero to

24.99 percent natural slope category,

(ii) One dwelling unit per 10 acres of land within the 25 to 49.99 percent natural slope category;

(iii) One dwelling unit per 20 acres of land within the 50 percent and above natural slope category;

(b) The resulting total number of dwelling units obtained by adding all three categories is then divided by the total acreage of the project, obtaining the low-density threshold applicable to such project.

2. **Determination If Conditional Use Permit Required.** If the density per acre of the proposed development exceeds in low-density threshold of such development obtained in Subsection 1 above, a conditional use permit is required.

3. **Maximum Density Permitted.** The maximum density for a proposed development shall be that permitted by the adopted areawide, community or specific plan for the area in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the maximum density shall be that established by the land use element of the General Plan. However, in no event shall the maximum overall density permitted for a proposed development exceed a total of one dwelling unit per acre for slopes of less than 50 percent, plus one dwelling unit per 20 acres for slopes of 50 percent or greater.

F. Burden of Proof. The application for a conditional use permit-hillside management and significant ecological areas shall substantiate to the Hearing Officer the following facts:

1. Hillside Management Areas.

(a) That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard, and

(b) **Landscaping.** Where appropriate, a plan for landscaping common or open space areas not to be left in a natural state shall be submitted to and approved by the Hearing Officer. Where a landscaping plan has not been submitted to the Hearing Officer as part of this application, said plan shall be submitted to and approved by the Director prior to the issuance of any grading or building permit. Appeal of the Director's decision shall be as provided in Section 22.56.1750;

(c) **Utilities.** The applicant shall submit to the Hearing Officer, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or constitute an unreasonable requirement;

(d) **Residential Density.** The Hearing Officer shall, as a condition of approval, designate the maximum number of dwelling units permitted in a residential development as follows:

(i) In urban hillside management areas, a number between the midpoint and the maximum number of dwelling units permitted by the range of densities established by an adopted areawide, community or specific plan covering the areas in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the applicable density range should be established by the land use policy map of the General Plan, but not to exceed the number permitted by this Title 22;

(ii) In nonurban hillside management areas, a number between the low-density threshold and the maximum number of dwelling units established for such property pursuant to Subsection E of this section, but not to exceed the number permitted by this Title 22;

(e) **Architectural Features.** Where not submitted to the Hearing Officer as part of this application, exterior elevation drawings indicating building heights and major architectural features shall be submitted to and approved by the Director prior to the issuance of any building permit. Appeal of the Director's decision shall be as provided in Section 22.56.1750.

2. **Significant Ecological Areas.** The Hearing Officer shall, as a condition of approval, require that the proposed development plan incorporate those measures necessary to protect identified resources and meet the burden of proof described in Subsection F of this section. (Ord. 85-0195, Sec. 14 (part); Ord. 84-0160 Sec. 1; Ord. 82-0086 § 1, 1982; Ord. 82-0003 § 1, 1982.)

22.56.220. HOTELS IN ZONE R-4— ADDITIONAL CONDITIONS. In addition to conditions imposed pursuant to Section 22.56.100 in approving a conditional use permit for a hotel in Zone R-4, the Hearing Officer shall specify the following, which shall be made conditions of such grant:

A. The maximum number of guest rooms and/or suites of guest rooms permitted per net acre, subject to the following criteria:

1. Where the Hearing Officer finds:
 - (a) That the proposed site is served by one or more major or secondary highways, parkways or local streets having a minimum width of 80 feet, and

(b) In cases where the proposed development would impact a significant ecological area and where such information is not included in the environmental document, identification and location of the resources constituting the basis for classification of such area as a significant ecological area.

2. The Director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments of such agencies, including any recommendation of SEATAC.

I. Findings and Decision. The Hearing Officer shall not approve an application for a conditional use permit-hillside management and significant ecological areas unless he finds that the proposal is consistent with the General Plan:

1. In hillside management areas:

- (a) That the burden of proof set forth in Subsection F of this section has been met by the applicant, and

- (b) That the approval of proposed dwelling units exceeding the number permitted by the low-density threshold for the proposed development in nonurban hillside areas is based on the ability to mitigate problems of public safety, design and/or environmental considerations, as provided in this section and the General Plan;

2. In significant ecological areas, that the burden of proof set forth in Subsection F has been met by the applicant.

J. Conditions. Every conditional use permit-hillside management and significant ecological areas shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every conditional use permit-hillside management and significant ecological areas, whether such conditions are set forth in the permit or not. The Hearing Officer, in granting the conditional use permit-hillside management and significant ecological areas, may impose additional conditions, but may not change or modify any of the following conditions except as otherwise provided herein and/or pursuant to the provisions of Part 2 of Chapter 22.56:

1. **Hillside Management Areas.**

(a) **Open Space.** Open space shall comprise not less than 25 percent of the net area of a residential development in an urban hillside management area, and not less than 70 percent of the net area of a residential development in a nonurban hillside management area. Subject to the approval of the Hearing Officer, such open space may include one or more of the following:

- (i) Undisturbed natural areas,
- (ii) Open space for passive recreation,
- (iii) Private yards, provided that certain construction rights are dedicated,
- (iv) Parks and open recreational areas,
- (v) Riding, hiking and bicycle trails,
- (vi) Landscaped areas adjacent to streets and highways,
- (vii) Greenbelts,
- (viii) Areas graded for rounding of slopes to contour appearance,
- (ix) Such other areas as the Hearing Officer deems appropriate;

(b) That such highways, parkways or streets are improved as necessary to carry the kind and quantity of traffic to be generated, and (c) That provisions for access and circulation to adequately accommodate such traffic are provided, the Hearing Officer may approve a maximum of 75 guest rooms per net acre.

2. Where the Hearing Officer finds that the proposed site is not served by highways, parkways or local streets having a minimum width of 80 feet, the number of guest rooms approved shall not exceed 50 guest rooms per net acre;

3. In computing the allowable number of guest rooms, each guest suite shall be considered the equivalent of two guest rooms;

4. In any case where the Hearing Officer fails to specify the total number of guest rooms permitted, it shall be deemed to be 50 per net acre;

B. The number and location of guest rooms and/or suites, if any, permitted to have bar sinks and/or gas, electrical or water outlets designed or intended to be used for cooking facilities, subject to the following criteria which also shall be made conditions of grant:

1. That the design of such hotel including lobbies, service areas, dining and kitchen facilities, location and number of elevators, and other features, indicate that the building is intended to be used for transient occupancy as a hotel rather than as dwelling units for permanent occupancy, and

2. That the applicant indicates that he will operate a facility where at least 90 percent of the guest rooms and suites will be rented or hired out to be occupied on a temporary basis by guests staying 30 days or less, and

3. That the applicant indicates that he will register such hotel with the Los Angeles County Tax Collector as provided by Chapter 4.27 of this code, Transient Occupancy Tax.

4. In any case where the Hearing Officer fails to specifically approve such bar sinks and/or gas, electrical or water outlets, they shall be deemed to be prohibited. (Ord. 85-0195, Secs. 13 (part) and 14 (part); Ord. 1494 Ch. 5 Art. 1 § 501.26, 1927.)

22.56.230. OFF-SITE TRANSPORT FOR PUBLIC CONSTRUCTION — EXEMPTIONS FROM PERMIT REQUIREMENT. A conditional use permit for grading projects, off-site transport, shall not be required if such use is in conjunction with:

A. Any work of construction or repair by the County or any district of which the Board of Supervisors of the County is ex officio the governing body; or

B. Construction or repair by the County or such district performed by force account; or

C. Construction, maintenance or repair of any "state water facilities," as defined in Section 12934 of the State Water Code. (Ord. 1494 Ch. 5 Art. 1 § 501.15, 1927.)

22.56.235. SENIOR CITIZEN RESIDENCES — ADDITIONAL CONDITIONS. In addition to the conditions imposed pursuant to Section 22.56.100, when approving a conditional use permit for a senior citizen residence,

the Hearing Officer shall specify the following, which shall be made conditions of such grant. Except for the conditions imposed by Subsections A, B or C, the Hearing Officer, in granting a conditional use permit, may change or modify any other of the conditions contained in this section as provided by Part 2 of Chapter 22.56:

A. Not more than two persons, one of whom is not less than 60 years of age, shall live in the senior citizen residence at any one time; and

B. The property owner shall furnish and record an agreement in the office of the County Recorder of Los Angeles County, as a covenant running with the land for the benefit of the County of Los Angeles, provided that should the senior citizen residence be occupied by more than two persons or by two persons of less than 60 years of age, the building or portion thereof shall be removed or modified to be in conformance with the provisions of Zone R-1 relating to accessory use; and

C. The lot or parcel of land on which a senior citizen residence is to be constructed shall contain a single-family residence as the primary use; and

D. Detached senior citizen residences shall be located at least 10 feet from the main residence; and

E. The senior citizen residence shall be compatible in terms of external appearance with existing residences in the vicinity of the lot or parcel of land on which it is proposed to be constructed; and

F. The lot or parcel of land on which a senior citizen residence is to be constructed shall be at least 5,000 square feet in area; and

G. A single-family residence located on a lot or parcel of land on which a senior citizen residence is constructed shall comply with the parking requirements specified in Part 11 of Chapter 22.52;

H. Where a senior citizen residence is to be constructed, one standard-size automobile parking space, which may be uncovered, shall be created to serve such residence. Such parking space shall not be located in the front, rear or side yards, but may be developed in tandem with parking spaces required to serve the primary residence;

I. A senior citizen residence shall not be constructed on a lot or parcel of land on which an existing caretaker's residence or detached living quarters for guests or servants is located;

J. Mobilehomes which are to be used as senior citizen residences shall comply with Subsections A and B of Section 22.56.890. Mobilehomes on nonpermanent foundations shall also comply with Subsection C of said section. (Ord. 85-0195, Sec. 24; Ord. 83-0006 § 14, 1983.)

22.56.240. SIGNS. The sign provisions prescribed in residential, agricultural and watershed (W) zones shall not apply to uses granted by conditional use permit. In granting a conditional use permit, the Hearing Officer may approve signing which he deems appropriate for such use; provided, however, that no sign or signs may be authorized that would not be permitted in Zone C-1 by the provisions of Part 10 of Chapter 22.52. Where the Hearing Officer fails to specifically approve such signs, those provisions applicable to principal permitted uses in the specific zone in which the use is located shall be deemed to have been specified. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 1 § 501.24, 1927.)

22.56.250. TEMPORARY WAR USES. A. Premises in any zone may be temporarily used for uses necessary to the prosecution of any war in which the United States may be engaged if a conditional use permit for such use is granted pursuant to the provisions of this Part 1, and provided:

1. That the United States is at war declared by the Congress of the United States and engaged in actual physical hostilities; and
2. That such permit shall expire not later than six months after the cessation of such physical hostilities.

B. As used in this section, "cessation of physical hostilities" means a date comparable to November 11, 1918, or August 15, 1945. (*Ord. 1494 Ch. 5 Art. 1 § 501.16, 1927.*)

22.56.255. TOWNHOUSE DEVELOPMENT -- ADDITIONAL REGULATIONS. A. In approving a conditional use permit for a townhouse development, the Hearing Officer shall specify conditions pertaining to the following, which may not be modified except by Part 2 of Chapter 22.56:

1. **Standards of Zone Apply.** The Hearing Officer shall require that a townhouse development shall be subject to all standards of the zone in which proposed except as otherwise provided in this section and/or in a conditional use permit in which density-controlled development is requested and approved.

2. **Number of Townhouses.** The Hearing Officer shall specify the maximum number of townhouses that may be contained within a single building; provided, however, that in the absence of specific approval of a lesser or greater number, not more than six shall be so placed.

3. **Distance Between Buildings and/or Structures.** The Hearing Officer shall specify the required distance between buildings and/or structures; provided, however, that in the absence of such specification, the distance between buildings and/or structures in a townhouse development shall not be less than 10 feet.

B. In addition to conditions imposed pursuant to Section 22.56.100, in approving a townhouse development, the Hearing Officer may impose conditions pertaining to the following:

1. **Yards.**

(a) The Hearing Officer may modify any or all yard requirements of the basic zone wherein a townhouse development is proposed. In reaching its determination to modify the yard requirements and to what extent, the Hearing Officer shall base his decision on whether such modification will:

- (i) Encourage design features promoting amenities equal to or better than a development plan incorporating required yards, and
- (ii) Assist in integrating the proposed development in relation to location on the site and its relationship to the surrounding area.

(b) Nothing in this subsection shall be construed to prohibit the imposition of yards exceeding the minimum provided in the zone.

2. **Architecture.** The Hearing Officer may impose conditions governing the suitability of architecture as necessary to integrate the proposed development project within the proposed site and the surrounding area, including appearance of the proposed development from surrounding property. (*Ord. 85-0195, Sec. 14 (part); Ord. 82-0003 § 4 (part), 1982.*)

by the Hearing Officer, Commission or Board of Supervisors on an application, requesting the same, or substantially the same permit. (Ord. 85-0195, Sec. 11, (part); Ord. 1494 Ch. 5 Art. 2 § 502.2, 1927.)

22.56.280. APPLICATION — INFORMATION REQUIRED. An application for a variance shall contain the information required by Section 22.56.030. (Ord. 1494 Ch. 5 Art. 2 § 502.3, 1927.)

22.56.290. APPLICATION — BURDEN OF PROOF. In addition to the information required in the application by Section 22.56.280, the applicant shall substantiate to the satisfaction of the Hearing Officer the following facts:

A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone. (Ord. 85-0195, Sec. 16; Ord. 1494 Ch. 5 Art. 2 § 502.4, 1927.)

22.56.300. APPLICATION — FEE. When an application is filed it shall be accompanied by the filing fee as required by Section 22.56.100. (Ord. 1494 Ch. 5 Art. 2 § 502.5, 1927.)

22.56.310. APPLICATION — DENIAL FOR LACK OF INFORMATION. The Hearing Officer may deny, without a public hearing, an application for a variance if such application does not contain the information required by Sections 22.56.280 and 22.56.290. The Hearing Officer may permit the applicant to amend such application. (Ord. 85-0195, Secs. 13 (part) and 14 (part); Ord. 1494 Ch. 5 Art. 2 § 502.6, 1927.)

22.56.320. APPLICATION — PUBLIC HEARING REQUIRED. In all cases where an application is filed for a variance, the Hearing Officer shall hold a public hearing unless the Commission determines to and itself holds a public hearing. In either case, the public hearing shall be held pursuant to the procedure provided by Part 4 of Chapter 22.60. (Ord. 85-0195, Sec. 25; Ord. 85-0009, Sec. 10; Ord. 1494 Ch. 5 Art. 2 § 502.7, 1927.)

22.56.330. APPLICATION — GRANT OR DENIAL — FINDINGS REQUIRED. A. The Hearing Officer shall approve an application for a variance where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

1. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of the code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and

PART 2 — CHAPTER 22.56 VARIANCES

SECTIONS:

- 22.56.260 Purpose — Conditions for granting variances.
- 22.56.270 Application — Filing.
- 22.56.280 Application — Information required.
- 22.56.290 Application — Burden of proof.
- 22.56.300 Application — Fee.
- 22.56.310 Application — Denial for lack of information.
- 22.56.320 Application — Public hearing required.
- 22.56.330 Application — Grant or denial — Findings required.
- 22.56.340 Imposition of additional conditions authorized when.
- 22.56.350 All zone regulations apply unless variance is granted.
- 22.56.360 Adequate water supply — Criteria.
- 22.56.370 Commission decision — Effective date.
- 22.56.380 Effective date when an appeal is filed.
- 22.56.390 Continuing validity of variances.
- 22.56.400 Expiration date of unused variances.
- 22.56.410 Variance does not legalize nuisances.

22.56.260. PURPOSE — CONDITIONS FOR GRANTING VARIANCES. The variance procedure is established to permit modification of development standards as they apply to particular uses when practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Title 22, develop through the strict literal interpretation and enforcement of such provisions. A variance may be granted to permit modification of:

- A. Building line setbacks, yards, open space and buffer areas;
- B. Height, lot coverage, density and bulk regulations;
- C. Off-street parking spaces, maneuvering areas and driveway width, and paving standards;
- D. Landscaping requirements;
- E. Wall, fencing and screening requirements;
- F. Street and highway dedication and improvement standards;
- G. Lot area and width requirements;
- H. Operating conditions such as hours or days of operation, number of employees, and equipment limitations;
- I. Sign regulations other than outdoor advertising;
- J. Distance-separation requirements mandated by this Title 22. (Ord. 82-0024 § 10, 1982; Ord. 1494 Ch. 5 Art. 2 § 502.1, 1927.)

22.56.270. APPLICATION — FILING. Any person desiring any permit required by or provided for in this Title 22 may file an application therefor with the Director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto

22.56.400. EXPIRATION DATE OF UNUSED VARIANCES. A variance which is not used within the time specified in such variance, or, if no time is specified, within one year after the granting of the variance, becomes null and void and of no effect except:

A. That in all cases the Hearing Officer may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. In the case of a nonprofit corporation organized to provide low-income housing for the poor or elderly, the Hearing Officer may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension;

B. That in the case of a surface mining operation for which a valid unexpired zone exception was granted prior to November 23, 1970, provided such operation complies with the requirements of Section 22.56.1400 for intermittent operations, and if from the cessation of use the outer boundaries of the premises have been continuously posted with signs as described in Subsection 1 of Section 22.56.1380. (*Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 2 § 502.11, 1927.*)

22.56.410. VARIANCE DOES NOT LEGALIZE NUISANCES. Neither the provisions of this Part 2 nor the granting of any permit provided for in this Part 2 authorizes or legalizes the maintenance of any public or private nuisance. (*Ord. 1494 Ch. 5 Art. 2 § 502.13, 1927.*)

2. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and

3. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards; and

4. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

B. The Hearing Officer shall deny the application where the information submitted by the applicant and/or presented at public hearing fails to substantiate such findings to the satisfaction of the Hearing Officer. (*Ord. 85-0195, Sec. 26; Ord. 1494 Ch. 5 Art. 2 Sec. 502.8, 1927.*)

22.56.340. IMPOSITION OF ADDITIONAL CONDITIONS AUTHORIZED WHEN. The Hearing Officer, in approving an application for a variance, may impose such conditions as he deems necessary to ensure that the adjustment will be in accord with the findings required by Section 22.56.330. Conditions imposed by the Hearing Officer may involve any pertinent factors affecting the establishment, operation and maintenance of the use for which such variance is requested, including, but not limited to, those specified in Section 22.56.100. (*Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 2 § 502.10, 1927.*)

22.56.350. ALL ZONE REGULATIONS APPLY UNLESS VARIANCE IS GRANTED. Unless specifically modified by a variance, all regulations prescribed in the zone in which such variance is granted shall apply. (*Ord. 1494 Ch. 5 Art. 2 § 502.15, 1927.*)

22.56.360. ADEQUATE WATER SUPPLY — CRITERIA. If it appears that the variance requested will require a greater water supply for adequate fire protection than does either the existing use or any use permitted in the same zone without a variance, and will not comply with the provisions of Division 1 of Title 20 of this code, such facts shall be prima facie evidence that such requested variance will adversely affect and be materially detrimental to adjacent uses, buildings and structures and will not comply with the provisions of Section 22.56.330. (*Ord. 1494 Ch. 5 Art. 2 § 502.9, 1927.*)

22.56.370. COMMISSION DECISION — EFFECTIVE DATE. (Repealed *Ord. 85-0195; Eff. 1/10/86.*)

22.56.380. EFFECTIVE DATE WHEN AN APPEAL IS FILED. (Repealed *Ord. 85-0195; Eff. 1/10/86.*)

22.56.390. CONTINUING VALIDITY OF VARIANCES. A variance that is valid and in effect, and was granted pursuant to the provisions of this Title 22, shall adhere to the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land. (*Ord. 1494 Ch. 5 Art. 2 § 502.15, 1927.*)

PART 9 — CHAPTER 22.56 SURFACE MINING PERMITS

SECTIONS:

- 22.56.1240 Establishment — Purpose.
- 22.56.1250 Permit reclamation plan required.
- 22.56.1260 Exemptions to Part 9 requirements.
- 22.56.1270 Application — Information and documents required.
- 22.56.1280 Application — Filing time — Plans for existing operations.
- 22.56.1290 Reclamation plan — Information and documents required.
- 22.56.1300 Application — Burden of proof.
- 22.56.1310 Application or plan — Fee and deposit.
- 22.56.1320 Application or plan — Denial for lack of information.
- 22.56.1330 Application or plan — Public hearing required.
- 22.56.1340 Application or plan — Notification of filing — Technical assistance for evaluation.
- 22.56.1350 Application or plan — Protection of proprietary information.
- 22.56.1360 Application — Findings prerequisite to approval.
- 22.56.1370 Imposition of additional conditions authorized — when.
- 22.56.1380 Development standards for mining operations.
- 22.56.1390 Uses authorized by permit.
- 22.56.1400 Intermittent operations — Notification requirements.
- 22.56.1410 Reclamation plan — Findings prerequisite to approval.
- 22.56.1420 Reclamation activities — Specifications.
- 22.56.1430 Establishment of new principal use — Restrictions.
- 22.56.1440 Periodic review of permit conditions and reclamation plan.
- 22.56.1450 Reclamation plan — Amendments.
- 22.56.1460 Repealed
- 22.56.1470 Appeal procedure.
- 22.56.1480 Repealed
- 22.56.1490 Expiration date.

22.56.1240 ESTABLISHMENT — PURPOSE. A. The surface mining permit is established to regulate surface mining and reclamation of mined lands in compliance with the California Surface Mining and Reclamation Act of 1975, Division II, Chapter 9, Public Resources Code.

B. It is the intent in regulating surface mining activities to insure that:

1. The production and conservation of minerals is encouraged while addressing concerns relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment during and after mining operations; and
2. Adverse effects on the environment, including air pollution, impedance of groundwater movement and water quality degradation, damage to wildlife habitat, flooding, erosion and excessive noise are prevented or mitigated; and
3. Mined lands are returned to a usable condition readily adaptable for alternative land uses, with no residual hazards to public

health or safety; and

4. Consistency is achieved with the mineral resources management policies of the Los Angeles County General Plan. (*Ord. 1494 Ch. 5 Art. 11 § 511.1, 1927.*)

22.56.1250 PERMIT AND RECLAMATION PLAN REQUIRED. Except as specified in Section 22.56.1260, a person shall not use any property within the unincorporated area of Los Angeles County for surface mining operations unless a surface mining permit is first obtained and a reclamation plan is approved as provided by this Part 9 of Chapter 22.56. (*Ord. 1494 Ch. 5 Art. 11 § 511.2, 1927.*)

22.56.1260 EXEMPTIONS TO PART 9 REQUIRÉMENTS. The provisions of this Part 9 are not applicable to any of the following activities or situations:

- A. Excavations or grading necessary and incidental to building construction or other lawful development of property;
- B. Surface mining operations that are required by federal law in order to protect a mining claim if such operations are conducted solely for that purpose;
- C. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less;
- D. Any surface mining operation for which a valid, unexpired zone exception was granted prior to November 23, 1970, or for which a valid conditional use permit is in full force and effect, or which was lawfully established in Zone Q, provided that such use shall remain in compliance with and subject to all limitations and conditions imposed by such former grant or zone, and provided further that a reclamation plan has been approved pursuant to this Part 9 for the portion of the mining site on which surface mining operations have been conducted after January 1, 1976. (*Ord. 82-0106 § 4, 1982; Ord. 1494 Ch. 5 Art. 11 § 511.3, 1927.*)

22.56.1270 APPLICATION — INFORMATION AND DOCUMENTS REQUIRED. An application for a surface mining permit shall include the following information and documents:

- A. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process;
- B. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations;
- C. The location of the subject property (address or vicinity);
- D. The legal description of the property involved;
- E. The nature and extent of the proposed surface-mining operations, including the anticipated quantity and type of minerals to be extracted, the method of extraction and processing, and the equipment to be used;
- F. The nature, condition and development of adjacent uses, buildings and structures;

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G. A site plan, drawn to a scale satisfactory to and in the number of copies prescribed by the Director, indicating:

1. The area and dimensions of the proposed mining site,
2. The location and dimensions of all topographic features of such lands,
3. The location and dimensions of all existing and proposed buildings and structures, including roads, railroads, fences, gates, walls, parking and loading facilities, and signs, on the site,
4. The location and dimensions of proposed processing storage and pounding areas,
5. The location of all existing and proposed roads intended to provide access to major or secondary highways and parkways,
6. The location width and grade of all easements or rights-of-way on or adjacent to the property,
7. The location of all areas on the property subject to inundation or flood hazard and the locations, width and directions of flow of all watercourses and flood control channels which may be affected by the mining operations.
8. Existing elevations of the site in contours of 25-foot intervals.
9. Typical cross-sections showing the extent of overburden, extent of mineral deposits, and the existing groundwater level;

H. The proposed date for the commencement of and an estimated time schedule for the completion of mining operations. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of such operations for each phase;

- I. The operating practices proposed to be used to minimize noise, dust, air contaminants and vibration;
- J. The methods to be used to prevent pollution of surface or underground water;

K. A detailed description of the manner in which mining wastes and related contaminants will be controlled and disposed of during mining operations;

- L. The disposition of overburden or top soils;

M. A reclamation plan, as provided in this Part 9, for all lands covered by this permit;

N. Such other information as the Director and/or Commission may require.

The Director may waive the filing of one or more of the above items where unnecessary to process the application. (*Ord. 1494 Ch. 5 Art. 11 § 511.6, 1927.*)

22.56.1280 APPLICATION — FILING TIME — PLANS FOR EXISTING OPERATIONS. A. Any person desiring a surface mining permit as provided for in this Title 22 may file an application with the Director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by the Hearing Officer, Commission or Board of Supervisors on an application for the same or substantially the same permit. In all cases, the required reclamation plan shall accompany the surface mining permit application.

plan shall accompany the surface mining permit application.

B. In any case of existing surface mining operations as described in Subsection D of Section 22.56.1260, the required reclamation plan may be filed with the Director without an application for a surface mining permit. Such reclamation plans shall be filed no later than one year from January 26, 1980, the effective date of the ordinance codified in this provision. (Ord. 85-0195; Ord. 1494 Ch. 5 Art. 11 Sec. 511.5, 1927.)

22.56.1290 RECLAMATION PLAN — INFORMATION AND DOCUMENTS REQUIRED.

A. The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics and principal mineral commodities.

B. All reclamation plans shall contain the following information and documents:

1. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase.

2. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan.

3. A description of the existing vegetation at and surrounding the site.

4. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site.

5. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

6. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:

a. The manner in which mining wastes and related contaminants will be controlled and disposed of;

b. The manner in which affected streambed erosion and streambanks will be rehabilitated to a condition minimizing erosion and sedimentation.

7. An assessment of the effect of implementation of the reclamation plan on future mining in the area.

8. A statement by the applicant that he accepts responsibility for reclaiming mined lands in accordance with the approved reclamation plan.

9. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the Commission to assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the County of Los Angeles.

10. Such other information as the Hearing Officer and/or Director

may require. The Director may waive the filing of one or more of the above items where unnecessary to process the application.

C. Where reclamation plans are not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:

1. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process;

2. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations;

3. A statement indicating the reason under Section 22.56.1260 why a surface mining permit is not required. Include any identifying conditional use permit or zone exception case numbers.

4. The requirements of Subsections C, D, E, F, G and H of Section 22.56.1270. (Ord. 85-0195, Sec. 14 (part).)

22.56.1300 APPLICATION — BURDEN OF PROOF. In addition to the information required in the application by Section 22.56.1270, the applicant of a surface mining permit shall substantiate to the satisfaction of the Hearing Officer the following facts:

A. That the requested surface mining operation conducted at the location proposed will not adversely affect the health, safety or welfare of persons residing in the surrounding area or otherwise endanger or constitute a menace to the public health, safety or general welfare; and

B. That adverse ecological effects resulting from surface mining operations will be prevented or minimized; and

C. That the proposed site is adequately served by streets or highways of sufficient width and improved as necessary to facilitate the kind and quantity of traffic surface-mining operations will or could generate; and

D. That the proposed site for surface mining operations is consistent with the General Plan for Los Angeles County. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11 Sec. 511.8, 1927.)

22.56.1310 APPLICATION OR PLAN — FEE AND DEPOSIT. When a surface mining permit application or reclamation plan is filed, it shall be accompanied by the filing fee and deposit as required in Section 22.60.100. (Ord. 1494 Ch. 5 Art. 11 § 511.9, 1927.)

22.56.1320 APPLICATION OR PLAN — DENIAL FOR LACK OF INFORMATION.

The Hearing Officer may deny, without a public hearing, an application for a surface mining permit and/or a reclamation plan if such application or plan does not contain the information required by Section 22.56.1270, 22.56.1290 and 22.56.1300. The Hearing Officer may permit the applicant to amend such application. (Ord. 85-0195, Sec. 13 (part) and Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11 Sec. 511.10, 1927.)

22.56.1330 APPLICATION OR PLAN — PUBLIC HEARING REQUIRED. In all cases where an application for a surface mining permit and/or

the surface mining permit at such interval as the Hearing Officer determines appropriate, but in no case less than 10 years. (*Ord. 85-0195, Sec. 14 (part) and 37; Ord. 1494, Ch. 5 Art. 11, Sec. 511.16, 1927.*)

22.56.1370 IMPOSITION OF ADDITIONAL CONDITIONS AUTHORIZED — WHEN. In approving an application for a surface mining permit, the Hearing Officer may impose such conditions as he deems necessary to insure that the permit will be in accord with the findings required by Section 22.56.1360 and the requirements of Section 22.56.1380. These conditions may involve any pertinent factors affecting the establishment, operation and maintenance of surface mining operations, including, but not limited to:

- A. Off-street parking for equipment and for the cars of employees;
- B. Screening and/or landscaping to assure integration with surrounding areas;
- C. Regulation of signs;
- D. The surfacing of parking areas and roads;
- E. Days of operation;
- F. The following factors for which standards are established in Section 22.56.1380:

1. Setbacks,
2. Hours of operation,
3. Fencing.

4. Grading benches,
5. Regulation of noise, dust, bright lights, smoke, vibrations, dirt and odors. (*Ord. 85-0195, Sec. 19 (part); Ord. 1494, Ch. 5 Art. 11 Sec. 511.15, 1927.*)

22.56.1380 DEVELOPMENT STANDARDS FOR MINING OPERATIONS. Unless the Hearing Officer deems otherwise, and so specifies in the permit, surface mining operations shall be conducted in accordance with the following requirements.

A. Slopes.

1. No excavation shall be permitted that creates a temporary slope steeper than one foot horizontally to one foot vertically. The County Engineer or the Chief Engineer of the Flood Control District, whichever agency has jurisdiction, may require that excavations be made with a cut face more flat in slope than the above slope requirements if he deems it necessary for slope stability and public safety at any time.
2. Temporary slopes shall not be created that will interfere with the construction of finished slopes conforming to the requirements of the reclamation plan.

B. Erosion and Sedimentation Control.

1. Measures shall be taken to prevent erosion of adjacent lands by waters discharged from the site of mining operations and the off-site discharge of sediment. Such measures may include the revegetation of slopes and the construction of properly designed retarding basins, settling ponds and other water treatment facilities, ditches and diking.
2. No discharge of sediment into off-site bodies of water shall be

reclamation plan is filed, the Hearing Officer shall hold a public hearing unless the Commission determines to and itself holds a public hearing. In either case, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60. (*Ord. 85-0195, Sec. 36; Ord. 85-0009, Sec. 13; Ord. 1494 Ch. 5 Art. 11 Sec. 511.11, 1927.*)

22.56.1340 APPLICATION OR PLAN — NOTIFICATION OF FILING — TECHNICAL ASSISTANCE FOR EVALUATION. A. The Hearing Officer shall notify the State Geologist, the County Engineer, the Los Angeles County Flood Control District, and such other agencies the Director deems necessary, of the filing of all surface mining permit applications or reclamation plans. If they so request, the Director shall also furnish such agency or agencies with copies of the application and/or reclamation plan and other related documents.

B. The Hearing Officer may request that the State Geologist furnish technical assistance in its review and evaluation of the reclamation plan. Where he deems necessary, the Hearing Officer may also request technical assistance from the County Engineer, the Los Angeles County Flood Control District and from such other agencies, groups or individuals that in the Hearing Officer's opinion can contribute information necessary to complete evaluation of the permit, reclamation plan and/or the cost of reclamation as proposed. (*Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11 Sec. 511.12, 1927.*)

22.56.1350 APPLICATION OR PLAN — PROTECTION OF PROPRIETARY INFORMATION. Applications for surface mining permits, reclamation plans and other documents submitted pursuant to this Part 9 are public records, unless it can be demonstrated to the satisfaction of the Hearing Officer that the release of such information, or part thereof, would reveal production, reserves or rate of depletion entitled to protection as proprietary information. The Hearing Officer shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Geologist and to persons authorized in writing by both the mining operator and the applicant or his successor in interest. (*Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11 Sec. 511.13, 1927.*)

22.56.1360 APPLICATION — FINDINGS PREREQUISITE TO APPROVAL A. The Hearing Officer shall not approve an application for a surface mining permit unless he finds that the burden of proof set forth in Section 22.56.1300 and the requirements for reclamation plan approval set forth in Section 22.56.1410 have been met by the applicant.

B. In approving the application, the Hearing Officer shall establish:

1. A schedule for the periodic inspection of the mining operations by the County Engineer to determine and assure continuing compliance with the regulations set forth in this Part 9. The interval between inspections shall not be greater than one year, except that during such time as the mining operations are closed down, no inspection need be made. The operator shall pay to the County the actual costs, as determined by the County Engineer, of conducting the periodic inspection of operations;
2. A schedule for periodic review of the conditions contained in

permitted that will result in higher concentrations of silt that existed in such water prior to surface mining operations.

3. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.

4. The removal of vegetation and overburden in advance of surface mining shall be kept to a minimum.

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

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

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

F. Setbacks.

1. No surface mining operation or structure shall be located within 50 feet of any public street or highway or any lot or parcel of land in other than the applicant's ownership unless the written consent of the owner in fee of such property is first secured and recorded in the Los Angeles County Recorder's office, and except where the contiguous property is currently or intermittently being mined in the same manner.

2. No surface mining operation or structure shall be located within 100 feet of any stream bed, flood control channel, reservoir, water conservation facility, area within an adopted Flood Protection District or area designated as an Area of Special Flood Hazard, without first obtaining the approval of the Chief Engineer of the Los Angeles County Flood Control District or the County Engineer, whichever agency has jurisdiction. Where approval is requested, a comprehensive flood-hazard analysis evaluating the effect surface-mining operations will have on drainage and erosion on adjacent property shall also be submitted.

G. Insurance Requirements.

1. Before commencing surface mining operations, the owner or operator shall secure insurance to the extent of \$100,000.00 against liability in tort arising from the production, activities or operations incidental thereto conducted or carried on under or by virtue of any law or ordinance, and such insurance shall be kept in full force and effect during the period of such operations.

2. This insurance requirement is separate and independent from any bonding requirement which may be required by the Hearing Officer to assure the completion of the operator's reclamation plan as required in Section 22.56.1410 of this Part 9.

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

1. All activities of mining and processing minerals shall be conducted in a manner such that dust, vibrations, smoke, dirt, odors and bright lights do not exceed levels compatible with uses of adjacent lands.

2. All private roads shall be wetted while being used, or shall be oiled or hard-surfaced and maintained in order to prevent the emanation of dust. All private access roads leading off any public street or highway shall be paved with asphalt or concrete surfacing not less than three inches in thickness for the first 50 feet of said access road.

I. **Boundary Markers.** The outer boundaries of all property used or intended to be used for surface mining operations shall be posted within 90 days following the effective date of such mining permit, and permanently thereafter, with signs displaying the message "SURFACE MINING" in letters not less than four inches in height, and in letters not less than one inch in height, the message "This property may be used at any time for the extracting and processing of rock, sand, gravel, decomposed granite, clay and similar materials, by Title 22 of the Los Angeles County Code." Such signs shall be posted not more than 500 feet apart, with signs placed at each change in direction of boundary lines of the property, and displayed in such a manner as to give reasonable notice to passersby of the message contained thereon.

J. **Hours of Operation.** All operations shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., except in cases of public emergency, or whenever any reasonable or necessary repairs to equipment are required to be made.

K. **Salvage of Topsoil.** Unless otherwise specified in the reclamation plan, all topsoil removed in surface mining operations shall be stored at the site of mining operations and shall be used in future reclamation of the site.

L. **Benches.** Benches shall be provided wherever necessary to control drainage on slopes, or to provide for access, or for public safety as determined by the Hearing Officer on the recommendation of the County Engineer.

M. **Fencing.** Prior to the commencement of any surface mining operation, the area to be used for operations shall be enclosed with a fence as required by Chapter 11.48 of this code. Such fencing may be limited to the area currently being used for such operations; provided, however, that the operation shall be continuously enclosed as excavation progresses.

N. **Explosives.** Storage of explosives for use in surface mining operations shall be subject to Part 5 of this Chapter 22.56. (Ord. 85-0195, Sec. 14 (part); Ord. 1494, Ch. 5 Art. 11, Sec. 511.16, 1927.)

22.56.1390 USES AUTHORIZED BY PERMIT. Where a surface mining permit has been obtained pursuant to this Part 9 and while such permit is in full force and effect in conformity with the conditions of such permit, said property shall be used exclusively for surface mining operations and the following specific uses:

A. The stockpiling of rock, sand and gravel, and other minerals, including the installation, maintenance or operation of rock crushing plants or apparatus;

B. Batching plants or mixing plants for either portland cement or asphaltic concrete, except where specifically prohibited as a condition of such permit;

3. Shall establish a schedule for periodic review of the reclamation plan by the Hearing Officer at time intervals of not less than 10 years;

4. Shall determine if a performance or surety bond executed in favor of the County of Los Angeles is necessary to guarantee the faithful performance of the reclamation program. If the Hearing Officer so determines, said bond shall be imposed as a condition of approving an amount deemed sufficient to cover all costs of completing the rehabilitation of the site, provided the same ratio of security is maintained for all uncompleted work. In the event of a failure to rehabilitate mined lands, the bond shall be deemed forfeited, and the money shall be used to complete the work. In lieu of the required bond, the applicant may deposit with the Clerk of the Board of Supervisors and assign to the County of Los Angeles certificates of deposit or savings and loan certificates or shares equal in amount to the required amount of the bond, and subject to the same conditions as set forth herein. Such deposit and assignment shall comply with all the provisions and conditions of Chapter 4.36 of this code;

5. May require modification of said plan or any part therein, or impose such conditions as it deems necessary to insure that said plan will be in accordance with the findings required by this section and requirements of Section 22.56.1420;

6. Shall establish a schedule for periodic review of the performance bond or other deposit required to guarantee the faithful performance of the reclamation plan to insure that such bond or other deposit shall be maintained in an amount equal to the present cost of such reclamation;

7. Shall require that the following statement be recorded against the property with the office of the County Recorder prior to the use of such permit; or, in the case of existing surface mining operations as described in Subsection D of Section 22.56.1260 of this Part 9, within 30 days following receipt of notice of approval by the applicant:

"This property is subject to Surface Mining Permit and/or Reclamation Plan, (case number) requiring, together with other conditions, the completion of a reclamation program prior to the use of the property except as specifically provided in such surface mining Permit and/or Reclamation Plan."

A copy of said recorded document identifying the case number shall be returned to the Department of Regional Planning.

C. Reclamation plans approved pursuant to this section shall be binding on all successors, heirs and assigns of the applicant. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.18, 1927.)

22.56.1420 RECLAMATION ACTIVITIES — SPECIFICATIONS. Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

A. **Concurrent Reclamation.**
 1. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within

C. Any use permitted in the zone, subject to the limitations and conditions set forth therein, provided the Hearing Officer specifically authorizes such use in the permit;

D. Accessory uses to mining operations and processing of minerals. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.4, 1927.)

22.56.1400 INTERMITTENT OPERATIONS — NOTIFICATION REQUIREMENTS. Whenever surface mining operations are conducted on an intermittent basis, with one or more years between operation periods, the following procedures shall be followed:

A. **Closing Down.** The operator shall notify the Hearing Officer and the County Engineer of his intention to close down operations at least 30 days prior to such action. The County Engineer shall inspect the site, notify the operator of what protective devices, structures and/or measures are or may be necessary for the protection of adjacent properties, environmental resources, and the general public, and take appropriate steps to see that such protective measures are implemented. Posting shall be maintained as provided in Subsection 1 of Section 22.56.1380 at all times.

B. **Starting Up.** At least 30 days before starting up inoperative mining operations, the operator shall notify the County Engineer, who shall inspect the site. Operations shall not commence until the County Engineer has determined that all requirements of the operator's surface mining permit and this section are met, and has authorized such commencement. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 514.17, 1927.)

22.56.1410 RECLAMATION PLAN — FINDINGS PREREQUISITE TO APPROVAL. A. The Hearing Officer shall not approve a reclamation plan unless the following findings are made:

1. That such plan is in compliance with the requirements of Section 22.56.1290 and Section 22.56.1420;

2. That such plan establishes a workable program for rehabilitating mined lands so they are readily adaptable for alternative land uses compatible with the General Plan.

B. In approving a reclamation plan, the Hearing Officer as a condition of approval:

1. Shall establish a time schedule for the beginning and completion of all reclamation activities. If the reclamation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase. The applicant shall be required to submit to the Hearing Officer, under penalty of perjury, a statement of completion at the completion of each phase of the reclamation specified in the time schedule;

2. Shall establish a schedule for periodic inspection by the County Engineer of reclamation activities to determine and assure continuing compliance with the reclamation plan and the requirements of this Part 9. The operator shall pay to the County the actual costs, as determined by the County Engineer, of conducting the inspection. Where possible, this inspection shall be combined with the inspection of the mining operations required by Section 22.56.1360;

the mining site as required by the schedule in the approved reclamation plan.

2. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations on such lands.

B. Disposal of Overburden and Mining Waste.

1. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the County Engineer or the Chief Engineer of the Los Angeles County Flood Control District, whichever agency has jurisdiction. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

2. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the Hearing Officer.

3. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the Los Angeles County Health Department.

4. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the County Engineer.

C. Revegetation.

1. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.

2. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.

3. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

D. Resoiling.

1. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the Hearing Officer may require in his approval of the applicant's reclamation plan.

2. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

E. Final Slopes.

1. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the County

Engineer, the Hearing Officer may require the establishment of terrace drains to control drainage and erosion.

2. Final slopes shall not be steeper than two feet horizontal to one foot vertical (2:1) unless the applicant can demonstrate to the Hearing Officer's satisfaction that a steeper slope will not:

- a. Reduce the effectiveness of revegetation and erosion control measures where they are necessary; and
- b. Be incompatible with the alternate future uses approved by the Hearing Officer for the site; and
- c. Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

F. Drainage, Erosion and Sediment Control.

1. Any temporary stream of watershed diversion shall be restored to its state prior to any surface mining activities unless the Hearing Officer deems otherwise based on recommendations from the Chief Engineer of the Los Angeles County Flood Control District.

2. Stream bed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation.

3. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the Chief Engineer of the Los Angeles County Flood Control District or the County Engineer, whichever agency has jurisdiction. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.

4. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.

5. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlets to lower ground.

6. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards to the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.

G. Backfilling and Grading.

1. Subject to the approval of the County Engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.

2. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.

H. Reservoirs, ponds, lakes or any body of water created as a

410 feature of the reclamation plan shall be approved by the Chief Engineer of the Los Angeles County Flood Control District and by the Los Angeles County Health Department. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.19, 1927.)

22.56.1430 ESTABLISHMENT OF NEW PRINCIPAL USE — RESTRICTIONS. No new principal use shall be established on any property for which a reclamation plan has been approved unless all reclaimed required therein has been completed, except as otherwise provided herein. Where concurrent reclamation is approved pursuant to Subsection A of Section 22.56.1420, the Hearing Officer may approve the establishment of a new principal use upon completion of each phase of the reclamation plan. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.26, 1927.)

22.56.1440 PERIODIC REVIEW OF PERMIT CONDITIONS AND RECLAMATION PLAN. The periodic review of the conditions contained in surface mining permits and approved reclamation plans, as provided in Sections 22.56.1370 and 22.56.1420, respectively, shall be conducted by the Hearing Officer in accordance with the schedule adopted at the time such permits or plans were approved. The Hearing Officer, in his review, shall hold one or more public hearings pursuant to the procedure provided in Part 4 of Chapter 22.60, and shall consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. Modified permits or reclamation plans shall be binding upon the operator and all successors, heirs and assigns of the applicant. (Ord. 85-0195, Sec. 14 (part) and 39; Ord. 1494 Ch. 5 Art. 11 § 511.21, 1927.)

22.56.1450 RECLAMATION PLAN — AMENDMENTS. Amendments to an approved reclamation plan, including attendant time schedules, may be submitted to the Hearing Officer at any time, detailing proposed changes from the original plan. Amendments to an approved reclamation plan shall be approved in the manner prescribed for approval of a reclamation plan. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.23, 1927.)

22.56.1460 PERMIT — EFFECTIVE DATE. (Repealed Ord. 85-0195, Eff. 1/10/86.)

22.56.1470 APPEAL PROCEDURE. An applicant whose request for a surface mining permit to conduct mining operations has been denied, or any person who is aggrieved by the granting of a permit to conduct mining operations in an area of statewide or regional significance may, within 15 days following denial of an appeal, also appeal to the State Mining and Geology Board as provided in Section 2775 of the California Surface Mining and Reclamation Act of 1975. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.23, 1927.)

22.56.1480 PERMIT — EFFECTIVE DATE WHEN APPEALED. (Repealed Ord. 85-0195, Eff. 1/10/86.)

22.56.1490 EXPIRATION DATE. The Hearing Officer, in granting a surface mining permit, may establish an expiration date for such permit; where no expiration date is specified in the permit, such permit shall

terminate and cease to be in effect:
 A. At the same time a new principal use is established on the subject property; or
 B. One year after the cessation of mining operations on the subject property, provided the operator has failed to notify the Hearing Officer and the County Engineer of his intention to conduct intermittent operations as provided in Section 22.56.1400. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 11, Sec. 511.25, 1927.)

PART 12 — CHAPTER 22.56 DIRECTOR'S REVIEW — PROCEDURES

SECTIONS:

- 22.56.1660 Establishment — Purpose.
- 22.56.1670 Director — Powers designated.
- 22.56.1680 Application for review — Information and documents required.
- 22.56.1690 Determination — Principles and standards for consideration.
- 22.56.1690 Director's review — Commission review where concurrently filed.
- 22.56.1700 Renumbered.
- 22.56.1710 Time limit for decision.
- 22.56.1720 Notification requirements.
- 22.56.1730 Director's review — Expiration where not used.
- 22.56.1740 Appeal procedure.
- 22.56.1750 Portable outdoor advertising signs.
- 22.56.1751 Grading project, off-site transport — Conditions for compliance.
- 22.56.1752 Grading project, off-site transport — Public construction exceptions.
- 22.56.1753 Director's review — Accessory live entertainment.
- 22.56.1754 Single-family residence development standards — Findings for modification.
- 22.56.1755

22.56.1660 ESTABLISHMENT — PURPOSE. A. Director's review is established to facilitate substantiation and corroboration of facts and testimony vital to the administration of Title 22 of this code and is required or may be used for:

1. Determination of whether or not a proposed development will properly comply with the provisions and development standards prescribed in this title or as prescribed by the Hearing Officer, Commission or Director;
 2. Consideration of lot adjustments.
 3. Indication of compliance, or plans and intentions to comply with the regulations and standards prescribed in this title.
- B. Where a site plan is required in an application for a permit, variance, nonconforming use or structure review, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this Part 12. (Ord. 87-0088, Sec. 3, 1987)

22.56.1670 DIRECTOR — POWERS DESIGNATED. The Director may:

- A. Require a site plan for any use, development of land, structure, building or modification of standards that involves the approval of the Director;
- B. Require such other forms and documents as are necessary to determine compliance with the provisions of this title or any conditions that may be specified in granting an approval of the requested use, development or modification;
- C. Require such supplemental information or material as may be necessary, including revised or corrected copies of any site plan or other document, previously presented. (Ord. 1494 Ch. 5 Art. 8 § 508.2, 1927.)

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22.56.1680 APPLICATION FOR REVIEW — INFORMATION AND DOCUMENTS REQUIRED. Any application for Director's review shall contain the following information and such other information and documents as are required by the Director:

- A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used;
- B. Evidence that the applicant:
 1. Is the owner of the premises involved, or
 2. Has written permission of the owner or owners to make such application, or
 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or
 4. In the case of a public agency, is negotiating to acquire a portion of the premises involved;
- C. Location of subject property (address or vicinity);
- D. Legal description of property;
- E. Proposed facility or use;
- F. A site plan drawn to a scale satisfactory to and in the number of copies prescribed by the Director, indicating the use, location and size of all buildings and structures, yards, driveways, access and parking areas, landscaping, walls or fences, and other similar features;
- G. Such other data, including plans, drawings, diagrams or pictures, as may be required to determine compliance with the provisions of this Title 22;
- H. A fee for a site plan review as specified in Subsection A of Section 22.60.100. (Ord. 82-0130 § 5, 1982; Ord. 81-0005 § 9, 1981; Ord. 1494 Ch. 5 Art. 8 § 508.3, 1927.)

22.56.1690 DETERMINATION — PRINCIPLES AND STANDARDS FOR CONSIDERATION. The Director, in acting upon any site plan offered for review as provided in this title, shall either approve, approve with conditions, or deny the proposed use, development or modification as requested in the application and as indicated in the required site plan based on the following principles and standards:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice;
- C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design. (Ord. 1494 Ch. 5 Art. 8 § 508.4, 1927.)

22.56.1700 DIRECTOR'S REVIEW — HEARING OFFICER'S REVIEW WHERE

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CONCURRENTLY FILED. When an application is filed for a permit or variance concurrently with an application for a use subject to Director's review and approval as provided by this title, the Hearing Officer may consider and approve such application for Director's review and approval concurrently with such permit or variance. The Hearing Officer in making his findings shall consider each case individually as if separately filed. (Ord. 85-0195, Sec. 14 (part); Ord. 81-0005, Sec. 13.)

22.56.1710 GRADING PROJECT, OFF-SITE TRANSPORT — PUBLIC CONSTRUCTION EXCEPTIONS. (Renumbered as Sec. 22.56.1753; Ord. 81-0005.)

22.56.1720 TIME LIMIT FOR DECISION If the Director takes no action on a site plan within 90 days from the date of filing, it shall constitute a denial of such site plan. (Ord. 81-0005 § 11 (part), 1981; Ord. 1494 Ch. 5 Art. 8 § 508.6, 1927.)

22.56.1730 NOTIFICATION REQUIREMENTS. The Director shall notify the applicant of a request for a site plan approval of the action taken on the application, by first class mail, postage prepaid, or other means deemed appropriate by the Commission. Such notification may also be hand delivered to the applicant when appropriate. (Ord. 81-0005 § 11 (part), 1981; Ord. 1494 Ch. 5 Art. 8 § 508.7, 1927.)

22.56.1740 DIRECTOR'S REVIEW — EXPIRATION WHERE NOT USED. An approved site plan which is not used within the time specified in the approval, or if no time is specified, within one year after the granting of such approval, becomes null and void and of no effect, except that where an application requesting an extension is filed prior to such expiration date, the Director may extend such time for a period of not to exceed one year. (Ord. 81-0005 § 12 (part), 1981.)

22.56.1750 APPEAL PROCEDURE. An appeal may be made by the applicant in the event that he is dissatisfied with the action taken by the Director on a site plan. Such appeal shall be filed with the Commission within 10 days following notification. The decision of the Commission shall be final. (Ord. 1494 Ch. 5 Art. 8 § 508.8, 1927.)

22.56.1751 PORTABLE OUTDOOR ADVERTISING SIGNS. The Director shall, upon approval of a site plan for the maintenance of portable outdoor advertising signs, issue an official site approval card for each approved sign and require as a condition of such approval that the card be visible and attached to the sign or its trailer during its placement at the specified location. (Ord. 81-0005 § 10, 1981; Ord. 1494 Ch. 5 Art. 8 § 508.5, 1927.)

22.56.1752 GRADING PROJECT, OFF-SITE TRANSPORT — CONDITIONS FOR COMPLIANCE. Grading projects, off-site transport, subject to Director's review and approval shall comply with the following requirements:

A. A grading permit, when required, shall first be obtained as provided in the Building Code, set out at Title 26 of this code, before the commencement of any grading project.

B. The application to the Director shall contain statements setting forth the following information in addition to that required by Section 22.56.80:

1. The names and addresses of all persons owning all or any part of the property from which such material is proposed to be removed from and transported to;

2. The names and addresses of the person or persons who will be conducting the operations proposed;

3. The ultimate proposed use of the lot or parcel of land;

4. Such other information as the Director finds necessary in order to determine whether the application should be granted.

C. The applicant shall submit a map showing in sufficient detail the location of the site from which such material is proposed to be removed, the proposed route over streets and highways, and the location to which such material is to be imported.

D. All hauling as approved under this section shall be restricted to a route approved by the Road Commissioner.

E. Compliance shall be made with all applicable requirements of other County departments and other governmental agencies.

F. If any condition of this section is violated, or if any law, statute or ordinance is violated, the privileges granted herein shall lapse and such approval shall be suspended.

G. Neither the provisions of this section nor approval provided for in this Part 12 authorizes or legalizes the maintenance of a public or private nuisance. (Ord. 81-0005 § 12 (part), 1981; Ord. 1494 Ch. 5 Art. 8 § 508.9, 1927.)

22.56.1753 GRADING PROJECT, OFF-SITE TRANSPORT — PUBLIC CONSTRUCTION EXCEPTIONS. Director's review and approval for grading project, off-site transport, shall not be required if such use is in conjunction with:

A. Any work of construction or repair by the County or any district of which the Board of Supervisors of the County is ex-officio the governing body; or

B. Construction or repair by the County or such district performed by force account; or

C. Construction, maintenance or repair of any "state water facilities," as defined in Section 12934 of the State Water Code (Ord. 81-0005 § 12 (part), 1981; Ord. 1494 Ch. 5 Art. 8 § 508.10, 1927.)

22.56.1754 DIRECTOR'S REVIEW — ACCESSORY LIVE ENTERTAINMENT. Live entertainment shall comply with all of the following standards and limitations which shall be considered mandatory conditions for approval as an accessory use:

- 1. That the principal use shall provide the total number of automobile parking spaces required by Section 22.52.1110; and
- 2. That access and egress to such automobile parking facilities shall be located so as to attenuate or eliminate the impact of traffic on residential development in the immediate vicinity; and
- 3. That such automobile parking facilities shall provide all walls required by Subsection D of Section 22.52.1060; and

one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created, shall conform to the provisions of this section.

B. In addition to the principles and standards contained in Section 22.56.1690, a lot line adjustment shall also comply with the following:

1. The design, frontage, access and similar standards shall be consistent with applicable provisions contained in Title 21.
2. Any change in access, lot configuration or orientation of structures, easements or utilities to lot lines will not, in the opinion of the Director, result in any burden on public services or materially affect the property rights of any adjacent owners.
3. The parcels to be adjusted are eligible for unconditional certificates of compliance under the provisions of the Subdivision Map Act and this title.
4. The adjusted parcel configurations will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation or good planning practices.
5. If any of the parcels to be adjusted are improved with a structure requiring a building permit, the applicant shall provide an inspection report from the Building and Safety Division of the Department of Public Works certifying that changes in lot lines will not violate any ordinances or regulations administered by that department. The Department of Public Works shall collect any fees required for this service.
- C. If the adjustment is approved, the Director shall record a certificate of compliance containing the descriptions of the parcels as they will exist after adjustment. If the request is denied, the Director shall report this in writing to the applicant, citing the reasons for denial.
- D. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded by the applicant. (Ord. 87-0038, Sec. 4, 1987)

4. That such automobile parking facilities shall be in accordance with the provision for lighting contained in Subsection F of Section 22.52.1060; and

5. That such automobile parking facilities shall comply with all of the other requirements contained in Part 11 of Chapter 22.52; and

6. That the principal use shall not be a nonconforming use in the zone wherein it is located.

A principal use legally operating pursuant to a variance or in a building or structure, nonconforming due to standards, shall not be deemed to comply with the above specified requirements for purposes of this section, unless and until the principal use is in compliance with Subsections A1, A2, A3, and A4 of this section.

B. The Director shall approve an application for accessory live entertainment in all cases where the application and site plans submitted by the applicant indicate to the satisfaction of the Director that they are in full compliance with this section.

C. In all cases where the site plans submitted by the applicant indicate that said plans are not or cannot be in full compliance with this section, the Director shall deny such application and shall inform the applicant in writing of such action. Said notices of denial shall also inform the applicant that the Zoning Ordinance contains provisions permitting the filing of a conditional use permit regulating accessory live entertainment in a legally existing bar, cocktail lounge or restaurant where the requirements of Section 22.56.1754 have not or cannot be met. (Ord. 81-0005 § 14, 1981.)

22.56.1755 SINGLE-FAMILY RESIDENCE DEVELOPMENT STANDARDS — FINDINGS FOR MODIFICATION. The Director shall approve, with or without conditions, a request for modification of the development standards contained in Section 22.20.105 where:

- A. The findings contained in Section 22.56.1690 can be made; and
- B. The finding that such modification would not be materially detrimental to the use, enjoyment, or value of property of other persons which is located in the vicinity of the residential site can be made; and
- C. Any of the following findings can be made:
 1. That such modification would be architecturally compatible with existing residences in the surrounding neighborhood, or
 2. That a proposed alteration or addition to an existing single-family residence will be a continuation of its existing architectural style, or
 3. That such modification is needed for safety reasons to comply with other applicable codes, laws, ordinances, rules, and regulations, or
 4. That the site of the proposed single-family residence is sufficiently remote or screened so as to preclude the proposed modification from having a detrimental effect upon the surrounding area. (Ord. 82-0130 § 6, 1982.)

22.56.1756 LOT LINE ADJUSTMENTS. A. A lot line adjustment between two or more existing adjacent parcels, where the land taken from

hearing and appeal shall be the same as for a conditional use permit. Following a public hearing the Commission shall approve or deny the proposed modifications and/or revocation, based on the findings required by this section. (Added by Ord. No. 86-0145, Eff. 9/26/86)

22.56.1770 NONCONFORMING USES AND STRUCTURES — ADDITIONAL GROUNDS. In addition to the grounds for revocation or modification contained in Section 22.56.1760, a nonconforming use or structure may be revoked or modified after a public hearing if the Hearing Officer finds:

A. That the condition of the improvements, if any, on the property are such that to require the property to be used only for those uses permitted in the zone where it is located would not impair the constitutional rights of any person;

B. That the nature of the improvements are such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 10, Sec. 510.2, 1927.)

22.56.1780 HEARINGS — INITIATION. Hearing on revocations or modification of permits, variances or nonconforming uses or structures may be initiated:

A. If the Board of Supervisors instructs the Hearing Officer or the Commission to set the matter for a public hearing; or

B. Upon the initiative of the Hearing Officer or the Commission. (Ord. 85-0195, Sec. 10; Ord. 1494 Ch. 5 Art. 10, Sec. 510.3, 1927.)

22.56.1790 HEARINGS — NOTICE REQUIREMENTS. Notice of a public hearing on a revocation or modification shall be provided as follows:

A. To the same persons and in the same manner as required for a public hearing before the Hearing Officer pursuant to Section 22.60.174; and

B. By such other additional means that the Hearing Officer deems necessary. (Ord. 85-0195, Sec. 14 (part); Ord. 85-0009, Sec. 16; Ord. 1494 Ch. 5 Art. 10 § 510.4, 1927.)

22.56.1800 HEARINGS — CONTINUANCE. If for any reason the testimony of any case set for public hearing cannot be completed on the appointed day, the chairman of such hearing may, before adjournment or recess, publicly announce the time and place at which said hearing will be continued, and no further notice thereof shall be required. (Ord. 1494 Ch. 5 Art. 10 § 510.5, 1927.)

22.56.1810 NOTICE OF ACTION TAKEN BY HEARING OFFICER. Notice of the action taken by the Hearing Officer shall be provided in accordance with the provisions of Section 22.60.190. (Ord. 85-0195, Sec. 11; Ord. 1494 Ch. 5 Art. 10, Sec. 510.6, 1927.)

22.56.1820 EFFECTIVE DATE OF COMMISSION ORDER. — (Repealed Ord. 85-0195; Eff. 1/10/86.)

PART 13 — CHAPTER 22.56 MODIFICATIONS AND REVOCATIONS

Sections: Grounds for modifications or revocations — Hearing Officer authority

22.56.1760 Nonconforming uses and structures -- Additional grounds.

22.56.1780 Hearings — Initiation.

22.56.1790 Hearings -- Notice requirements.

22.56.1800 Hearings — Continuance

22.56.1810 Notice of action taken by Hearing Officer

22.56.1820 Repealed.

22.56.1760 GROUNDS FOR MODIFICATIONS OR REVOCATIONS — HEARING OFFICER AUTHORITY. After a public hearing as provided for in this Part 13, the Hearing Officer may revoke or modify any nonconforming use, or revoke or modify any permit, variance or other approval which has been granted by the Hearing Officer, the Board of Supervisors or the Commission, pursuant to either the provisions of this Title 22 or of any ordinance superseded by this title on any one or more of the following grounds:

A. That such approval was obtained by fraud;

B. That the use for which such approval was granted is not being exercised;

C. 1. That the use for which such approval was granted has ceased or has been suspended for one year or more;

2. This subsection does not apply to a surface mining operation for which a valid permit is in full force and effect or for which a valid, unexpired zone exception was granted prior to November 23, 1970, or which was lawfully established in former Zone Q, provided such operation complies with the requirements of Section 22.56.1400 for intermittent mining operations and if from the cessation of use the outer boundaries of the premises have been continuously posted with signs as described in Subsection 1 of Section 22.56.1380.

D. Except in case of a dedicated cemetery, that any person making use of or relying upon the permit, variance or other approval is violating or has violated any conditions of such permit, variance or other approval was granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;

E. Except in the case of a dedicated cemetery, that the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance. (Ord. 85-0195, Sec. 43; Ord. 1494 Ch. 5 Art. 10 § 510.1, 1927.)

F. In all cases where the Director determines that it is in the public interest or where the Board of Supervisors, either individually, or collectively, requests, a public hearing shall be scheduled before the Commission. In such case all procedures relative to notification, public

PART 14 — CHAPTER 22.56
TEMPORARY USE PERMITS

Sections:

- 22.56.1830 Purpose.
- 22.56.1835 List of temporary uses.
- 22.56.1840 Application — Filing.
- 22.56.1850 Application — Contents.
- 22.56.1860 Burden of proof.
- 22.56.1870 Fees required.
- 22.56.1880 Director's findings and determination.
- 22.56.1885 Procedure for extended time periods.
- 22.56.1890 Conditions of issuance.
- 22.56.1900 Parking facilities — Conditions.
- 22.56.1910 Notice service procedure
- 22.56.1920 Certain uses on County property — Board authority.
- 22.56.1925 Movie on-location filming.

22.56.1830 PURPOSE. The temporary use permit is established because certain temporary activities may be appropriate at specific locations but would be inappropriate on a permanent basis. It is the intent in authorizing the temporary use permit to provide for such temporary activities. It is further the intent to avoid incompatibility between such temporary uses and the surrounding area by regulating such short-term land use activities to prevent or mitigate adverse effects associated with or resulting from such temporary uses. (Ord. 1494 Ch. 5 Art. 14 § 514.1, 1927.)

22.56.1835 LIST OF TEMPORARY USES. The following temporary uses may be established with a valid temporary use permit:
 — **Carnival, exhibitions, fairs, festivals, pageants and religious observances** sponsored by a public agency or a religious, fraternal, educational or service organization directly engaged in civic, charitable or public service endeavors conducted for no more than six weekends or seven days during any 12-month period except where a longer time period is approved pursuant to Section 22.56.1885. "Weekend" means Saturday and Sunday, but national holidays observed on a Friday or Monday may be included. This provision shall not include outdoor festivals and tent revival meetings.

— **Movie on-location filming** not to exceed 10 consecutive days. Computation of such time period shall not include strike and preparation time. (Ord. 83-0069 § 1, 1983; Ord. 83-0007 § 6, 1983.)

22.56.1840 APPLICATION — FILING. Any person desiring a temporary use permit as provided for this Title 22 may file an application with the Director, except that no application shall be filed or accepted if final action has been taken within six months prior thereto by either the Director or the Hearing Officer to deny an application for the same or substantially the same permit. (Ord. 85-0195, Sec. 14 (part); Ord. 1494 Ch. 5 Art. 14 § 514.2, 1927.)

22.56.1850 APPLICATION — CONTENTS. A. An application for a

temporary use permit shall include the following information and documents:

1. The name and address of the applicant and the operator of the temporary use, if different, and of any persons designated by the applicant as his agents for service of process;
2. The name and address of all persons owning a possessory interest in any or all of the property to be used for the temporary use;
3. Evidence that the applicant of a temporary use permit:
 - a. Is the owner of the lot or parcel of land involved, or
 - b. Has written permission of the owner or owners to make such application;
4. The location of the subject property (address of vicinity);
5. The legal description of the property involved;
6. The legal name of the organization that is conducting or sponsoring such temporary use and such other material as may be necessary to determine eligibility to file;
7. The precise nature of the temporary use requested;
8. A site plan of the proposed temporary use drawn to a scale satisfactory to, and in the number of copies prescribed by the Director, indicating:
 - a. The area and dimensions of the proposed temporary use site,
 - b. The location, area and hours of operation for each activity associated with the temporary use permit,
 - c. The locations and dimensions of all existing and proposed temporary buildings and structures including roads, streets, highways, parking and loading facilities, and signs, on the site where the temporary use is requested,
 - d. The location of all existing roads intended to provide access to major or secondary highways and parkways;
9. The operating practices proposed to be used by the operator to mitigate noise, dust, air contaminants, garbage and vibration associated with and as a result of the proposed temporary use;
10. Evidence that other permits and approvals required in compliance with the provisions of other applicable ordinances have been applied for or secured;
11. Such other information as the Director may require.
 - B. An application for a temporary use permit filed pursuant to Section 22.56.1885 shall include, in addition to the information required by Subsection A above, the following material:
 1. A map showing all property ownerships within a 500-foot radius from the boundaries of the lot or parcel proposed to be used;
 2. Two sets of mailing labels for all ownerships shown on the map required above and for all occupants, as necessary to comply with Section 22.56.1885A1b;
 3. A map showing all land uses within a 700-foot radius from the boundaries of the lot or parcel proposed to be used.
 - C. The Director may waive the filing of one or more of the above

items where unnecessary to process the application of a temporary use permit. (Ord. 83-0069 § 2, 1983; Ord. 1494 Ch. 5 Art. 15 § 514.3, 1927.)

22.56.1860 BURDEN OF PROOF. In addition to the information required in the application by Section 22.56.1850, the applicant of a temporary use permit shall substantiate to the satisfaction of the Director the following facts:

A. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

B. That the proposed site is adequate in size and shape to accommodate such temporary use without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site; and

C. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate. (Ord. 1494 Ch. 5 Art. 14 § 514.4, 1927.)

22.56.1870 FEES REQUIRED. When a temporary use permit application is filed, it shall be accompanied by the filing fee as required in Section 22.60.100. (Ord. 1494 Ch. 5 Art. 14 § 514.5, 1927.)

22.56.1880 DIRECTOR'S FINDINGS AND DETERMINATION. A. The Director shall not approve an application for a temporary use permit unless he finds that the burden of proof set forth in Section 22.56.1860 has been met by the applicant. In addition, the Director shall also find:

1. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Director in any case where such temporary use is proposed for a period longer than one weekend or three consecutive days;

2. That approval of a temporary use permit will not result in the use of a lot or parcel of land for a cumulative time period in excess of the maximum time period such temporary use may be authorized during any 12-month period, except where a longer period is specifically approved in accordance with the provisions of Section 22.56.1885.

B. The Director shall deny an application for a temporary use permit where the information submitted by the applicant and/or obtained by investigation of the staff fails to substantiate such findings. (Ord. 83-0069 § 3, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.6, 1927.)

22.56.1885 PROCEDURE FOR EXTENDED TIME PERIODS. Where an application for a temporary use permit for an extended time period is filed, these procedures shall be followed:

A. Notification.

1. The Director shall cause a notice indicating the applicant's request at the location specified to be forwarded to:
 - 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 assessment roll of the County of Los Angeles as owning property within a distance of 500 feet from the exterior boundaries of the property on which the permit is filed, by first class mail, postage prepaid. A notice shall also be sent in a similar manner to "occupant" at the site address in those cases where the mailing address of any owner of property required to be notified under the provisions of this subsection differs from the site address of such property; and

c. Such other persons whose property might, in his judgement, be affected by such application or permit, by first class mail, postage prepaid.

2. Such notice shall also indicate that any individual opposed to the granting of such permit may file a written protest with the Director within 15 days after receipt of such notice by the applicant.

B. Action.

1. The Director shall, without public hearing, approve an application for a temporary use permit for an extended time period when:

- a. The applicant has met the burden of proof set forth in Section 22.56.1860 and the Director can make the findings required by 22.56.1880; and

b. A written protest to the proposed temporary use permit has been received within 15 days after receipt of the notice by the applicant, and the Director determines that the concerns raised in such protest are not of general community interest and can be adequately mitigated through the imposition of conditions.

2. The Director shall deny the application without public hearing where the information submitted by the applicant fails to substantiate the burden of proof and the required findings.

3. In all cases where a written protest has been received and the Director determines that the concerns raised are of general community interest, the applicant shall be notified in writing. Such notification will also inform the applicant that within 30 days after receipt of such notice he may request a public hearing before the Director by filing any additional information that the Director may require and by paying an additional fee, the amount of which shall be stated in the notice. At the expiration of the 30-day period:

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 conditional use permit. Following a public hearing the Director shall approve or deny the proposed application, based on the findings required by this Part 14.

4. The Director shall send a notice of the action to the applicant, any person requesting notification, and anyone who has filed a written protest. Such notice shall:

- a. Indicate that an appeal may be filed with the Commission pursuant to this section; and

temporary use will be removed from the site within one week following such event and the property restored to a neat condition. The Director may designate a different time period and/or require clean up of additional surrounding property at his discretion;

6. Requirement of a site plan indicating all details and data as prescribed in this Title 22;

7. Requirement that the approval of the requested temporary use permit is contingent upon compliance with applicable provisions of other ordinances;

8. Such other conditions as will make possible the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this title.

B. In addition to such other conditions as the Director may impose, it shall also be deemed a condition of every temporary use permit, whether such condition is set forth in the temporary use permit or not, that such approval shall not authorize the construction, establishment, alteration, moving onto or enlargement of any permanent building, structure or facility. (Ord. 83-0069 § 5, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.7, 1927.)

22.56.1900 PARKING FACILITIES — CONDITIONS. A. In the granting of temporary use permit, the Director may authorize temporary use of parking and related facilities established to serve permanent uses as follows; provided, that such temporary usage is specifically recognized in the permit:

1. Joint usage of required automobile parking facilities established to serve a permanent use, provided the owner or occupant of the permanent use or his authorized legal representative submits written consent, and it is determined by the Director that such joint utilization will not have a substantially detrimental effect on the surrounding area;

2. Temporary occupation by a temporary use of a portion of parking facilities or structures established to serve a permanent use, provided the owner or occupant of such use or his authorized legal representative submits written consent, and it is determined that such joint utilization will not have a substantially detrimental effect on the surrounding area.

B. The temporary reduction in required parking for such permanent use shall not be construed to require a variance with respect to parking requirements of this Title 22. (Ord. 1494 Ch. 5 Art. 14 § 514.8, 1927.)

22.56.1910 NOTICE SERVICE PROCEDURE. For applications other than those processed in accordance with Section 22.56.1885, the Director shall serve notice of his action upon the applicant as required by law for the service of summons, or by registered or certified mail, postage prepaid, return receipt requested. Such notification may also be hand-delivered to the applicant, when appropriate, at the Director's discretion. (Ord. 83-0069 § 6, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.9, 1927.)

2.56.1920 CERTAIN USES ON COUNTY PROPERTY — BOARD AUTHORITY. Where the following temporary uses are proposed on property owned by or held under the control of the County, the department, district or agency delegated authority to administer such activity by the

b. Be sent in accordance with the provisions of Subsection A-1 of this section.

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 such appeal period.

C. Appeal.

1. Any person dissatisfied with the action of the Director may file an appeal with the Commission within 15 days after receipt of notification by the applicant. Upon receiving a notice of appeal, the Commission shall take one of the following actions:

a. Affirm the action of the Director; or

b. Refer the matter back to the Director for further review with or without instructions; or

c. Set the matter for public hearing. In such case, the Commission's decision may cover all phases of the matter, including the addition or deletion of any condition. The public hearing shall be held pursuant to the procedure provided in Part 4 Chapter 22.60.

2. In rendering its decision, the Commission shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the Director unless it is itself conducting a public hearing on the matter.

3. The decision of the Commission shall be final and conclusive.

D. **Effective Date.** Where an appeal is filed on a temporary use permit for an extended time period, the date of decision by the Commission on such appeal shall be deemed the date of grant in determining said expiration date. (Ord. 85-0195, Sec. 44; Ord. 85-0069, Sec. 47; Ord. 83-0069, Sec. 4, 1983.)

22.56.1890 CONDITIONS OF ISSUANCE. A. In approving an application for a temporary use permit, the Director may impose such conditions as he deems necessary to insure that the permit will be in accord with the findings required by Sections 22.56.1860 and 22.56.1880. These conditions may involve any pertinent factors affecting the operation of such temporary event or use including but not limited to:

1. Requirement of temporary parking facilities including vehicular access and egress;
2. Regulation of nuisance factors such as but not limited to prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, garbage and heat;
3. Regulation of temporary buildings, structures and facilities including placement, height and size, limitations on commercial rides or other equipment permitted, the location of open spaces including buffer areas and other yards, and signs;
4. Regulation of operating hours and days including limitation of the duration of such temporary use to a shorter or longer time period than the maximum period authorized;
5. Requirement of a performance bond or other surety device to assure that any temporary facilities or structures used for such proposed

Board of Supervisors may assume jurisdiction and approve the temporary use subject to limitations and conditions as are deemed appropriate by said department, district or agency:

- Carnivals, exhibitions, fairs, festivals, pageants, and religious observances.

- Movies on-location filming.

(Ord. 83-0007 § 7, 1983; Ord. 1494 Ch. 5 Art. 14 § 514.10, 1927.)

22.56.1925 MOVIE ON-LOCATION FILMING. A. Notwithstanding the other provisions of this Part 14, applications for movie on-location filming permits shall be filed with the Filming Permit Officer of the Filming Permit Coordination Office of the County Engineer-Facilities Department, who shall approve such application for a time period not to exceed the time period specified in this Title 22 where he finds that the findings set forth in Section 22.56.1860 and Subsection A1 of Section 22.56.1880 have been met by the applicant. In addition, in lieu of Subsection A2 of Section 22.56.1880, the Filming Permit Officer shall also find that such approval will not result in a frequency of usage likely to create incompatibility between such temporary use and the surrounding area. Where an application is denied due to frequency of usage, the Filming Permit Officer shall specify the minimum time period between approvals which, in his opinion, is necessary to prevent such incompatibility.

B. In interpreting the other provisions of this Part 14 in relation to movie on-location filming, the Filming Permit Officer shall be substituted for the Director, and the provisions of Sections 22.56.1840 and 22.56.1870 shall not apply.

(Ord. 83-0007 § 8, 1983.)

PART 4 — CHAPTER 22.60 PUBLIC HEARING PROCEDURES

SECTIONS:

- 22.60.170 Initiation of hearings.
- 22.60.172 Scheduling.
- 22.60.174 Required procedures described.
- 22.60.176 Conduct of hearings — Hearing Officer duty.
- 22.60.178 Continuance of hearings authorized when.
- 22.60.180 Repealed.
- 22.60.182 Repealed.
- 22.60.184 Repealed.
- 22.60.186 Repealed.
- 22.60.188 Repealed.
- 22.60.190 Notification of action taken.

22.60.170 INITIATION OF HEARINGS. Hearings on permits, variances or nonconforming use or structure review may be initiated:

A. If the Board of Supervisors instructs the Hearing Officer or the Commission to set the matter for a public hearing in the case of a conditional use permit, (animal permit), variance, or nonconforming use or structure review; or

B. Upon the initiative of the Hearing Officer or the Commission in the case of a conditional use permit, (animal permit), variance, or nonconforming use or structure review; or

C. Upon the filing of an application. (*Ord. 85-0195; Ord. 85-0009, Sec. 15 (part); Ord. 1494 Ch. 5 Art. 7 § 507.1, 1927.*)

22.60.172 SCHEDULING. Upon the filing of an application accompanied by the required fee and/or deposit, or other initiation pursuant to this Chapter 22.56, the Director shall fix a time and place for a public hearing as required by this Title 22. (*Ord. 85-0009, Sec. 15 (part); Ord. 1494 Ch. 5 Art. 7 § 507.2, 1927.*)

22.60.174. REQUIRED PROCEDURES DESCRIBED. No less than 20 days prior to the date of any hearing, other than a hearing on an application to grant a cemetery permit, the Director shall:

A. Cause a copy of a notice of the time and place of such hearing to be published as follows:

1. Hearings on general amendments to the Zoning Ordinance shall be published once in a newspaper of general circulation in the County of Los Angeles;

2. Hearings on permits, variances, nonconforming uses or structure review, development agreements or zone changes shall be published once in a newspaper of general circulation in the County of Los Angeles available in the community in which the permit, variance or agreement is proposed to be established; except that surface mining permits for mining operations described in Part 9 of Chapter 22.56 shall be published in two newspapers of general circulation at least one of

which is a newspaper available in the community in which such use is proposed to be established. Such publications, if made in a daily newspaper, shall be for a period of not less than five consecutive publications of such newspaper, and if made in a weekly newspaper, shall be for a period of not less than two consecutive publications of such paper, the first publication in either case appearing not less than 20 days before the date of the hearing.

- B. Cause a notice to be mailed by first class mail, postage prepaid to:
 1. The applicant and all persons listed in the application or petition as owners of the property under consideration, and
 2. All persons whose names and addresses appear on the verified lists of property owners required to be submitted by the applicant, and
 3. Such other persons whose property might in his judgment be affected by such application or permit;
 4. Any person who has filed a written request therefor with the Director. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The Director may establish a reasonable for persons on such list.

C. Cause a notice of the time and place of such hearing to be sent to such public officers, departments, bureaus or agencies who, in the opinion of the Director, might be interested, requesting a report thereon;

D. If for a revocation, 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 any other estate or interest in or to the premises of any part thereof, written notice of the time and place of such hearing, either in the manner required by law for the service of summons, or by registered mail, postage prepaid;

E. If the Director finds that the publication and mailing required by Subsections A and B of this section will not give sufficient notice to those persons who may be affected, he also shall post, at such locations as he deems best suited to inform such persons, notices of the time and place of such hearing.

F. The Director may, as an alternative to the mailed notice required by B-1 and B-2, provide an advertised notice in the time and manner specified in the Government Code when authorized by the Government Code. (Ord. 85-0195, Sec. 47; Ord. 85-0009, Secs. 14 (part) and 19; Ord. 84-0042, Sec. 1; Ord. 82-0173 § 2, 1982; Ord. 1494 Ch. 6 Art. 3 § 631, 1927.)

22.60.176 CONDUCT OF HEARINGS — HEARING OFFICER DUTY. When a verified application is filed for a permit or variance and a hearing is required by this Title 22, the Hearing Officer shall hold such hearing if the Commission does not itself hold the hearing. (Ord. 85-0195; Ord. 85-0009, Sec. 15; Ord. 1494 Ch. 5 Art. 7 § 507.4, 1927.)

22.60.178 CONTINUANCE OF HEARINGS AUTHORIZED WHEN. If for any reason the testimony on any case set for public hearing cannot be completed on the appointed day, the chairman of such hearing may, before adjournment or recess, publicly announce the time and place at which said hearing will be continued, and no further notice thereof shall be required. (Ord. 85-0009, Sec. 14; Ord. 1494 Ch. 6 Art. 3 § 632, 1927.)

22.60.180 (Repealed).

22.60.182 (Repealed).

22.60.184 (Repealed).

22.60.186 (Repealed).

22.60.188 (Repealed).

22.60.190 NOTIFICATION OF ACTION TAKEN. The Hearing Officer, Commission or Board of Supervisors shall serve notice on its action upon:

A. The applicant for a permit, variance, nonconforming use or structure review, development agreement or zone change, or the person owning and/or operating a use for which the revocation of a permit, variance or nonconforming use or structure is under consideration as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested; and

B. The following persons by first class mail, postage prepaid:

1. The first three protestants testifying or speaking at the public hearing, except at a hearing for the revocation or modification of any permit, variance or nonconforming use or structure;
2. The first three persons testifying or speaking at a public hearing in favor of the revocation or modification of any permit, variance or nonconforming use or structure;
3. Any other persons testifying or speaking at a public hearing that request such notification from the chairman at the hearing. (Ord. 85-0195, Sec. 49; Ord. 82-0173 § 3, 1982; Ord. 1494 Ch. 6 Art. 3 § 633, 1927.)

PART 5 — CHAPTER 22.60 APPEAL PROCEDURES

SECTIONS:

- 22.60.200 Purpose and authorization.
- 22.60.210 Rights of appeal.
- 22.60.220 Time limits for appeals and calls for review.
- 22.60.230 Initiation of appeals and calls for review.
- 22.60.240 Procedures for appeals and calls for review.
- 22.60.250 Additional procedures for appeals to the Board of Supervisors.
- 22.60.260 Effective dates.

22.60.200 PURPOSE AND AUTHORIZATION. A. Appeals. To avoid results inconsistent with the purposes of this Title 22, decisions of the Hearing Officer may be appealed to the Commission; and where the Commission itself initially hears applications, decisions of the Commission may be appealed to the Board of Supervisors.

B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this Title 22, decisions of the Hearing Officer may be called up for review by the Commission; and decisions of the Commission regarding an appeal or review may be called up for review by the Board of Supervisors. (Ord. 85-0195, Sec. 7 (part).)

22.60.210 RIGHTS OF APPEAL. Any interested person dissatisfied with the action of the Hearing Officer may file an appeal from such action. Any interested person dissatisfied with the action of the Commission, when the Commission initially hears an application, may file an appeal from such action. (Ord. 85-0195, Sec. 7 (part).)

22.60.220 TIME LIMITS FOR APPEALS AND CALLS FOR REVIEW. Appeals of decisions shall be initiated prior to the effective date of the decision. Calls for review of decisions shall also be initiated prior to the effective date of the decision. (Ord. 85-0195, Sec. 7 (part).)

22.60.230 INITIATION OF APPEALS AND CALLS FOR REVIEW.
A. Appeals. 1. Filing. An appeal shall be filed with the secretary or clerk of the designated appellate body on the prescribed form and shall state specifically wherein a determination or interpretation is not in accord with the purposes of this Title 22; wherein it is claimed that there was an error or abuse of discretion; wherein the record includes inaccurate information; or wherein a decision is not supported by the record.

2. Fee. a. In general when an appeal is filed, it shall be accompanied by a deposit in an amount determined by the secretary or clerk of the appellate body to be ample to cover the cost of one original and five copies of the transcripts of the previous hearings. If the actual cost of the transcripts is more than the amount deposited by the appellant, such appellant shall deposit the deficiency. If the actual cost of transcript is less than the amount deposited by the appellant and no hearing is held, the secretary or clerk shall refund the difference to the appellant.
b. Specific procedures on appeals to Board of Supervisors. If the Board of Supervisors does not hold a hearing on an appeal, and no transcript is prepared, the money deposited for the preparation of the transcript shall be refunded to the appellant. If the Board of Supervisors itself holds a public hearing on an appeal, no refund shall be made to the appellant, whether a transcript is prepared, partially prepared, or not prepared at all. 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 section. Subsequent to the final action of the Board of Supervisors upon the appeal, the executive officer shall refund to the appellants a proportionate share of their deposits as may be necessary to insure that the total amount retained by the County is equal to the costs of the transcripts of all hearings held by the Commission and the cost of the hearings held by the Board of Supervisors.

3. The filing of an appeal vacates the decision from which the appeal is taken. Such decision is only reinstated if the appellate body fails to act, or affirms the decision in its action.

B. Calls for Review. A call for review may be initiated by the affirmative vote of the majority of the members present of the designated review body. A call for review by a designated review body shall be made prior to the effective date of the decision being reviewed. No fee shall be required. (Ord. 85-0195, Sec. 7 (part).)

22.60.240 PROCEDURES FOR APPEALS AND CALLS FOR REVIEW.
A. Hearing Dates. The appellate body may delegate the setting of hearing dates to its secretary or clerk.

B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed was made in a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed.

C. Plans and Materials. At an appeal or review hearing, the appellate body shall consider only the same application, plans and materials that were the subject of the original decision. Compliance with this provision shall be verified prior to or during the hearing by a representative of the person or body that made the original decision. If new plans and materials which differ substantially from the original are submitted, the applicant must file a new application. Changes to the original submittal made to meet objections by the staff, the decision-maker or the opposition below need not be the subject of a new application. Nothing herein shall prevent the appellate body from imposing conditions on a project and granting approval to a project modified by conditions imposed as part of the decision.

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

E. Decision and Notice. After the hearing, the appellate body shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals or reviews shall be rendered within 30 days of the close of the hearing. The secretary or clerk of the appellate body shall mail notice of the decision within five working days after the date of the decision to the applicant, the appellant and any other persons required to be notified pursuant to Section 22.60.190.

F. Failure to Act. If the appellate body fails to act upon an appeal within the time limits prescribed in Subsection E above, the decision from which the appeal was taken shall be deemed affirmed. (Ord. 85-0195, Sec. 7 (part).)

22.60.250 ADDITIONAL PROCEDURES FOR APPEALS TO THE BOARD OF SUPERVISORS. Notwithstanding the foregoing procedures, upon receiving an appeal or initiating a call for review, the Board of Supervisors may take one of the following additional actions:

1. Affirm the action of the Commission; or
2. Refer the matter back to the Commission for further proceedings with or without instructions; or
3. Require a transcript of the testimony and any other evidence relevant to the decision and take such action as in its opinion is indicated by the evidence. In such case, the Board of Supervisors' decision need not be limited to the points appealed, and may cover all phases of the matter, including the addition or deletion of any conditions. (*Ord. 85-0195, Sec. 7 (part).*)

22.60.260 EFFECTIVE DATES. Unless otherwise specified in Chapter 22.56, the following effective dates shall apply to all land use permits and variances:

- A. The decision of the Hearing Officer shall become effective 15 days after receipt of the notice of decision by the applicant, unless appealed to or called up for review by the Commission prior to that date.
- B. The decision of the Commission, where it initially holds the public hearing, shall become effective 15 days after receipt of notice of decision by the applicant, unless appealed to the Board of Supervisors prior to that date.
- C. The decision by the Commission regarding an appeal or review shall become effective eight days after receipt of the notice of decision by the applicant, unless called up for review by the Board of Supervisors prior to that date.
- D. Where an appeal to or call for review by the Board of Supervisors is filed relating to any land use permit or variance, the date of decision by the Board of such appeal or review shall be deemed the date of grant in determining an expiration date. (*Ord. 85-0195, Sec. 7 (part).*)

Chapter 70

EXCAVATION AND GRADING

Sec. 7002. Definitions

For the purposes of this chapter, certain terms are defined as follows:

BEDROCK is the relatively solid, undisturbed rock in place either at the ground surface or beneath surficial deposits of gravel, sand, or soil.

CIVIL ENGINEER shall mean a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.

DESIGN ENGINEER shall mean the civil engineer responsible for the preparation of the plans for the grading work.

FIELD ENGINEER shall mean the civil engineer responsible for performing the functions as set forth in Section 7019.

GRADE shall refer to vertical location of the ground surface.

GEOLOGIST shall mean a person holding a valid certificate of registration as a geologist in the specialty of engineering geology issued by the State of California under provisions of the Geologist and Geophysicist Act of the Business and Professions Code.

FILL shall mean deposits of soil, rock, or other similar irreducible materials placed by man.

GRADING shall mean any excavation or fill or combination thereof.

LANDSCAPE ARCHITECT shall mean a person who holds a certificate to practice landscape architecture in the State of California under the landscape architecture provisions of Division 3, Chapter 3.5 of the Business and Professions Code.

LINE shall refer to horizontal location of the ground surface.

NATURAL GRADE is the vertical location of the ground surface prior to any excavation or fill.

ROUGH GRADE is the elevation of the ground surface established by grading that approximates the final elevation shown on the approved design.

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is proposed or performed.

SOIL ENGINEER is a civil engineer experienced in soil mechanics who investigates and reports on the stability of existing or proposed slopes, controls the installation and compaction of fills, recommends soil bearing values and provides design criteria and calculations for special earth structures such as buttress fills. It is not the intent of this definition nor this chapter to require that the civil engineer be authorized by the State to use the title "Soil Engineer."

SURFACE DRAINAGE shall refer to flows over the ground surface.

SOIL TESTING AGENCY is an agency regularly engaged in the testing of soils under the direction of a civil engineer experienced in soil mechanics (a soils engineer). (Ord. 84-0211 § 38, 1984.)

Sec. 7003. Permits Required

A person shall not perform any grading without first obtaining a grading permit to do so from the Building Official. A separate permit shall be obtained for each site.

EXCEPTIONS: A grading permit shall not be required for:

1. An excavation which is less than three feet in depth below the existing ground surface.
2. A fill not intended to support structures and which does not obstruct a drainage course if such fill is placed on natural grade that has a slope not steeper than three horizontal to one vertical, and (a) is less than three feet in depth at its deepest

point, measured vertically upward from natural grade to the surface of the fill, or (b) does not exceed 20 cubic yards on any one lot.

3. An excavation below finished grade for basements and footings of structures authorized by a valid building permit, or trench excavations for the purpose of installing underground utilities.

4. Grading within property dedicated or used for cemetery purposes where such grading is more than 100 feet from the property line and is not intended to support structures. No permit shall be required for the excavation or filling of graves at any location within such property.

5. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay, where established and provided for by law, provided that such operations do not affect the lateral support or increase the stresses in, or pressure upon, any adjacent or contiguous property.

6. Grading in an isolated, self-contained area if the Building Official finds that no danger to private or public property can now or hereafter result from the grading operations.

7. The depositing of rubbish or other material at any refuse disposal facility operated under a permit granted according to the terms of Division 4, entitled "Solid Waste," of Title 20 of the Los Angeles County Code.

8. An excavation or fill in connection with the making of an earth fill dam, reservoir or levee when the quality of such work is regulated by other laws, statutes or ordinances.

9. An excavation, fill and/or measures approved by the Soil Conservation District or cooperative agency of the Department of Agriculture.

10. An excavation or fill by the Road Department in connection with and necessary to support, construction, or maintenance of a public road when such is located within an easement granted to the County for road or slope purposes.

enforcement of any provisions of this Code, three sets of plans and specifications shall be submitted. Except as waived by the Building Official for small and unimportant work, the plans shall be prepared and signed by a civil engineer and shall show the following:

1. A vicinity sketch or other means of adequately indicating the site location.
2. Boundary lines of the property on which the work is to be performed.
3. Each lot or parcel of land into which the site is proposed to be divided.
4. All of the proposed uses of the site and, if the site is to be divided, the proposed use of each lot or parcel of land.
5. Location of any existing buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on adjacent land which are within 15 feet of the property line.
6. Accurate contours showing the topography of the existing ground.
7. Elevations, location, extent and slope of all proposed grading shown by contours, cross sections or other means and location of any rock disposal areas, buttress fills or other special features, if such are proposed to be included in the work.
8. A statement of the quantities of material to be excavated and/or filled and the amount of such material to be imported to, or exported from the site.
9. A statement of the estimated starting and completion dates for work covered by the permit.
10. A statement signed by the owner acknowledging that a field engineer, soils engineer and geologist, when appropriate, will be employed to perform the services required by this chapter, whenever approval of the plans and issuance of the permit are to be based on the condition that such professional persons be so employed. These acknowledgments shall be on a form

11. *Exploratory excavations under the direction of soils engineers or engineering geologists.*

12. *Grading for an oil and/or gas drilling site which is located in an existing oil field as designated by the State Division of Oil and Gas and is 1,000 feet from a public highway and 500 feet from the nearest residence. The proposed grading must not result in the deposition of silt and debris onto downstream property.*

(Ord. 84-0211 § 39, 1984; Ord. 82-0125U § 1, 1982.)

Chapter 70

EXCAVATION AND GRADING

Sec. 7005. Grading Permit Requirements

(a) Application. To obtain a grading permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Describe the land on which the proposed work is to be performed by lot, block, tract, and by a street address or by similar description sufficient to readily identify and definitely locate the site.
 2. State the name and address of: the owner of said land; the person who is to perform the work; and, the field engineer if such work is to be performed as Engineered Grading.
 3. Be accompanied by plans, specifications and calculations as may be required by subsection (b) of this section.
 4. State the volume of the material to be handled.
 5. Be signed by the applicant or his authorized agent, who may be required to submit evidence of such authority.
 6. Give such other information as reasonably may be required by the Building Official.
- (b) **Plans and Specifications.** With each application for a grading permit, and when required by the Building Official for

furnished by the Building Official.

11. The recommendations in the soil engineering and engineering geology reports shall be incorporated in the grading plans.

12. Detailed plans of all drainage devices, walls, cribbing, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains.

13. Any additional plans, drawings, or calculations deemed necessary by the Building Official to show conformance of the proposed work with the requirements of this Code or related ordinances.

14. A drainage plan for that portion of a lot or parcel to be utilized as a building site (building pad), including elevations of floors with respect to finish site grade and locations of proposed stoops, slabs and fences that may affect drainage.

(c) **Fees.** Grading permit and plan-checking fees shall be as specified in Chapter 3 of this Code.

(d) **Engineering Geological Reports.** The Building Official may require an engineering geological investigation and report, based on the most recent grading plan. The engineering geological report shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

(e) **Soil Reports.** The Building Official may require a soils investigation and report based on the most recent grading plan. Such reports shall include data regarding the nature, distribution and strength of existing soils, recommendations for grading procedures, and design criteria for corrective measures, if required.

(f) **Review of Reports.** All reports shall conform with the requirements of Chapter 3 of this Code and shall be subject to review by the Building Official. Supplemental reports and data

may be required as he may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

(g) **Pre-Plan Check Site Inspection.** When the County Engineer finds that a visual inspection of the site is necessary to establish drainage requirements for the protection of property, existing buildings or the proposed construction, a site inspection shall be made prior to plan check of grading plans. The fee for such inspection shall be as set forth in Section 304(f). (Ord. 84-0211 § 40, 1984.)

Sec. 7006. Permit Limitations and Conditions

(a) **General Conditions.** The issuance of a grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or on the grading plans and specifications approved by the Building Official.

(b) **Jurisdictions of Other Agencies.** Permits issued under the provisions of this Code shall not relieve the owner of the responsibility for securing permits or licenses that may be required from other departments or divisions of the governing agencies.

(c) **Conditions of Approval.** In granting any permit under this Code, the Building Official may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

1. Improvement of any existing grading to bring it up to the standards of this Code.

2. Requirements for fencing of excavations or fills which would otherwise be hazardous.

(d) **Modification of Approved Plans.** Any modifications of or changes in the approved grading plans must be approved by the Building Official. Modifications which affect basic tract design or land use must have the approval of the appropriate control

agency.

(e) **Special Permit — Agricultural or Road Grading.** Where the grading proposed is solely for the purpose of preparing land for agricultural purposes or for the construction of a roadway to be used as access for maintaining the use of the land at the time of the permit, the Building Official may issue a special permit therefor and modify the requirements of this chapter when he finds:

1. The site of the proposed work has an area of not less than ten acres.
2. The work will be reasonably safe for the intended use and will not result in a hazard to adjoining property or existing structures.
3. Adequate provision will be made for drainage and erosion control. (Ord. 84-0211 § 41, 1984.)

Sec. 7007. Denial of Permit

(a) **Hazards.** The Building Official shall not issue a grading permit in any case where he finds that the work as proposed by the applicant is likely to adversely affect the stability of adjoining property, or result in the deposition of debris on any public way, or interfere with any existing drainage course, or be in an area determined to be subject to geological hazard under the provisions of Chapter 3.

If it can be shown to the satisfaction of the Building Official that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the Building Official may issue the permit with the condition that such work be performed.

(b) **Land Use.** The Building Official shall not issue a grading permit for work on a site unless the proposed uses shown on the grading plan for the site will comply with the provisions of Title 22, entitled "Planning and Zoning," of the Los Angeles County Code. (Amended by Ord. 84-0211 § 42, 1984.)

Editor's Note: The language of Ord. 84-0221 § 42 has been editorially changed to refer to the current title of Title 22 of the Los Angeles County Code.

Sec. 7008. Security

(a) **Security Required.** A permit shall not be issued for grading involving more than 1000 cubic yards unless the owner shall first post with the Building Official security in one of the following forms:

- (1) A bond furnished by a corporate surety authorized to do business in this state.
- (2) A cash bond.
- (3) Savings and loan certificates or shares deposited and assigned to the County as provided in Chapter 4.36 of Title 4 of the Los Angeles County Code.
- (4) An instrument of credit from a financial institution subject to regulation by the state or federal government and pledging that the funds necessary to carry out the grading are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

Where unusual conditions or special hazards exist, the Building Official may require security for grading involving less than 1000 cubic yards. Security required by this section may include incidental off-site grading on property contiguous with the site to be developed, provided written consent of the owner of such contiguous property is filed with the Building Official.

The Building Official may waive the requirements for security for:

- (1) Grading being done in, or for a governmental agency.
- (2) Grading necessary to remove a geological hazard, where such work is covered by an agreement and security posted pursuant to the provisions of Title 21, entitled "Subdivisions," of the Los Angeles County Code.
- (3) Grading on a site, not exceeding a slope of three horizontal to one vertical, provided such grading will not affect drainage

upon the filing thereof with the Building Official, and the security shall remain in effect until the work authorized by the grading permit is completed and approved by the Building Official.

(e) **Default Procedures.** In the event the owner or his agent shall fail to complete the work or fail to comply with all terms and conditions of the grading permit, it shall be deemed a default has occurred. The Building Official shall give notice thereof to the principal and surety or financial institution on the grading permit security, or to the owner in the case of a cash deposit or assignment, and may order the work required to complete the grading in conformance with the requirements of this Code be performed. The surety or financial institution executing the security shall continue to be firmly bound, under an obligation up to the full amount of the security, for the payment of all necessary costs and expenses that may be incurred by the Building Official in causing any and all such required work to be done. In the case of a cash deposit or assignment, the unused portion of such deposit or funds assigned shall be returned or reassigned to the person making said deposit or assignment.

(f) **Right of Entry.** The Building Official or the authorized representative of the surety company or financial institution shall have access to the premises described in the permit for the purpose of inspecting the work.

In the event of default in the performance of any term or condition of the permit, the surety or financial institution or the Building Official, or any person employed or engaged in the behalf of any of these parties, shall have the right to go upon the premises to perform the required work.

The owner, or any other person, who interferes with or obstructs the ingress to or egress from any such premises, of any authorized representative of the surety or financial institution or of the County of Los Angeles engaged in the correction or completion of the work for which a grading permit has been

from or to adjacent properties.

(4) Filling of holes or depressions, provided such grading will not affect the drainage from or to adjacent properties.

(b) **Amount of Security.** The amount of security shall be based upon the number of cubic yards of material in either excavation or fill, whichever is greater, plus the cost of all drainage or other protective devices or work necessary to eliminate geological hazards. That portion of the security valuation based on the volume of material in either excavation or fill shall be computed as set forth in the following table:

100,000 cubic yards or less	50 percent of the estimated cost of grading work.
Over 100,000 cubic yards	50 percent of the cost of the first 100,000 cubic yards, plus 25 percent of the estimated cost of that portion in excess of 100,000 cubic yards.

When the rough grading has been completed in conformance with the requirements of this Code, the Building Official may at his discretion consent to a proportionate reduction of the security to an amount estimated to be adequate to insure completion of the grading work, site development or planting remaining to be performed. The costs referred to in this section shall be as estimated by the Building Official.

(c) **Conditions.** All security shall include the conditions that the principal shall:

1. Comply with all of the provisions of the Code, applicable laws, and ordinances;
 2. Comply with all of the terms and conditions of the grading permit;
 3. Complete all of the work authorized by the permit.
- (d) **Term of Security.** The term of each security shall begin

issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor. (Ord. 84-0211 § 43, 1984.)

Editor's Note: The language of Ord. 84-0221 § 43 has been editorially changed to refer to the current title of Title 21 of the Los Angeles County Code.

Sec. 7009. Safety Precautions

If at any stage of the work the Building Official determines by inspection that further grading as authorized is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, any such person shall forthwith stop such work. The Building Official may authorize the work to proceed if he finds adequate safety precautions can be taken or corrective measures incorporated in the work to avoid likelihood of such danger, deposition or interference.

If the grading work as done has created or resulted in a hazardous condition, the Building Official shall give written notice requiring correction thereof as specified in Section 7004 of this Code.

If the Building Official finds any existing conditions not as stated in the grading permit or not as shown on the grading plan, he may order the work stopped until a revised grading plan has been submitted and approved which includes provisions for such existing conditions. (Ord. 84-0211 § 50, 1984.)

Sec. 7010. Storm Drainage Precautions

No grading permit shall be issued for work to be completed between October 1 of any year and April 15 of the following calendar year, unless the plans for such work include details of

protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to protect adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

If grading is begun prior to November 1, all protective measures shall be installed prior to November 1. If grading is begun on or after November 1, all protective measures shall be installed before grading is begun. All protective measures shall be maintained in good working order until April 15 of the succeeding year, where grading is done between November 1 and December 31, or until April 15 of the same year where grading is done between January 1 and April 15, unless their removal at an earlier date is agreed to by the Building Official. (Ord. 84-0211 § 52, 1984.)

Sec. 7011. Storm Damage Precautions, Incomplete Work

Where a grading permit is issued and the work is commenced after April 15 and before October 1 of any year and the plans for such work do not include details of the protective measures described in Section 7010, and it appears that the grading and installation of the permanent drainage as authorized by the permit will not be completed prior to November 1, then on or before October 1 the owner of the site on which the grading is being performed shall file or cause to be filed with the Building Official revised plans which include details of the protective measures described in and in all other respects follow the provisions of Section 7010.

The revised plans required by this section shall be accompanied by an application for plan checking services and plan checking fees equal in amount to ten percent of the original grading permit fee. (Ord. 84-0211 § 53, 1984.)

might result.

(f) **Temporary Erosion Control.** The permittee shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud or debris originating from the site.

(g) **Termination of Consultants.** The permittee shall notify the Building Official within 48 hours if any consultant resigns or is terminated. (Ord. 84-0211 § 51, 1984.)

Sec. 7014. Import and Export of Earth Materials

(a) In addition to other provisions of this Code, the following requirements shall apply when earth materials in excess of 10,000 cubic yards are to be exported from or imported to a grading site by transporting such materials over a publicly maintained street.

1. The point or points of access to the public street or streets for export or import shall be shown on the grading plan and shall be located as approved by the Road Commissioner and the Director of Planning.

2. Special safety precautions equivalent to the following standards shall be provided where the egress (outhaul) road connects with the public street.

A. The last 50 feet of the outhaul road immediately adjoining the street if downgrade to the street shall have a grade no steeper than 3 percent.

B. An unobstructed sight distance of not less than 300 feet in each direction up and down the public street shall be provided at the point of egress. Such sight distance shall be measured from a point 8 feet above the grade in the outhaul road; said point being 10 feet outside the edge of the street pavement or, if no pavement, 10 feet outside the edge of the normally traveled portion of the public street.

3. Traffic-control devices shall be provided and maintained at

Sec. 7012. Storm Damage Precautions, Effect of Non-compliance

Should the owner fail to submit the plans or fail to provide the protective measures required by Sections 7010 or 7011 by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. Thereupon, the Building Official may enter the property for the purpose of installing, by county forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are no approved plans, as he may deem necessary to protect adjoining property from storm damage, or the Building Official may cause the owner of the site to be prosecuted as a violator of this Code, or he may take both actions. (Ord. 84-0211 § 54, 1984.)

Sec. 7013. Responsibility of Permittee

(a) **Compliance with Plans and Code.** The permittee or his agent shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of this Code.

(b) **Coordinator.** The permittee shall act as the coordinator between the consultants, contractor and Building Official.

(c) **Inspections.** It shall be the responsibility of the permittee to notify the Building Official when the work is ready for the inspections required by Section 7020. The notification shall be at least one working day in advance of the inspection.

(d) **Protection of Utilities.** The permittee shall be responsible for the prevention of damage to any public utilities or services.

(e) **Protection of Adjacent Property.** The permittee is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without supporting and protecting such property from settling, cracking, or other damage which

the connection of the ingress and egress roads with the public way as may be required by the Road Commissioner.

(b) **Zoning Ordinance Compliance.** No grading permit shall be issued for the import or export of more than 10,000 cubic yards of earth material to or from a grading site where such work would be classified as an "off-site transport grading project" as defined in Title 22 unless the project is in conformance with Title 22, entitled "Zoning," of the Los Angeles County Code. (Ord. 84-0211 § 56, 1984.)

Editor's Note: The language of Ord. 84-0211 § 56 has been editorially amended to reflect the current title of Title 22 of the Los Angeles County Code.

Sec. 7015. Excavations

(a) **Maximum Slope.** Cuts shall not be steeper in slope than one and one-half horizontal to one vertical unless the owner furnishes a soils engineering or an engineering geology report, or both, conforming with the requirements of Chapter 3, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. Substantiating calculations and supporting data may be required where the Building Official determines that such information is necessary to verify the stability and safety of the proposed slope. The Building Official may require the excavation to be made with a cut face flatter in slope than one and one-half horizontal to one vertical if he finds it necessary for stability and safety.

(b) **Drainage.** Drainage, including drainage terraces and overflow protection, shall be provided as required by Section 7018. (Ord. 84-0211 § 44, 1984.)

Sec. 7016. Fills

(a) **Compaction.** Fills shall be compacted throughout their full extent to a minimum of 90 percent of maximum density as determined by A.S.T.M. Soil Compaction Test D1557-70. Field

density shall be determined by a method acceptable to the Building Official.

Fill slopes steeper than 2 horizontal to 1 vertical shall be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to operate at the outer surface limits of the final slope surface. The excess fill is to be removed prior to completion of rough grading. Other construction procedures may be utilized when it is first shown to the satisfaction of the County Engineer that the angle of slope, construction method and other factors will accomplish the intent of this section.

1. Fills not intended to support structures need not be compacted to these standards if the Building Official determines that such compaction is unnecessary as a safety measure. In making this determination, the Building Official may require that an investigation be made by a soils engineer to establish the characteristics of the soil, the amount of settlement to be expected and the susceptibility of the soil to erosion or slippage.

2. Slope surfaces may be prepared for planting by scarifying, by the addition of topsoil, or by other methods provided such slopes when so prepared otherwise comply with the requirements of this section.

(b) **Preparation of Ground.** The existing ground surface shall be prepared to receive fill by removing vegetation, noncompacting fill or other incompetent material. Where the slope of the existing ground surface is five (5) horizontal to one (1) vertical or steeper, the fill shall be supported on level benches cut into competent material. Except where recommended by the soils engineer or geologist as not being necessary, subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident. Such subdrainage systems shall be of a material and design approved by the soils engineer and acceptable to the Building Official. The permittee

shown on the as-built plan.

(e) **Drainage.** Drainage, including drainage terraces and over-flow protection, shall be provided as required by Section 7018.

(f) **Slopes to Receive Fill.** Where fill is to be placed above the top of an existing slope steeper than three horizontal to one vertical, the toe of the fill shall be set back from the top edge of the slope a minimum distance of six feet measured horizontally or such other distance as may be specifically recommended by a soils engineer or engineering geologist and approved by the Building Official. Fills shall not toe out on slopes steeper than two horizontal to one vertical.

(g) **Inspection of Fill.** For engineered grading, the soils engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the conditions of plan approval and the appropriate requirements of this chapter. In addition to the above, the soils engineer shall be present during the entire fill placement and compaction of fills that will exceed a vertical height or depth of 30 feet or result in a slope surface steeper than two horizontal to one vertical.

(h) **Testing of Fills.** Sufficient tests of the fill soils shall be made to determine the density and to verify compliance of the soil properties with the design requirements including soil types and shear strength. The minimum number of tests shall be as follows:

- (1) One test for each two foot vertical lift.
- (2) One test for each 1000 cubic yards of material placed.
- (3) One test at the location of the final fill slope for each building site (lot) in each four foot vertical lift or portion thereof.
- (4) One test in the vicinity of each building pad for each four foot vertical lift or portion thereof.

The results of such testing shall be included in the reports required by this chapter. (Ord. 84-0211 § 45, 1985.)

shall provide continuous inspection during the process of sub-drain installation to conform with approved plans and soils engineer's recommendation. Such inspection shall be done by the soil testing agency. The location of the subdrains shall be shown on a plan by the soils engineer.

Excavations for the subdrains shall be inspected by the geologist when such subdrains are included in the recommendations of the geologist.

(c) **Fill Slope.** The steepness of fill slopes shall be determined by a soils engineer who shall submit soil test data and engineering calculations to substantiate to the satisfaction of the Building Official the stability of the fill slope and slope surface under conditions of saturation. In the absence of such determination, no fill slope shall exceed a steepness of two horizontal to one vertical (2:1).

(d) **Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Soils containing small amounts of roots may be allowed providing that the roots are in a quantity and distributed in a manner that will not be detrimental to the future use of the site and the use of such material is approved by the soils engineer.

No rock or similar irreducible materials with a maximum dimension greater than 12 inches shall be buried or placed in fills except as recommended by the soils engineer, approved by the Building Official and meeting the following requirements:

- 1. The oversized material shall be placed 10 feet or more below finish grade.
- 2. A representative of the soils engineer shall be present while the oversized material is placed and covered.
- 3. The reports submitted by the soils engineer shall acknowledge the placement of the oversized material and whether the work was performed in accordance with his recommendations and the approved plans.
- 4. The location of oversized rock dispersal areas shall be

Sec. 7018. Drainage

(a) **General.** The drainage structures and devices required by this chapter shall conform to the provisions of this section as well as recognized principles of hydraulics.

(b) **Disposal.** Drainage facilities shall be designed to carry surface water to the nearest practical street, storm drain, or natural watercourse approved by the Building Official or other appropriate governmental agency as a safe place to deposit such waters. If the drainage device discharges onto natural ground, riprap or a similar energy dissipator may be required.

(c) **Site Drainage.** Graded building sites (building pads) shall have a minimum slope of two percent towards a public street or drainage structure approved to receive stormwaters. A lesser slope may be approved by the Building Official for sites graded in relatively flat terrain, or where special drainage provisions are made, when he finds such modification will not result in unfavorable drainage conditions.

The grading shall provide for drainage around proposed buildings and their appurtenances.

(d) **Drainage Terraces Required.** The requirements for drainage terraces shall apply to slopes steeper than three horizontal to one vertical. Fill slopes more than 30 feet in height and cut slopes more than 40 feet in height shall have drainage terraces provided at vertical intervals not exceeding 25 feet. Such terraces shall be not less than 8 feet in width (measured horizontally from the outside edge) except that where the total slope height exceeds 100 feet, one terrace near mid-height shall be not less than 20 feet in width (measured horizontally from the outside edge).

(e) **Drainage Terrace Construction.** Drainage terraces shall have a longitudinal grade of not less than four percent (4%) nor more than twelve percent (12%) and a minimum depth of one foot at the flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope

Sec. 7017. Slope Location

(a) **General.** Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

For the placement of buildings, structures or pools on or adjacent to slopes, see Section 2907.1, titled "Foundations On Or Adjacent to Slopes."

(b) **Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

(c) **Toe of Fill Slope.** The toe of a fill slope shall not be made nearer to the site boundary line than one-half the height of the slope with a minimum of 2 feet and a maximum 20 feet. Where a fill slope is to be located near the site boundary and the adjacent offsite property is developed to such grading, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provisions for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

(d) **Modification of Slope Location.** The setback and other restrictions imposed by this section may be increased where unusual soil or geologic conditions make such increase necessary for safety or stability or may be modified upon investigation and recommendation by a soils engineer or geologist where such modification will provide equivalent safety, stability and protection, and the Building Official so finds. (Ord. 84-0211 § 46, 1985.)

Planting need not be provided for cut slopes rocky in character and not subject to damage by erosion and any slopes protected against erosion damage by other methods when such methods have been specifically recommended by a soils engineer, engineering geologist, or equivalent authority and found to offer erosion protection equal to that provided by the planting specified in this section.

Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep rooted plant material needing limited watering, to low maintenance during the lifetime of the project, to high root to shoot ratio (weight of above ground parts versus root system), wind susceptibility and fire retardant characteristics.

(b) **Irrigation.** Slopes required to be planted by subsection (a) shall be provided with an approved system of irrigation, designed to cover all portions of the slope and plans therefor shall be submitted and approved prior to installation. A functional test of the system may be required.

For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.

The requirements for permanent irrigation systems may be modified upon specific recommendation of a landscape architect or equivalent authority that because of the type of plants selected, the planting methods used and the soil and climatic conditions at the site, irrigation will not be necessary for the maintenance of the slope planting.

(c) **Plans and Specifications.** Planting and irrigation plans shall be submitted for slopes required to be planted and irrigated by subsections (a) and (b). Except as waived by the Building Official for minor grading, the plans for slopes 20 feet or more in vertical height shall be prepared and signed by a civil engineer or

debris will remain in suspension on the reduced grade. Such terraces shall be paved with concrete not less than three inches (3") thick reinforced with 6" x 6" / #10 x #10 welded wire fabric or equivalent reinforcing centered in the concrete slab. Drainage terraces exceeding eight feet (8') in width need only be so paved for a width of eight feet (8') provided such pavement provides a paved channel at least one foot in depth. Downdrains or drainage outlets shall be provided at approximately 300-foot (300') intervals along the drainage terrace or at equivalent locations. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal.

(f) **Overflow Protection.** Berms, swales or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of the slope. Gutters or other special drainage controls shall be provided where the proximity of runoff from buildings or other structures is such as to pose a potential hazard to slope integrity.

(g) **Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability. (Ord. 84-0211 § 47, 1984.)

Sec. 7019. Planting of Slopes

(a) **Planting.** The surface of all cut slopes more than five feet in height and fill slopes more than three feet in height shall be protected against damage by erosion by planting with grass or groundcover plants. Slopes exceeding 15 feet in vertical height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers; or a combination of shrubs and trees at equivalent spacings, in addition to the grass or groundcover plants. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site and in accordance with standard specifications on file in the office of the County Engineer.

landscape architect.

(d) **Rodent Control.** Fill slopes steeper than two horizontal and one vertical within a grading project located adjacent to undeveloped and unoccupied land determined by the Agricultural Commissioner to be infested by burrowing rodents, shall be protected from potential slope damage by a preventative program of rodent control.

(e) **Release of Security.** The planting and irrigation systems required by this section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the grading security, the planting shall be well established and growing on the slopes and, where required by subsection (d), there shall be evidence of an effective rodent control program. (Ord. 84-0211 § 48, 1984.)

Sec. 7020. Grading Designation and Inspection

(a) **General.** Grading involving a fill intended to support structures, or the development of more than one lot or parcel of land, or in excess of 5,000 cubic yards of material, or grading where the Building Official determines special conditions or unusual hazards exist shall conform with subsection (d) titled, "Engineered Grading Requirements." Grading other than "Engineered Grading" shall be designated "Regular Grading."

(b) **Regular Grading Requirements.** The grading shall be inspected by the Building Official as set forth in subsection (c) "Inspection of Excavation and Fills."

The Building Official may require inspection and testing by a soil testing agency. If required, the soil testing agency's responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

(c) **Inspection of Excavation and Fills.** The Building Official, upon notification from the permittee or his agent, shall inspect the grading at the following stages of the work and shall either

approve the portion then completed or shall notify the permittee or his agent wherein it fails to comply with the requirements of this Code.

1. **Initial.** When the site has been cleared of vegetation and unapproved fill and it has been scarified, benched or otherwise prepared for fill. No fill shall have been placed prior to this inspection.

2. **Rough.** When approximate final elevations have been established; drainage terraces, swales and other drainage devices graded ready for paving; berms installed at the top of the slopes; and the statements required by Section 7020 have been received.

3. **Final.** When grading has been compacted; all drainage devices installed; slope planting established, irrigation systems installed; and the as-graded plans and required statements and reports have been submitted.

In addition to the called inspections specified above, the Building Official may make such other inspections as he may deem necessary to determine that the work is being performed in conformance with the requirements of this Code. Investigations and reports by an approved soil testing agency and/or geologist may be required.

(d) **Engineered Grading Requirements.** For engineered grading, it shall be the responsibility of the persons listed below to perform the designated functions and provide reports as set forth in Section 7021. These responsibilities and functions are in addition to those of the Building Official as set forth in subsection (c):

1. **Design Engineer.** The design engineer shall prepare the grading plans and shall incorporate recommendations from the soil engineering and engineering geology reports on such plans.

2. **Field Engineer.** The responsibilities of the field engineer shall include the establishment and approval of line, grade and surface drainage. The design engineer and field engineer need not be the same person. At the completion of the rough grading

and final grading, the field engineer shall submit the statements and reports required by Section 7021.

3. Soils Engineer. The responsibilities of the soils engineer shall include verification that the existing ground surface has been prepared for fill, inspection of subdrain and performing the other functions assigned to the soils engineer by Section 7016, entitled "Fills."

4. Geologist. When required by the Building Official, the geologist shall inspect the site to assure that geological conditions have been considered and that recommended corrective measures have been incorporated in the work. Such inspection shall include excavations for subdrains, buttress fills and shear keys which were recommended within the report by the geologist.

5. Grading Contractor. The grading contractor shall submit the statement required by Section 7021 at the completion of rough grading.

6. Planting and Irrigation. When planting and irrigation is required by Section 7019, the statement required by Section 7021 shall be submitted prior to the final approval of the grading by the Building Official.

Reports that reflect conditions which are not in agreement with the approved grading plans shall be submitted to the field engineer and the Building Official by the appropriate consultants.

(e) **Notification of Nonconformance.** If, in the course of fulfilling their responsibility under this chapter, the field engineer, soils engineer or geologist finds that the work is not being done in conformance with this chapter or the plans approved by the Building Official, or in accordance with good accepted practices, the person in charge of the grading work and the Building Official shall be immediately notified in writing of the nonconformity and of the corrective measures to be taken.

(f) **Termination of Services.** The termination of the service of

the field engineer, soils engineer or geologist prior to the completion of the work shown on the approved grading plans shall be reported to the Building Official in writing within 48 hours. The report shall be by the person terminated and shall include the status of the work at the last inspection. The work shall be stopped until the replacement has agreed to accept the responsibility within the area of his technical competence for verification upon completion of the work.

(g) **Violation.** It is a violation of this Code for any person to verify to the satisfactory completion of work as required by this chapter if such work is subsequently found by the Building Official to have been in substantial noncompliance with the approved design or Code requirement at the time of verification. (Ord. 84-0211 § 49, 1985.)

Sec. 7021. Reports and Statements, Engineered Grading

(a) **General.** The reports and statements set forth in this section are those required for engineered grading. The Building Official may waive the requirement for a report or statement when such report or statement is found to be unnecessary for the approval of the graded site. Nothing in this section shall be deemed to waive the requirements for reports or statements by other provisions of this Code.

The statements required by this section supplement the records of the Building Official. These forms may be duplicated and the letterhead of the responsible person may be utilized. Final approval of grading by the Building Official shall not be given until all required maps, statements and reports have been submitted.

Where reference is made to initial, rough or final grading, it shall mean those stages of construction set forth in Section 7020(c) entitled "Inspection of Excavation and Fills."

(b) **Field Engineer.** At the completion of rough grading and

final grading, the field engineer shall submit a statement that work is in conformance with the approved plans. A final contour map (as-built plan) shall be submitted unless the work has been completed in close agreement with the approved plan.

(c) **Soils Engineer.** At the completion of rough grading, the soils engineer shall submit a statement that the portion of the work concerning the preparation of the existing ground surface and the placing and compaction of fill is in conformance with the approved plan and the appropriate provisions of Section 7016, entitled "Fills."

The soil engineer shall submit a report which shall include the recommended soil bearing capacity, a finding as to the expansive qualities of the soil, the location of subdrains and a summary of tests. The location of such tests and the limits of the compacted fill shall be shown on a final plan which shall also show by plan and cross-section the location of any rock disposal areas and/or buttress fills, if such were involved in the grading.

(d) **Geologist.** When a site inspection by the geologist was required under Section 7020, a report based on an "as built" geologic map shall be submitted by the geologist. The report shall be submitted at the completion of rough grading and shall include specific approval of the grading as affected by geologic factors. Where necessary, such report shall include geologic cross sections and recommendations regarding the location of buildings or sewage disposal systems.

(e) **Planting and Irrigation.** At completion of final grading, a landscape architect or the field engineer shall submit a statement that the slope planting has been established and the irrigation system has been installed in conformance with the approved plans.

(f) **Grading Contractor.** At the completion of rough grading, the grading contractor shall submit a statement that the work under the direction of the grading contractor was performed in

accordance with the approved plans and the appropriate requirements of this Chapter or wherein such work was not in accordance with such plans and chapter. (Amended by Ord. 84-0211 § 55, 1985.)

PART 4 — CHAPTER 22.16 DEVELOPMENT AGREEMENTS

SECTIONS:

- 22.16.240 Intent and authority.
- 22.16.250 Initiation of hearings.
- 22.16.260 Application — Filing conditions.
- 22.16.270 Application — Contents.
- 22.16.280 Burden of proof.
- 22.16.290 Fee required.
- 22.16.300 Commission hearing.
- 22.16.310 Findings and decision.
- 22.16.320 Required terms, conditions, restrictions and requirements.
- 22.16.330 Other terms, conditions, restrictions and requirements.
- 22.16.340 Recommendation of Commission.
- 22.16.350 Notice of Commission action.
- 22.16.360 Board hearing.
- 22.16.370 Modification of Commission's recommendation.
- 22.16.380 Approval by ordinance.
- 22.16.390 Development agreement — Adoption of ordinance — Execution of contract.
- 22.16.400 Notice of Board's decision.
- 22.16.410 Recordation of executed agreement applicable to development.
- 22.16.420 Ordinances, regulations and requirements applicable to development.
- 22.16.430 Subsequently enacted state and federal laws.
- 22.16.440 Enforcement — Continuing validity.
- 22.16.450 Amendment or cancellation.
- 22.16.460 Review for compliance — Director's authority.
- 22.16.470 Violation of agreement — Commission review.
- 22.16.480 Violation of agreement — Board of supervisors' actions.
- 22.16.490 Applicability to areas where local coastal program is required.
- 22.16.500 Coordination of approvals.

22.16.240 INTENT AND AUTHORITY. This Part 4 is established to provide procedures and requirements for consideration of development agreements for the purposes specified in and as authorized by Article 2.5, Chapter 4, Title 7 of the Government Code. The Regional Planning Commission may recommend and the Board of Supervisors may enter into a development agreement for the development of real property with any person having a legal or equitable interest in such property as provided in this part. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.250 INITIATION OF HEARINGS. Hearings on a development agreement may be initiated:

- A. If the Board of Supervisors instructs the Commission to set the matter for a hearing, report and recommendation; or
- B. Upon the initiative of the Commission; or
- C. Upon the filing of an application as provided in Sections 22.16.260,

22.16.270, 22.16.280 and 22.16.290 of this part. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.260 APPLICATION — FILING CONDITIONS. Any person having a legal or equitable interest in real property or such other interest as specified in Subsection B2 of Section 22.16.270 may file an application proposing consideration of a development agreement with the Director, except that a person may not file, and the Director shall not accept an 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 by the Board of Supervisors within one year prior thereto, except as otherwise provided by Section 22.16.450. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.270 APPLICATION — CONTENTS. A. An application proposing consideration of a development agreement shall contain the following information and such other information as is requested by the Director.

B. The Director may reject any application that does not supply the information requested herein:

- 1. The name and address of the applicant and of all persons having a legal or equitable interest in all or a part of the property proposed to be used;
- 2. Evidence that the applicant:
 - a. Has a legal or equitable interest in the property involved; or
 - b. Has written permission from a person having a legal or equitable interest to make such application;
- 3. Location of subject property (address or vicinity);
- 4. Legal description of the property, including a statement of total area involved;
- 5. With each application the applicant shall also file:
 - a. Maps in the number prescribed and drawn to a scale specified by the Director, showing the location of all property included in the request for action, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 700 feet from the exterior boundaries of the property described in the application;
 - b. One copy of the said map shall indicate the uses established on every lot or parcel of land shown within the said 700-foot radius;
 - c. A list, certified to be correct by affidavit or by a statement under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the County of Los Angeles as owners of the subject property and as owning property within a distance of 500 feet from the exterior boundaries of the property described in the application. One copy of the map shall indicate the ownership of said lots or parcels of land;
 - 6. The development agreement proposed, together with all explanatory text, plans, maps, drawings, pictures and other information as may be required to evaluate such proposal;

7. Such other information as the Director may require.

C. The Director may waive the filing of one or more of the above items where the same information required is filed with a zone change, permit, tentative subdivision map or other action requiring approval of the Board of Supervisors and/or Commission to be concurrently considered.

D. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.280 BURDEN OF PROOF. In addition to the information required in the application by Section 22.16.270, the applicant for a development agreement shall substantiate to the satisfaction of the Commission the following facts:

- A. That the proposed development agreement is consistent with the general plan and any applicable community, area or specific plan; and
- B. That the proposed development agreement complies with zoning, subdivision and other applicable ordinances and regulations; and
- C. That 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

D. That the proposed development agreement will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. (*Ord., 82-0173 Sec. 1 (part), 1982.*)

22.16.290 FEE REQUIRED. When an application proposing a development agreement is filed, it shall be accompanied by the filing fee as required in Section 22.60.100. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.300 COMMISSION HEARING. In all cases where a proposed development agreement is initiated, the Commission shall hold a public hearing and shall give notice of such public hearing pursuant to the procedure provided in Part 4 of Chapter 22.60. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.310 FINDINGS AND DECISION. A. The Commission shall recommend approval and the Board of Supervisors shall approve an application for a development agreement where it finds that the information presented by the applicant and/or obtained at public hearing substantiates that the burden of proof set forth in Section 22.16.280 has been met. In addition, the Commission and Board of Supervisors shall also find that the proposed development agreement complies with the terms, conditions, restrictions and requirements of Section 22.16.320.

B. The Commission shall recommend denial where the information submitted and/or obtained at public hearing fails to substantiate such

findings to the satisfaction of the Commission. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.320 REQUIRED TERMS, CONDITIONS, RESTRICTIONS AND REQUIREMENTS. A. Every development agreement entered into by the Board of Supervisors shall include the following terms, conditions, restrictions and requirements:

1. The duration of the agreement, including a specified termination date if appropriate; and
2. The uses to be permitted on the property; and
3. The density or intensity of use permitted; and
4. The maximum height, size and location of buildings permitted; and
5. The reservation or dedication of land for public purposes to be accomplished, if any;
6. The time schedule established for periodic review as required by Section 22.26.460.

B. Such terms, conditions, restrictions or requirements shall not be contrary to zoning, subdivision or other ordinances, laws or regulations applicable to the proposed development. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.330 OTHER TERMS, CONDITIONS, RESTRICTIONS AND REQUIREMENTS. A development agreement may also include additional terms, conditions, restrictions and requirements for subsequent discretionary actions in addition to those provided in Section 22.16.320, provided that such terms, conditions, restrictions and requirements do not prevent development of the lot or parcel of land included in such agreement for the uses and to the density or intensity of development set forth in the agreement, including but not limited to:

A. The requirement of development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;

B. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, drainage and flood-control facilities, parks and other recreational facilities, and sewers and sewage treatment facilities;

C. The prohibition of one or more uses normally listed as permitted, accessory, subject to Director's review or subject to permit in the zone where placed;

D. The limitation of future development or requirement of specified conditions under which further development not included in the agreement may occur;

E. The requirement of a faithful performance bond where deemed necessary to, and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of the required bond, the applicant may deposit with the Clerk of the Board of Supervisors and assign to the County, certificates of deposit or savings and loan certificates or

EXECUTION OF CONTRACT. A. No ordinance shall be adopted and the Chairman of the Board of Supervisors shall not execute a development agreement until it has been executed by the applicant. If the applicant has not executed the agreement, or agreement as modified by the Board of Supervisors, and returned said executed agreement to the Executive Officer-Clerk of the Board of Supervisors within 30 days following Board approval, the approval shall be deemed withdrawn, and the Board shall not adopt said ordinance nor the Chairman execute said agreement.

B. Such 30-day time period may be extended upon approval of the Board of Supervisors. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.400 NOTICE OF BOARD'S DECISION. The Board of Supervisors shall serve a notice of its action in the manner prescribed by Section 22.60.190. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.410 RECORDATION OF EXECUTED AGREEMENT. Not more than 10 days following the execution of a development agreement by the Board of Supervisors, the Executive Officer-Clerk of the Board of Supervisors shall record with the County Recorder a copy of the executed agreement. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.420 ORDINANCES, REGULATIONS AND REQUIREMENTS APPLICABLE TO DEVELOPMENT. Unless otherwise provided by a development agreement, the General Plan, zoning, subdivision and other ordinances, rules, regulations and official policies governing permitted uses of land, governing density and governing design, improvement and construction standards and specifications applicable to property subject to a development agreement shall be those applicable to such development on the date of execution of the development agreement by the Board of Supervisors; provided, however, that a development agreement shall not:

A. Be construed to prevent the application of later adopted or amended ordinances, rules, regulations and policies in subsequent applications applicable to the property which do not conflict with such existing ordinances, rules, regulations and policies; or

B. Prevent the approval, approval subject to conditions or denial of subsequent development applications pursuant to such existing or later adopted or amended ordinances, rules, regulations and policies. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.430 SUBSEQUENTLY ENACTED STATE AND FEDERAL LAWS. In the event that state or federal laws or regulations enacted subsequent to execution of a development agreement prevent or preclude compliance with one or more provisions of such agreement, the provisions of such agreement shall be deemed modified or suspended to the extent necessary to comply with said state or federal law or regulation. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.440 ENFORCEMENT — CONTINUING VALIDITY. A. Unless and until amended or cancelled in whole or in part as provided in Section 22.16.450, a development agreement shall be enforceable by any party thereto notwithstanding any change in regulations which alters or

shares equal in amount to the same conditions as set forth herein. Such deposit and assignment shall comply with all the provisions and conditions of Chapter 4.36 of this code;

F. The requirements of specified design criteria for the exteriors of buildings and other structures, including signs;

G. The requirement of special yards, open spaces, buffer areas, fences and walls, landscaping and parking facilities, including vehicular and pedestrian ingress and egress;

H. The regulation of nuisance factors such as noise, vibration, smoke, dust, dirt, odors, gases, garbage, heat and the prevention of glare or direct illumination of adjacent properties;

I. The regulation of operating hours and other characteristics of operation adversely affecting normal neighborhood schedules and functions on surrounding property. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.340 RECOMMENDATION OF COMMISSION. A recommendation by the Commission shall be by resolution carried by the affirmative vote of not less than three of its members. Such recommendation is final and conclusive, and may not be reconsidered by the Commission except upon a referral by the Board of Supervisors. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.350 NOTICE OF COMMISSION ACTION. The Commission shall serve a notice of its action in the manner prescribed by Section 22.60.190. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.360 BOARD HEARING. After receipt of the Commission's recommendation, the Board of Supervisors shall hold a public hearing and shall give notice of such public hearing pursuant to the procedure set forth in Part 4 of Chapter 22.60; provided, however, that if the Commission has recommended against approval of such application, the action of the Commission shall become final unless an interested party requests a hearing by the Board of Supervisors by filing a written request with the Executive Officer-Clerk of the Board of Supervisors within 15 days after notice of the Commission action is received by the applicant. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.370 MODIFICATION OF COMMISSION'S RECOMMENDATION. The Board may approve, modify or disapprove a Commission recommendation involving a development agreement, provided that any modification of the development agreement by the Board of Supervisors 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 thereon. Failure of the Commission to report within 40 days after such referral, or such longer period of time designated by the Board of Supervisors, shall be deemed to be approval by the Commission of the proposed modification. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.380 APPROVAL BY ORDINANCE. Approval by the Board of Supervisors of a development agreement shall be by ordinance. (*Ord. 82-0173 Sec. 1 (part), 1982.*)

22.16.390 DEVELOPMENT AGREEMENT — ADOPTION OF ORDINANCE —

recommending such action as it deems appropriate. (Ord. 82-0173 Sec. 1 (part), 1982.)

22.16.480 VIOLATION OF AGREEMENT — BOARD OF SUPERVISORS' ACTIONS. Where the Commission reports the violation of a development agreement, the Board of Supervisors 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; or
- B. Refer the matter back to the Commission for further proceedings with or without instructions; or
- C. Schedule the matter for hearing before itself where termination or modification of an agreement is recommended. Procedures for such hearing shall be the same as provided in Section 22.16.450. (Ord. 82-0173 Sec. 1 (part), 1982.)

22.16.490 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 pursuant to the requirements of Division 20 of the Public Resources Code unless:

- A. The required local coastal program has been certified as required by such provisions prior to the date on which the development agreement is approved; or
- B. In the event that the required local coastal program has not been certified, the California Coastal Commission approves such development agreement by its formal action. (Ord. 82-0173 Sec. 1 (part), 1982.)

22.16.500 COORDINATION OF APPROVALS. A. Where an application for a development agreement is concurrently filed with an application for a zone change, permit, variance, tentative tract or minor land division and may be feasibly processed together, all public hearings shall be concurrently held.

- B. In instances where the provisions of applicable ordinances would permit the modification of development standards during consideration of such development agreement, such standards may be concurrently considered where modification is requested. (Ord. 82-0173 Sec. 1 (part), 1982.)

amends the regulations applicable to development as specified in Section 22.16.420.

B. The burden of a development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement. (Ord. 82-0173 Sec. 1 (part), 1982.)

22.16.450 AMENDMENT OR CANCELLATION. A development agreement may be amended, or cancelled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment or cancellation shall be the same as provided in this Part 4 for initiation and consideration of such agreement. (Ord. 82-0173 Sec. 1 (part), 1982.)

22.16.460 REVIEW FOR COMPLIANCE — DIRECTOR'S AUTHORITY. A. Every development agreement entered into by the Board of Supervisors shall provide for periodic review of the applicant's compliance with such agreement by the Director at a time interval specified in such agreement, but in no event longer than 12 months.

B. The Director shall determine on the basis of substantial evidence that the applicant or his successor in interest has or has not complied with the agreement. If as a result of this review the Director determines that the agreement is not being complied with, he shall notify the applicant or his successor in interest of his findings as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested, also indicating that failure to comply within a period specified, but in no event less than 30 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 his successor in interest to provide evidence of good faith compliance with the agreement to the Director's satisfaction at the time of said review. Refusal by the applicant or his successor in interest to provide the required information shall be deemed prima facie evidence of violation of such agreement.

D. If, at the end of the time period established by the Director, the applicant or his successor in interest has failed to comply with the terms of the agreement or, alternatively, submitted additional evidence satisfactorily substantiating such compliance, the Director shall notify the Commission of his findings, recommending such action as he deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement. (Ord. 81-0173 Sec. 1 (part), 1982.)

22.16.470 VIOLATION OF AGREEMENT — COMMISSION REVIEW. A. Where the Director notifies the Commission that his findings indicate that a development agreement is being violated, a public hearing shall be scheduled before the Commission to consider the applicant's reported failure to comply, and the action recommended by the Director. Procedures for conduct of such hearing shall be the same as provided in this Part 4 for initiation and consideration of a development agreement.

B. If, as a result of such hearing, the Commission finds that the applicant or his successor in interest is in violation of a development agreement, it shall notify the Board of Supervisors of its findings,

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

1. Yards, provided such addition or expansion is developed pursuant to the yard requirements of this title;
2. Building height limits, but not including floor area ratio or maximum lot coverage provisions, provided such addition or expansion is developed pursuant to the height requirements of this title;
3. Parking facilities, including width of access and paving, improvement, number of spaces and landscaping of parking areas, provided that parking spaces for such addition, increase in occupant load or expansion shall be developed pursuant to the provisions of Part 11 of Chapter 22.52. Such addition or expansion shall not occupy the only portion of an area which can be used for the required parking space or access thereto. Where the number of parking spaces provided prior to such addition is sufficient to comply with said Part 11 after such expansion, the existing development of such parking facilities shall be deemed to comply with this subsection;
4. Such additions as are permitted by this subsection shall not be construed to authorize the modification of any provision of this title nor extend the termination date of the subject nonconforming use.

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

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

1. The use has the same or lesser parking requirement as the existing or previous use; or
2. If the use has a greater requirement than the existing or previous use, a sufficient number of additional parking spaces is developed to accommodate the increased amount of spaces required by the new use.

F. Completion of Nonconforming Structures Permitted Prior to Adoption of Use Standards. Buildings or structures, for which a valid building permit has been issued prior to the effective date, or operative date where later, of the ordinance codified herein, or any amendment thereto, making such building or structure nonconforming due to use and/or standards, may be completed and used in accordance with the provisions of this title, provided:

1. That such construction or the proposed use of such building or structure under construction is not in violation of any other ordinance or law at said effective or operative date; and

PART 10 — CHAPTER 22.56 NONCONFORMING USES, BUILDINGS AND STRUCTURES

SECTIONS:

- 22.56.1500 Definitions.
- 22.56.1510 Regulations applicable.
- 22.56.1520 Public uses — Additions and alterations authorized when.
- 22.56.1530 Public utilities — Additions and alterations authorized when.
- 22.56.1540 Termination conditions and time limits.
- 22.56.1550 Review of amortization schedule or substitution of use

22.56.1500 DEFINITIONS. As used in Part 10 of this Chapter 22.56, the expressions "Type I, Type II, Type III, Type IV and Type V building" are used as defined in Part V, Chapter 17 of Ordinance 2225, the County Building Code, set out in Title 26 of this code. (*Ord. 1494 Ch. 5 Art. 9 § 509.3, 1927.*)

22.56.1510 REGULATIONS APPLICABLE. The following regulations shall apply to all nonconforming uses and to all buildings or structures nonconforming due to use and/or standards as specified herein:

A. Continuation. A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained, provided there is no alteration, enlargement or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space or volume occupied by or devoted to such use, except as otherwise provided in this Title 22.

B. Additions to a Nonconforming Use or a Building or Structure Nonconforming Due to Use and/or Standards. This section does not authorize the extension, expansion, or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use, or the alteration, enlargement of, or addition to a building or structure nonconforming due to use and/or standards, or permit the addition of land, buildings or structures used in conjunction with a nonconforming use or a building or structure nonconforming due to use and/or standards except:

1. To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation, and the Director so finds. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use, or a building or a structure nonconforming due to use.
2. Additions may be made to a building, nonconforming due to use and/or standards, which is designed for and used as a residence, without requiring any additional parking space or driveway paving, provided that such additions neither increase the number of dwelling units in such structure, nor occupy the only portion of an area which can be used for required parking space or access thereto.

C. Additions to a Building or Structure Nonconforming Due

2. That such building or structure is completed within:
- One year from said effective or operative date, if two stories or less in height and not more than 70,000 square feet in floor area, except that one additional month shall be permitted for each 15,000 square feet in excess of said 70,000 square feet,
 - One and one-half years from said effective or operative date, if three to six stories in height and not more than 100,000 square feet in floor area, except that one additional month shall be permitted for each 15,000 square feet in excess of said 100,000 square feet,
 - Two years from said effective or operative date if seven stories or more in height and not more than 150,000 square feet in floor area, except that one additional month shall be permitted for 15,000 square feet in excess of said 150,000 square feet;
3. That such building or structure is completed in accordance with the plans and specifications on which such building permit was issued.

G. Repair of Damaged or Partially Destroyed Buildings or Structures Nonconforming Due to Use and/or Standards. Any building or structure nonconforming due to use and/or standards which is damaged or partially destroyed may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided:

- That the cost of reconstruction does not exceed 50 percent of the total market value of the building or structure as determined by:
 - The current assessment roll immediately prior to the time of damage or destruction, or
 - A narrative appraisal prepared by a certified member of a recognized professional appraiser's organization; provided that such appraisal is first submitted to and approved by the Director. Submission of an appraisal shall be at the option of the applicant. In verifying the accuracy of the appraisal submitted, the Director may request additional supporting information from the applicant and/or conduct his own investigation, including a request for technical assistance from any source which, in his opinion, can contribute information necessary to complete such evaluation. Further, the Director may also obtain an independent narrative appraisal of the applicant's property in order to verify the accuracy of the appraisal submitted by the applicant. Where a discrepancy exists between the applicant's appraisal and the appraisal prepared pursuant to the Director's request the Director may, at his discretion, determine the market value of the applicant's property based on the evidence submitted; and his decision is final; provided, that the applicant shall first have the opportunity to file additional information to substantiate the accuracy of the appraisal submitted by him.

Where the Director undertakes his own investigation and/or requests that an independent appraisal be prepared as provided herein, the applicant shall pay to the County the actual costs of conducting such investigation and/or the appraisal. Value shall be determined by the use of the assessment roll in all instances where an appraisal prepared pursuant to this subsection is not approved by the Director. Such costs shall not include the land or any factor other than the building or structure

itself; and

2. That all reconstruction shall be started within one year from the date of damage and be pursued diligently to completion.

H. Maintenance of Buildings or Structures Nonconforming Due to Use. When maintenance or routine repairs within any 12-month period exceed 25 percent of the current market value of a building or structure, nonconforming due to use, or a building or structure, nonconforming due to standards, which is subject to termination by operation of law as specified in Subsection B of 22.56.1530, such building or structure shall be made to conform to the requirements for new buildings or structures as specified by this Title 22. This provision does not apply to additions permitted by this part or to Section 22.52.160. Market value shall be determined by the method specified in Subsection G of this section.

I. Limitation on Additional Development. No new use, building or structure shall be developed on any lot or parcel of land containing a nonconforming use or a building or structure nonconforming due to use and/or standards unless the following conditions prevail:

- That each existing and proposed use, building or structure, including appurtenant structures, improvements and open space, will be located on a lot or parcel of land having the required area as provided in Part 2 of Chapter 22.52; and
- That such lot of parcel of land can be divided into smaller lots or parcels of land each of which when considered as a separate lot or parcel of land will contain not less than the required area; and
- That each such lot or parcel of land so divided into smaller lots or parcels of land will comply with the requirements of this title as to the number and location of structures.

J. The provisions of this section shall not be construed to extend the termination date of such nonconforming uses, buildings and structures. (*Ord. 83-0161, Sec. 74-76; Ord. 1494 Ch. 5 Art. 9 § 509.1, 1927.*)

22.56.1520 PUBLIC USES — ADDITIONS AND ALTERATIONS AUTHORIZED WHEN. Any publicly owned nonconforming use or building or structure nonconforming due to use and/or standards, including but not limited to, schools, colleges, parks, libraries, fire stations, sheriff stations and other public sites, may be added to, extended, or altered if such additions, extensions, or alterations do not extend beyond the boundaries of the original site established prior to the time approval was required. Nothing in this Title 22 pertaining to nonconforming due to use and/or standards shall be construed to require the termination, discontinuance or removal of such uses, buildings or structures except as provided in Section 22.56.177. (*Ord. 1494 Ch. 5 Art. 9 § 509.4, 1927.*)

22.56.1530 PUBLIC UTILITIES — ADDITIONS AND ALTERATIONS AUTHORIZED WHEN. Any building or structure of a public utility made nonconforming by the provisions of this Title 22, including equipment or other facilities necessary for operating purposes, but excluding offices, service centers or yards may be added to, extended or altered; provided,

there is no change in use or enlargement of the original site established prior to the time such approval was required. Nothing in this title pertaining to nonconforming uses or buildings and structures nonconforming due to use and/or standards shall be construed to require the termination, discontinuance or removal of such uses, buildings or structures except as provided in Section 22.56.1770. (Ord. 1494 Ch. 5 Art. 9 § 509.5, 1927.)

22.56.1540 TERMINATION CONDITIONS AND TIME LIMITS. The following regulations shall apply to all nonconforming uses and buildings and structures nonconforming due to use, and to buildings and structures nonconforming due to standards as specified in this section.

A. Termination by Discontinuance. Discontinuance of a nonconforming use or of the use of a building or structure nonconforming due to use and/or standards as indicated herein shall immediately terminate the right to operate or use such nonconforming use, building or structure, except when extended as otherwise provided in this Title 22:

1. Changing a nonconforming use to a conforming use;
2. Removal of a building or structure nonconforming due to use and/or standards;
3. Discontinuance of a nonconforming use or use of a building or structure nonconforming due to use for a consecutive period of two or more years;
4. Discontinuance of the use of a building or structure nonconforming due to standards, in those cases where such building or structure is subject to termination by operation of law as specified in Subsection B2, for a consecutive period of two or more years.

B. Termination by Operation of Law. Nonconforming uses and buildings or structures nonconforming due to use, and those buildings or structures nonconforming due to standards enumerated in this section, shall be discontinued and removed from their sites within the time specified in this section, except when extended or revoked as otherwise provided in this title:

1. In the case of nonconforming uses and buildings or structures nonconforming due to use:
 - a. Where the property is unimproved, one year,
 - b. Where the property is unimproved except for buildings or structures of a type for which Ordinance 2225 (set out at Title 26 of this code) does not require a building permit, three years,
 - c. Where the property is unimproved except for buildings or structures which contain less than 100 square feet of gross floor area, or where such buildings or structures have a total market value of \$500.00 or less as reflected by the current assessment roll, three years,
 - d. Outdoor advertising signs and structures, five years,
 - e. Where a nonconforming use is carried on in a conforming structure, five years except where the provisions of Subsection B1 c apply,
 - f. In other cases, 20 years from the effective date or operative date where later of the ordinance or amendment thereto establishing said nonconforming status, and for such longer time so that the total life

of the structure from the date of construction, based on the type of construction as defined by the Building Code, will be as follows:

- i. Type IV and Type V buildings (light incombustible frame and wood frame) used as:
 - I. One-family dwellings, two-family dwellings, three-family dwellings, apartment houses and other buildings used for residential occupancy, 35 years,
 - II. Stores and factories, 25 years,
 - III. Any other building not herein enumerated, 25 years,
 - ii. Type III buildings (heavy timber construction and ordinary masonry) used as:
 - I. One-family dwellings, two-family dwellings, three-family dwellings, apartment houses, offices and hotels, 40 years,
 - II. Structures with stores below and residences, offices or a hotel above, 40 years,
 - III. Warehouses, stores and garages, 40 years,
 - IV. Factories and industrial buildings, 40 years,
 - iii. Type I and Type II buildings (fire-resistive) used as:
 - I. One-family dwellings, two-family dwellings, three-family dwellings, apartment houses, offices and hotels, 50 years,
 - II. Theaters, warehouses, stores and garages, 50 years,
 - iv. Factories and industrial buildings, 50 years,
 - g. Where the property is developed as a mobilehome park, which is constituted only of spaces rented to mobilehomes, then the length of time shall be as specified by this Subsection B1 except where an extension has been approved pursuant to Subsection B1 of Section 22.52.500.

2. In the case of buildings or structures nonconforming due to standards, signs as follows:

- a. Signs as prohibited by Section 22.52.990, 90 days,
- b. All other signs and sign structures except outdoor advertising signs, 10 years. (Ord. 84-0047; Ord. 1494 Ch. 5 Art. 9 § 509.2, 1927.)

22.56.1550 REVIEW OF AMORTIZATION SCHEDULE OR SUBSTITUTION OF USE.

A. Request for Review.

1. An application may be filed with the Director:
 - a. Requesting extension of the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable, must be discontinued and removed from its site as specified in Subsection B of Section 22.56.1540 or Subsection A of Section 22.64.050, or
 - b. Requesting substitution of another use permitted in the zone in which the nonconforming use is first permitted where a building or structure is vacant despite efforts to insure continuation of a nonconforming use and is so constructed that it may not reasonably be converted to or used for a use permitted in the zone in which it is located;

2. The Director may accept such filing either before or after the date of expiration of such nonconforming use, building or structure.

B. Application and Procedure. Except as specifically provided in this section, the application and all procedure relative to notification, public hearing and appeals shall be the same as for a conditional use permit. In the instance where final action was taken to deny a nonconforming use, building or structure review prior to amendment of the facts required for approval adopted by Ordinance 12,271, effective December 26, 1980, the one-year restriction on reapplication shall not apply.

C. Burden of Proof. In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Hearing Officer the following facts:

1. That to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property; and/or

2. That such use, building or structure does not now and will not during the extension period requested:

a. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or

b. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

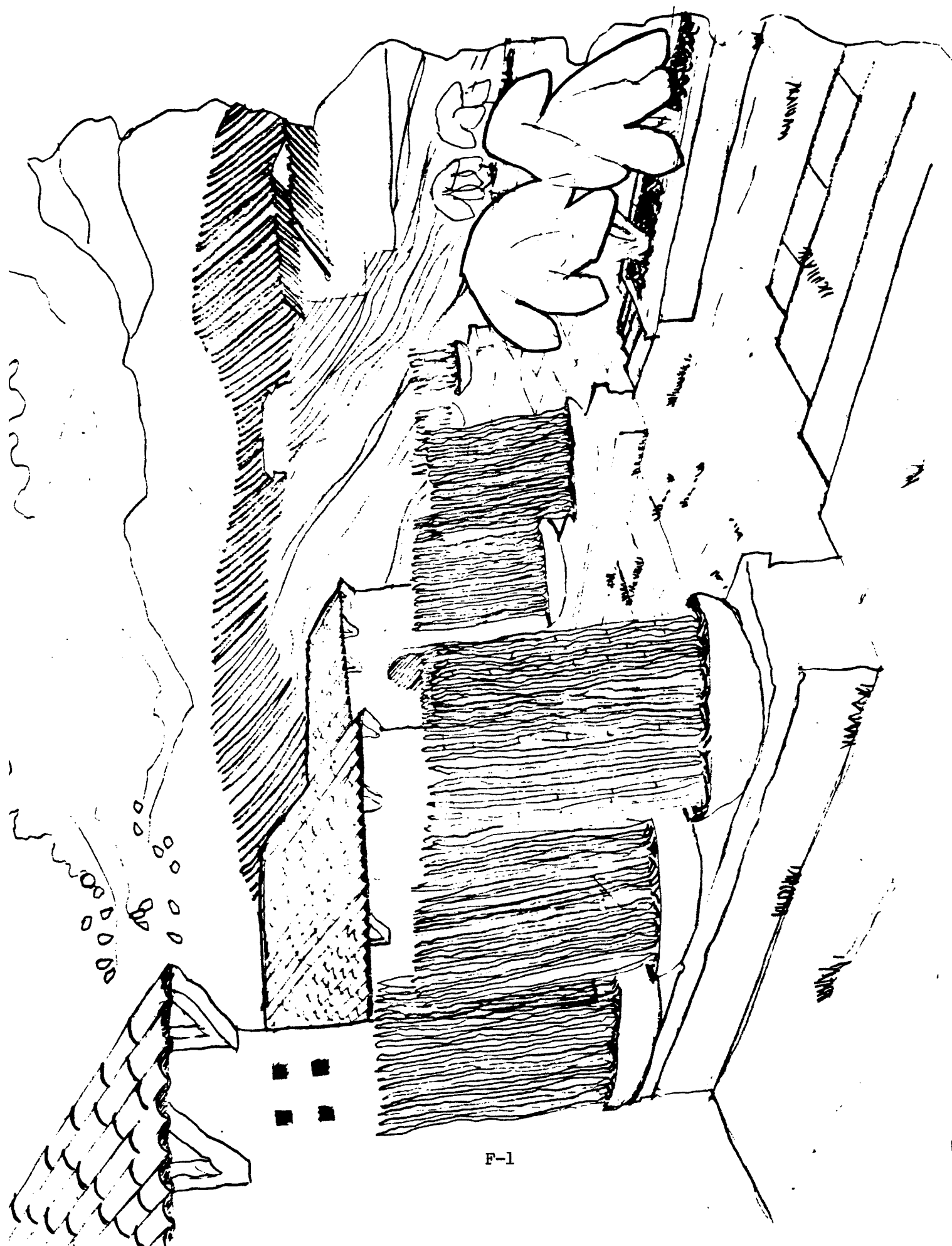
D. Findings and Decision. The Hearing Officer shall not approve an application for a nonconforming use, building or structure review unless he finds the burden of proof set forth in Subsection C of this section has been met by the applicant.

E. Conditions. The Hearing Officer, in approving an application for a nonconforming use and structure review, may impose conditions, he deems necessary to insure that the approval will be in accord with the findings required. Conditions imposed by the Hearing Officer may involve any pertinent factors affecting the establishment, operations, and maintenance of the uses, buildings or structures requested, including, but not limited to, those specified in Section 22.56.100. (*Ord. 85-0195, Sec. 41 (part); Ord. 1494 Ch. 5 Art. 9, § 509.6, 1927.*)

APPENDIX F. Architectural and Design Illustrations

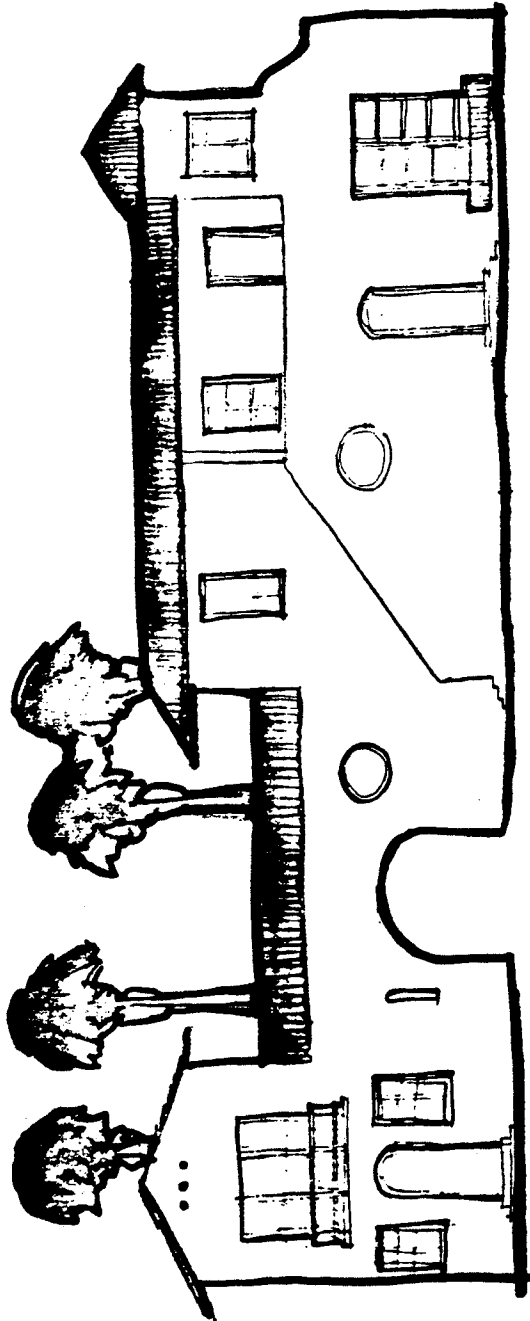
The diagrams and illustrations contained in this appendix are intended to provide examples of various architectural, aesthetic, and design standards contained in the Specific Plan. Decision makers and developers should consider these drawings to be samples of the styles that are to be implemented on Santa Catalina Island, but they are not intended to convey the entire range of architectural features.

1. Patios.
2. Mediterranean Facade Elevation.
3. Mediterranean Details.
4. Victorian Style - Example.
5. Stone Rustic Bungalow.
6. Visitor Information Pavilion.
7. SAVE Zone: Open Space Corridor.
8. Grading Diagrams.



F-1

PATIOS



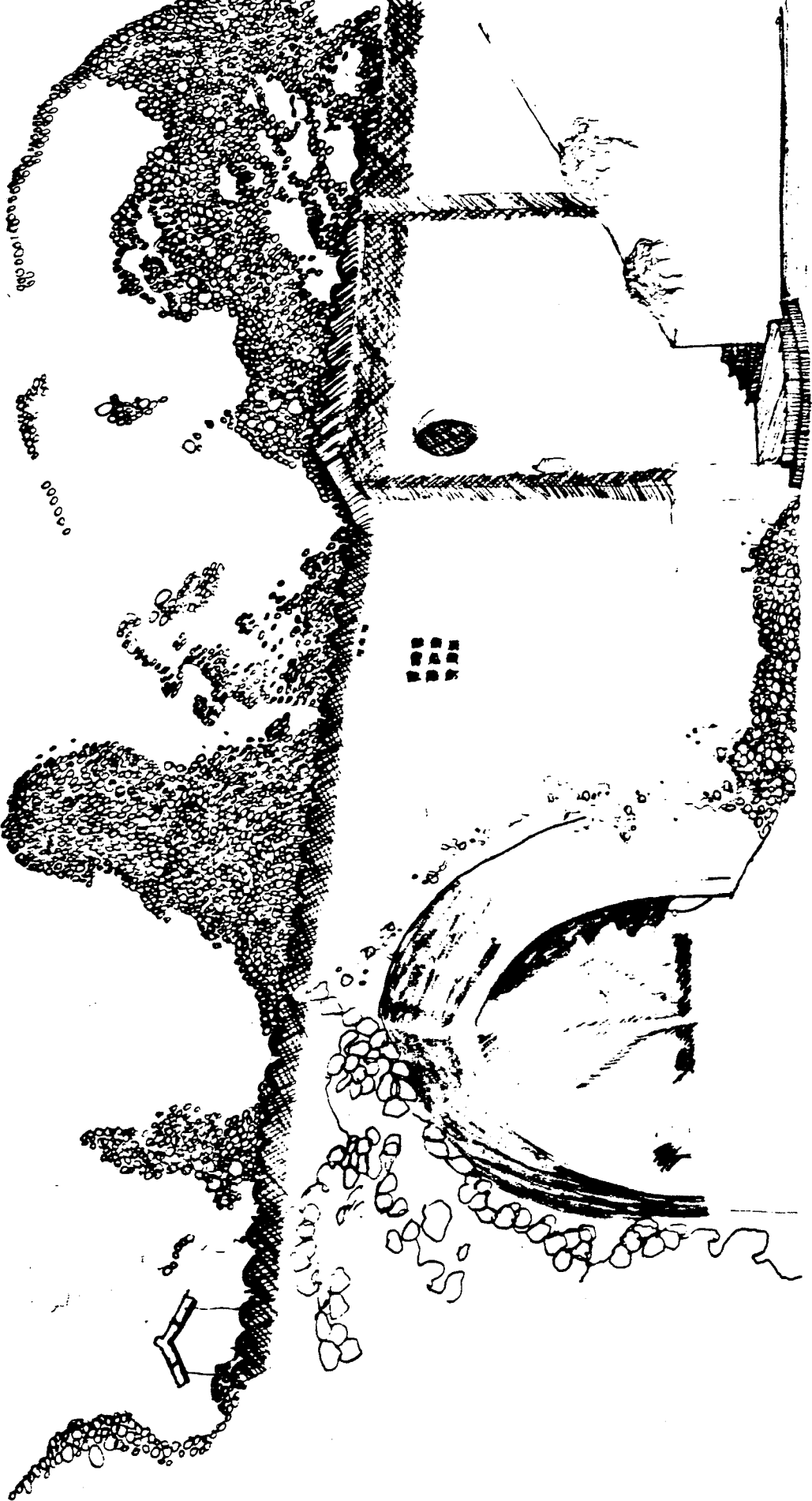
ENTRANCE 4

ENTRANCE 3
UPSTAIRS

ENTRANCE 2
COURTYARD
APARTMENTS

ENTRANCE 1

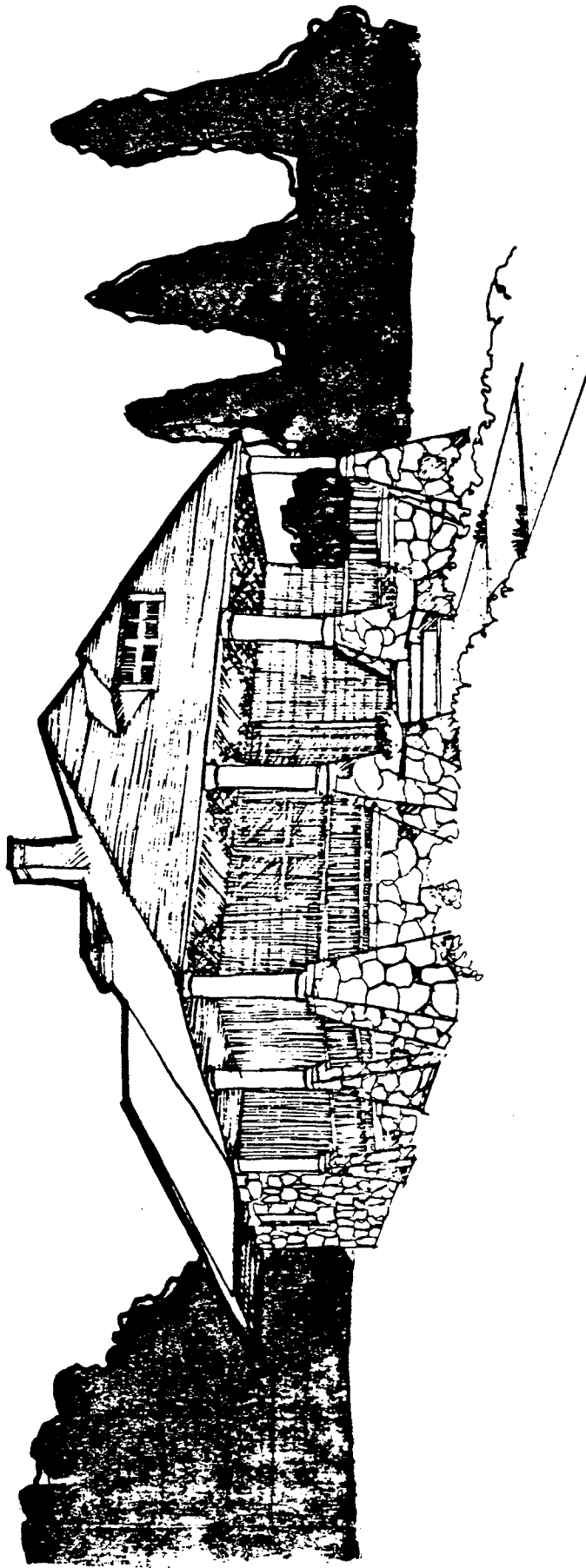
EXAMPLE - MEDITERRANEAN FACADE 4 OR MORE UNITS



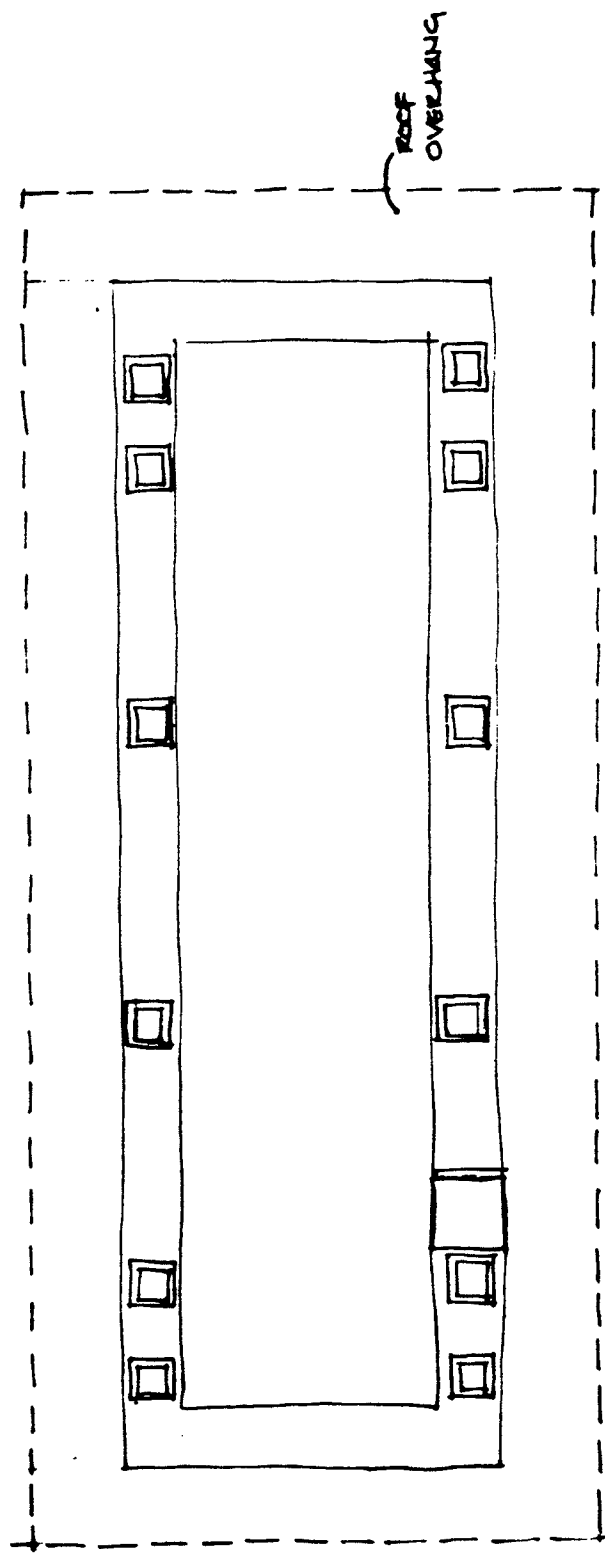
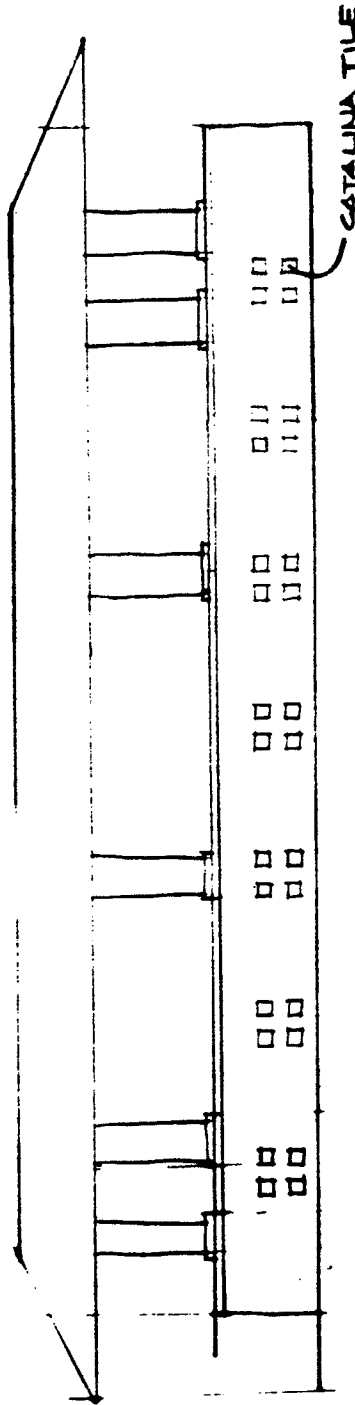
MEDITERRANEAN DETAILING



EXAMPLE VICTORIAN



EXAMPLE STONE RUSTIC BUNGALOW



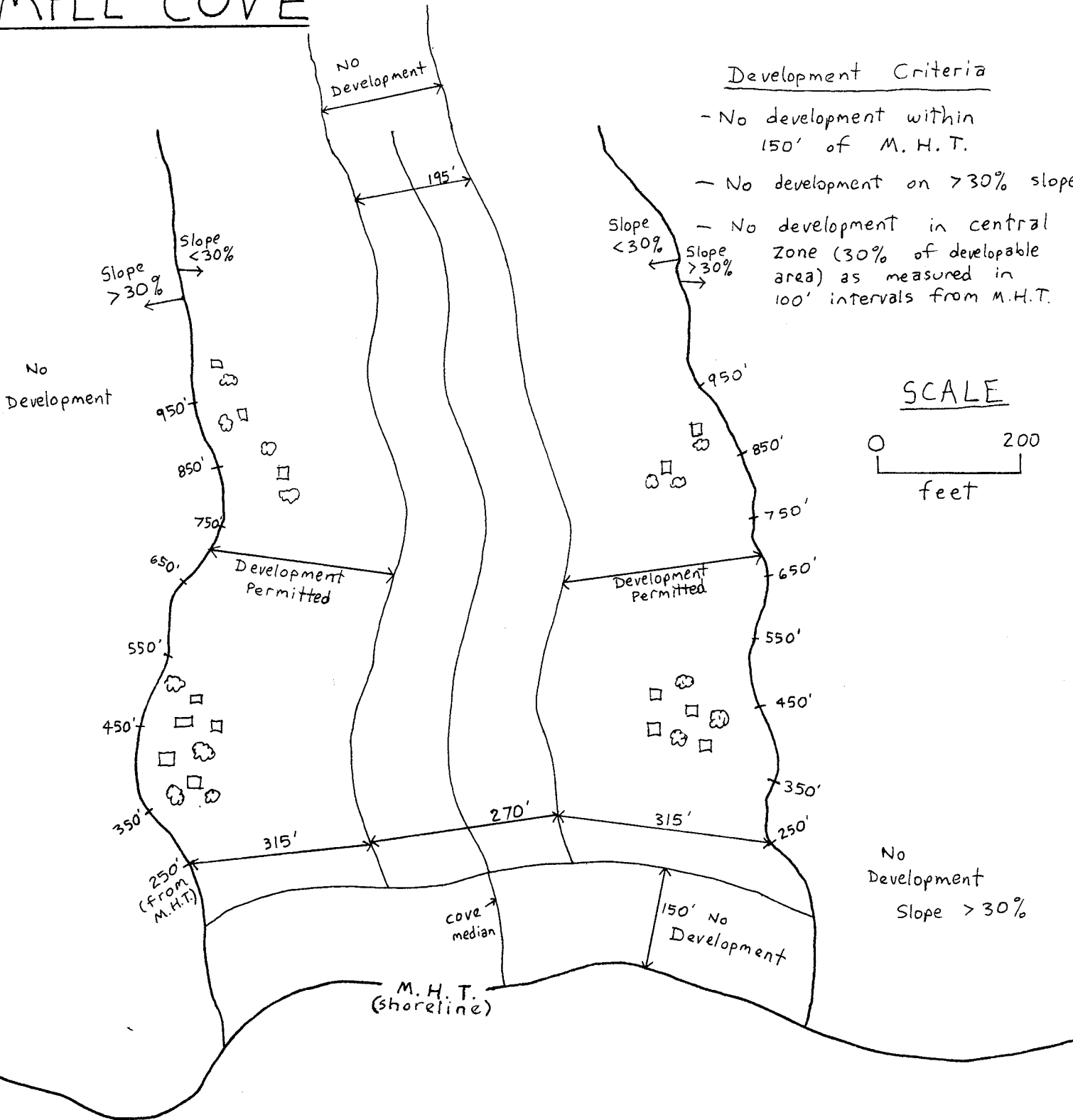
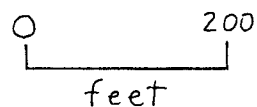
VISITOR INFORMATION PAVILION

SAMPLE COVE

Development Criteria

- No development within 150' of M.H.T.
- No development on >30% slope
- No development in central zone (30% of developable area) as measured in 100' intervals from M.H.T.

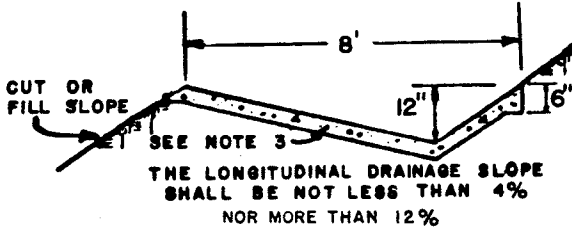
SCALE



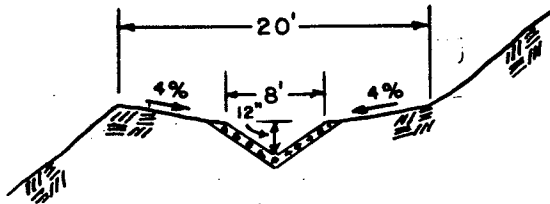
TERRACES FOR CUT-FILL SLOPE:

Cut slopes more than 40 feet in height and fill slopes more than 30 feet in height shall have drainage terraces provided at vertical intervals not exceeding 25 feet. Such terraces shall have a minimum width of 8 feet (total horizontal distance) and depth of one foot at the flow line. For cut or fill slopes over 100 feet high, one drainage terrace near midheight shall be not less than 20 feet in width, eight feet of which shall be paved. The design and construction of drainage terraces shall conform to Section 7018d.

TERRACES

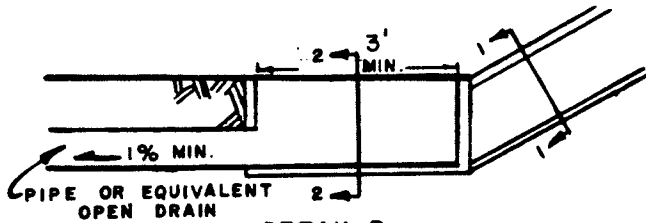


DETAIL A
TYPICAL TERRACE DRAIN

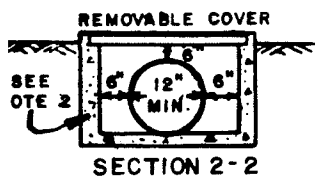


20' TERRACE
DETAIL A'

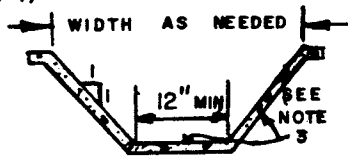
DOWNDRAINS



DETAIL B
TYPICAL DOWNDRAIN
(SEE NOTE 1)



SECTION 2-2



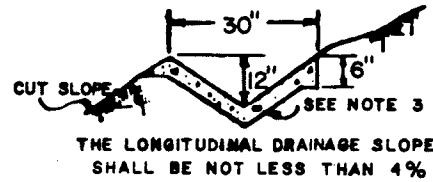
SECTION 1-1

NOTES

1. Downdrains shall be so located that no point on a terrace drain is more than 300' from a down drain.
2. This structure to be poured concrete, grouted 6" concrete block or gunite - *single wall common brick not permitted.*
3. Swales and terraces to be 3" gunite or concrete with 6 x 6 \dagger 10/ \dagger 10 wire mesh.

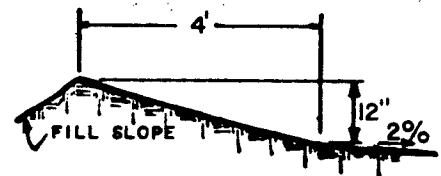
OVERFLOW PROTECTION:

Swales, Berms or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of the slope. Special drainage provisions shall be made where a building or structure exists within five feet of the top of a slope.



THE LONGITUDINAL DRAINAGE SLOPE SHALL BE NOT LESS THAN 4%

DETAIL C
TYPICAL PAVED SWALE



DETAIL D
TYPICAL BERM AT TOP OF ALL FILL SLOPES

MAINTENANCE OR PROTECTIVE DEVICES:

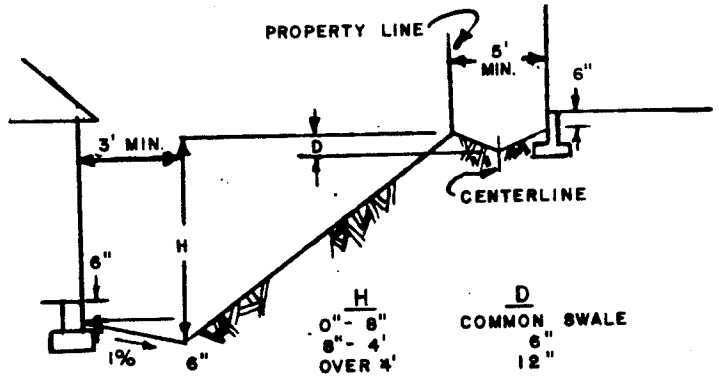
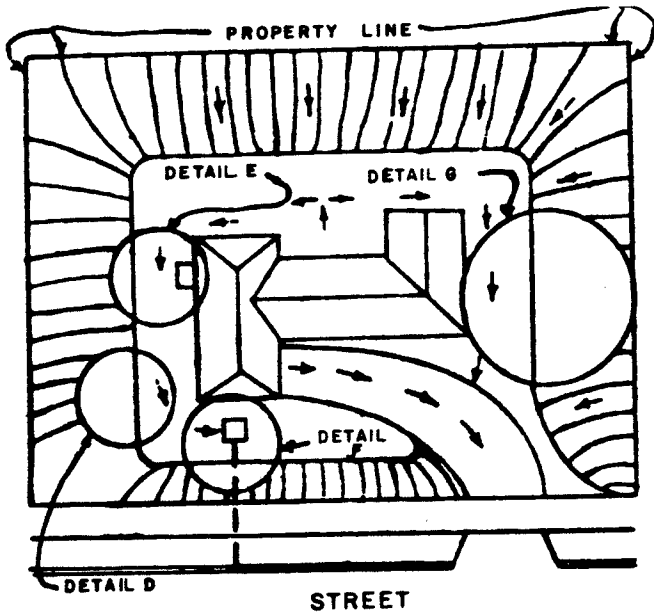
The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this code or any other person or agent in control of such property shall maintain in good condition and repair all drainage structures and other protective devices shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.

OFF SITE GRADING LETTERS:

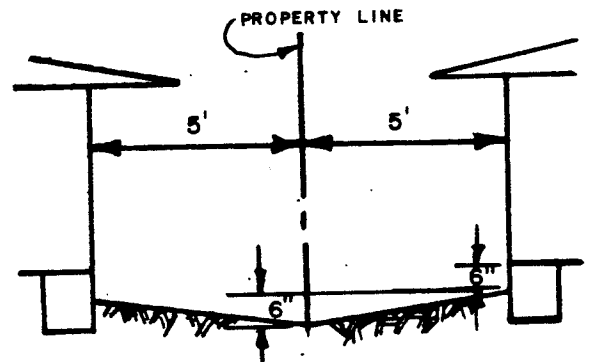
Whenever the developer of a parcel of land is required to do work outside of his property, it is necessary for the developer to obtain written permission from the adjoining property owner. The letter must contain the following items:

1. Description of property affected.
2. A statement certifying that the signer is the owner of the off site property.
3. Acknowledgement that the owner has reviewed the grading plans and that he consents to the work proposed on his property.
4. He shall hold the County of Los Angeles free and clear of any liability for damages due to proposed work.
5. Where necessary a statement that he will irrigate planted slopes and maintain slopes and drains located within his property.

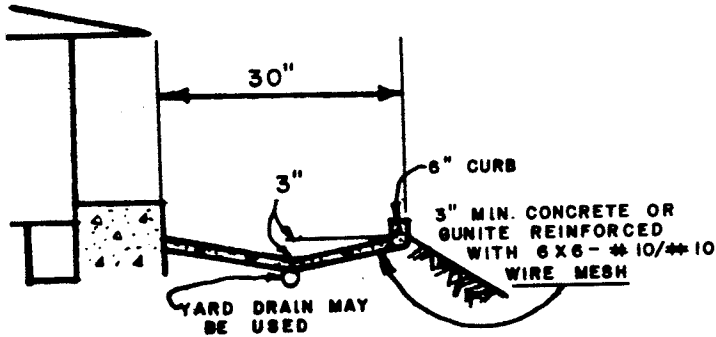
This letter must be acknowledged before a notary public. Two copies of the completed letter must be submitted before issuance of grading permit.



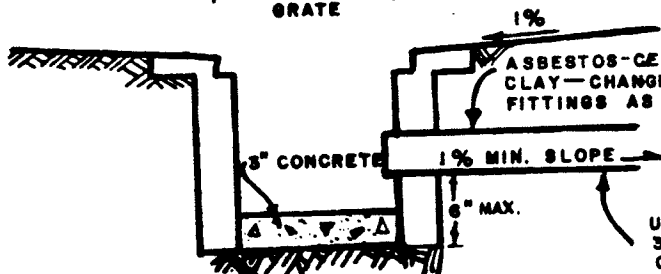
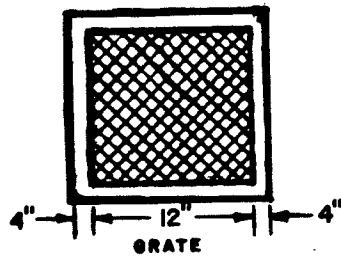
DETAIL G
TYPICAL SIDE YARD DRAINAGE



COMMON SWALE



DETAIL E
USE FOR SIDE YARD OBSTRUCTION
(I.E., FIREPLACES, STOOPS, WALKS, ETC.)



DETAIL F
YARD CATCHBASIN

NOTES

1. A 2% OVERALL GRADIENT SHALL BE MAINTAINED BETWEEN REAR OF SITE TO CURB OR DRAINAGE STRUCTURE.
2. A 1% MINIMUM FLOWLINE IS REQUIRED AROUND THE HOUSE TO A DRAINAGE STRUCTURE OR THE STREET.
3. ANY GRADIENT GREATER THAN 8% THAT CARRIES YARD DRAINAGE SHALL HAVE A PAVED SWALE OR "V" DRIVEWAY.
4. NO ROOF DRAINAGE OVER SLOPES IS PERMITTED.
5. FOOTING DEPTHS MAY REQUIRE ADJUSTMENT DUE TO ADJACENT DRAINAGE DEVICES.

UP TO 3000 SQ. FT. AREA, 4" MIN.
3000-6000 SQ. FT. AREA, 6" MIN.
OVER 6000 SQ. FT. AREA, AS DESIGNED BUT 6" MIN.

SLOPE LOCATION AND SETBACKS:

Cut and fill slopes shall be set back from site boundaries and buildings shall be set back from cut or fill slopes in accordance with Figure No. 70—A and as hereinafter provided.

The setback and other restrictions imposed by Figure 70—A may be increased where unusual soil or geologic conditions make such increase necessary for safety or stability or may be modified upon investigation and recommendation by a soil engineer or geologist where such modification will provide equivalent safety, stability and protection, and the Building Official so finds.

GRADING INSPECTION AND SUPERVISION:

(a) **Supervised or Regular Grading.** All grading involving a fill intended to support structures, or the development of more than one lot or parcel of land, or in excess of 5000 cubic yards of material, or grading where the Building Official determines special conditions or unusual hazards exist shall be performed under the supervision of a civil engineer and shall be designated "supervised grading". Grading other than supervised grading shall be designated "regular grading."

(b) **Regular Grading Requirements.** The Building Official, upon notification from the permittee or his agent, shall inspect the grading at the following stages of the work and shall either approve the portion then completed or shall notify the permittee or his agent wherein it fails to comply with the requirements of this Code:

1. **Initial.** When the site has been cleared of vegetation and unapproved fills and scarified, benched or otherwise prepared and before any fill is placed.
2. **Rough.** When rough grading has been completed and approximate final elevations have been established; drainage terraces, swales and other drainage devices graded ready for paving; and berms installed at the top of slopes.
3. **Final.** When grading has been completed; all drainage devices installed; slope planting established and irrigation systems installed.

(c) **Supervised Grading Requirements.** It shall be the responsibility of the supervising grading engineer to supervise the grading operations and to coordinate site inspection and testing to assure compliance of the work with the approved grading plans, the recommendations of the soils engineer and/or geologist, and the requirements of this Code. He shall submit periodic progress reports as required by the Building Official, and shall verify in writing to the satisfactory completion of the various stages of the work. The verification for that portion of the work concerning the preparation of the existing ground surface and placing and compaction of fills may be made by the soils engineer for the approved soil testing agency. The Building Official may require sufficient inspections by the geologist to assure that all geological conditions have been adequately considered and recommended corrective measures incorporated in the work.

All necessary reports, compaction data and soils engineering or engineering geological recommendations made during the grading operation shall be submitted to the Building Official by the Supervising Grading Engineer.

STORM DAMAGE PRECAUTIONS:

No grading permit shall be issued for work to be commenced between October 1 of any year and April 15 of the following calendar year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to protect adjoining public and private property from damage by erosion, flooding or the deposition of mud or debris which may originate from the site or result from such grading operations.

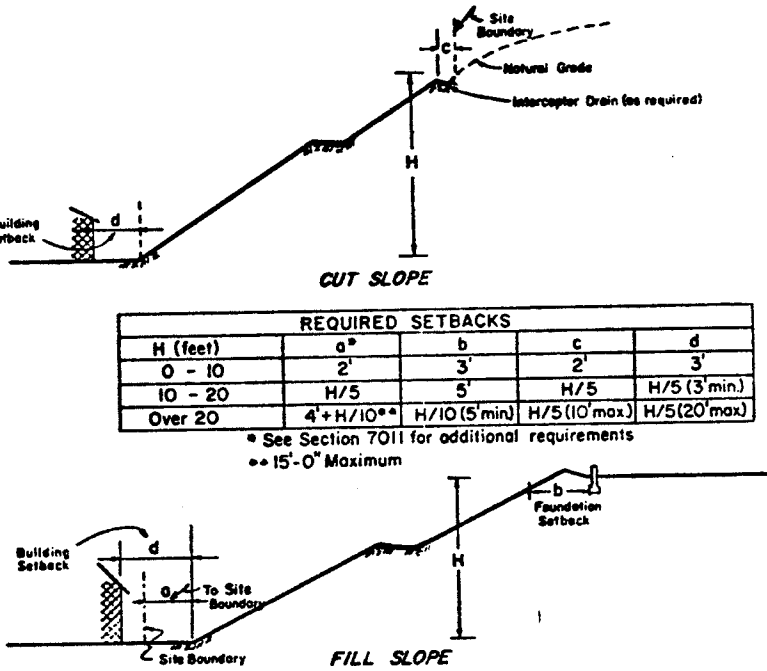


FIGURE NO. 70-A REQUIRED SETBACKS

PLANTING OF SLOPES:

Planting. The surface of all cut slopes more than five feet in height and fill slopes more than three feet in height shall be protected against damage by erosion by planting with grass or ground cover plants. Slopes exceeding 15 feet in vertical height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers; or a combination of shrubs and trees at equivalent spacings, in addition to the grass or ground cover plants. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site and in accordance with the following standard specification.

Irrigation. Slopes required to be planted shall be provided with an approved system of irrigation, designed to cover all portions of the slope and plans therefor shall be submitted and approved prior to installation. A functional test of the system may be required.

APPENDIX G

Rare Santa Catalina Island Plants

APPENDIX G. Rare Catalina Native Plants

Island endemics and species also rare on the mainland are included on the list. Others are listed because of their rarity on the island or restriction to limited habitats. These plants were taken from lists contained in the Santa Catalina Island Natural Resource Management Plan, Supplement II, October 1980, Center for Natural Areas.

Abronia umbellata	Carpobrotus aequilaterus
Ammania coccinea	Ceanothus arboreus
Andropogon barbinodis	Ceanothus megacarpus insularis
Antirrhinum kelloggii	Cercocarpus traskiae
Aphanisma blitoides	Chaetopappa lyonii
Arctostaphylos catalinae	Chenopodium macrospermum farinosum
Arenaria douglasii	Chorizanthe coriacea
Aristida adscensionis	Chorizanthe staticoides
Asclepias fascicularis	Conyza coulteri
Aspidotis californica	Coreopsis gigantea
Astragalus d. didymocarpus ¹	Crassula aquatica
Astragalus t. trichopodus	Crossa trux. vallicola
Athysanus pusillus	Crossoma californicum
Atriplex watsonii	Cryptantha micromeres
Bergerocactus emorgi	Dendromecon rigida rhamnoides
Brodiaea jolonensis	Dissanthelium californicum
Bromus arizonicus	Dudleya greenei
Calandrina maritima	Dudleya hassei
Callitriche marginata	Elatine californica
Cardamine californica	Eriastrum filifolium
Carex praeegracilis	Erigeron foliosus
Carex triquetra	Eriodictyon tr. traskiae

Eriogonum giganteum giganteum

Eriophyllum nevinii

Eschscholzia vamosa

Euphorbia misera

Euphorbia spathulata

Galvesia speciosa

Gilia capitata abrotanifolia

Gilia nevinii

Gnaphalium icrocephalum

Gnaphalium palustre

Habenaria unalaschensis

Helenium puberulum

Helianthemum greenei

Hemizonia clementina

Hesperolinon micranthum

Heteromeles arbutifolia macrocarpa

Holodiscus discolor

Hordeum californicum

Jaumea carnosa

Jepsonia malvifolia

Lavatera assurgentiflora

Linanthus bicolor

Litrophragma affine ixtum

Lotus argophyllus ornithopus

Louts grandiflorus

Lotus scoparisu dendroideus

Lotus subpinnatus

Lycium hassei

Lyonothamnus floribundus floribundus

Mentezlia micrantha

Microcroseris heterocarpa

Microseris dougasii platycarpa

Mimulus g. guttatus

Mimulus traskiae

Monanthochloe littoralis

Memophila m. menziesii

Notholaena californica

Orobanche bulbosa

Orobanche fasciculata franciscana

Papaver californicum

Paspalum distichum

Phacelia distans

Phacelia grandiflora

Phacelia lyonii

Plagobothrys nothofulvus

Platystemon californicus

Pluchea purpurascens

Potamogeton foliosus

Potentilla gl. glandulosa

Psilocarphus t. tenellus

Quercus engelmannii

Quercus lobata

Quercus tomentella

Rhamnus pirifolia

Salicornia subterminalis
Salicornia virginica
Satureja douglasii
Scirpus olneyi
Scirpus robustus
Scrophularia villosa
Senecio lyonii
Sibara filifolia
Sida leprosa hederacea
Sisyrichium bellum
Solanum wallacei wallacei
Solidago californica
Spergularia marina
Stipa cernua
Stylomecon heterophylla
Suaeda californica
Thysanocarpus curvipes elegans
Trichostema lancealatum
Trifolium albopurpureum
Trifolium gracilentum
Trifolium macraei
Trifolium microdon pilosum
Trifolium palmeri
Tropidocarpum gracile
Vitus girdiana
Xylococcus bicolor