ANALYSIS

This ordinance amends Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code, relating to standardizing appeal procedures and clarifying the beginning and end dates of the time period in which to file an appeal for various land use entitlements. It sets forth the general rule as well as identifies specific time periods for certain permits that vary from the general rule.

Finally, this ordinance eliminates from the appeal fee the requirement that an appellant pay costs for transcribing the prior hearings for the permit at issue.

RAYMOND G. FORTNER, JR.
County Counsel

By
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di

9/17/07 (requested)

3/19/08 (revised)

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ORDINANCE NO. _____

An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code, relating to appeal procedures.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 21.56.010 is hereby amended to read as follows:

21.56.010 Procedures — Submittal and determination.

. . .

D. All appeals shall be submitted within the time period required by, and acted upon in the manner prescribed by ~~S~~section 66452.5 of the Government Code. If the last day of the appeal period provided for in section 66452.5 falls on a non-business day of the applicable appellate body, then the last day of such appeal period is extended to the next business day. Notwithstanding the time limits for appeals set forth in Part 5 of Chapter 22.60 of Title 22, the time period in which to file an appeal as set forth in this subsection D shall also apply to the appeal of any permit or other entitlement concurrently acted upon under Title 22 of this code which concerns, in whole or in part, the same tentative map, parcel map, or request for waiver.

SECTION 2. Section 21.56.020 is hereby amended to read as follows:

21.56.020 Fees.

A. Fee for Appeals to the Board of Supervisors. Upon filing of an appeal with the board of supervisors, the appellant shall pay a processing fee in an amount determined by the executive officer-clerk of the board to be ample to cover the cost of a hearing to be held by the board. The appellant shall also pay a processing fee to the

department of regional planning in the amount of $1,499.00 to cover the costs of the appeal. The provisions of this subsection shall not apply to an appeal deemed to be filed pursuant to subsection C of Section 21.56.010. Notwithstanding the provisions of subsection A of Section 22.60.230 of Title 22, when an appeal of a decision made under this Title 21 is filed with an appeal of any permit or other entitlement concurrently acted upon under Title 22 which concerns, in whole or in part, the same tentative map, parcel map, or request for waiver, only the fee set forth in this section must be paid for all such appeals.

B. Fee for Appeals to the Regional Planning Commission.

1. Processing Fee. Upon filing an appeal with the commission, the appellant shall pay a processing fee in the amount of $1,309.00 to be applied in its entirety to the department of regional planning.

2. The fees included in this section shall be reviewed annually by the county of Los Angeles auditor-controller. Beginning on January 1, 1992, and thereafter on each succeeding January 1st, the amount of each fee in this section shall be adjusted as follows: Calculate the percentage movement in the Consumer Price Index for Los Angeles during the preceding January through December period, adjust each fee by said percentage amount and round off to the nearest dollar. However, no adjustment shall decrease any fee and no fee shall exceed the reasonable cost of providing services.

~~3. Additional Deposits. When a transcript of the previous proceeding is required, the appellant shall pay an additional deposit, in an amount to be 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.~~

. . .

SECTION 3. Section 22.52.1470 is hereby amended to read as follows:

22.52.1470 Appeal.

An applicant for an amateur radio antenna permit, or other interested person, may appeal a decision of the planning director to the planning commission. The appeal must be filed within ~~30 days after the written notice of the decision of the planning director~~the time period set forth in, and subject to all of the other provisions of Part 5 of Chapter 22.60. The planning commission shall conduct a public hearing on ~~the~~any appeal and the decision of the planning commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal.

SECTION 4. Section 22.52.1640 is hereby amended to read as follows:

22.52.1640 Conditional use permit — Non-commercial wind energy conversion system (WECS-N).

. . .

E. Appeal. Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the commission within ~~15 days of the date of mailing or hand delivery of the hearing officer's decision. Notwithstanding the provisions of Chapter 22.60,~~the time period set forth in, and subject to all the other provisions of

Part 5 of Chapter 22.60, except that the decision of the commission shall be final and effective on the date of decision and shall not be subject to further administrative appeal.

SECTION 5. Section 22.56.085 is hereby amended to read as follows:

22.56.085 Grant or denial of minor conditional use permit by director.

. . .

C. The director shall cause notice of the application to be mailed by first-class mail, postage pre-paid, to all those addresses on the list required by subsection A.10.c of Section 22.56.030 that are within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use, and to such other persons whose property or interests might, in the director's judgment, be affected by the request. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the director within ~~15~~14 calendar days ~~after receipt of~~following the date on the notice.

D. Unless at least two requests for a public hearing have been filed with the director as provided in subsection C of this section, the director may grant such permit without a public hearing if the director finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

E. The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. Any appeal from the director's decision shall be filed with the hearing officer within ~~15~~14 days following ~~notification~~the date on the notice of director's decision. The decision of the hearing officer may be appealed to the commission. ~~Notwithstanding the provisions of Section 22.60.210~~All appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60 except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal.

SECTION 6. Section 22.56.470 is hereby amended to read as follows:

22.56.470 Application — Notice requirements.

A. In all cases where an application is filed, the director shall cause a notice indicating the applicant's request at the location specified to be forwarded by first class mail, postage prepaid, to:

1. All persons whose names and addresses appear on the latest available assessment roll of the county of Los Angeles as owning property adjacent to the exterior boundaries of the property on which such animals are to be maintained; provided, however, that where the closest point that such animal is to be kept or maintained is 500 feet or more from such adjoining property, this subsection shall not apply;

2. A notice addressed to "occupant" or "occupants" in all cases where the mailing address of any owner of property required to be notified under the provisions of subsection A1 is different than the address of such adjacent property;

3. The director of the department of animal control and the director of the department of health services, requesting their technical opinion relative to the ability of the applicant to maintain such animals properly as indicated in the application and site plan;

4. Such other persons whose property might in his judgment be affected by such application or permit.

B. Such notice shall also indicate that any individual opposed to the granting of such permit may express such opposition by written protest to the director within ~~15~~14 calendar days ~~after receipt of such~~following the date on the notice.

SECTION 7. Section 22.56.480 is hereby amended to read as follows:

22.56.480 Application — Approval or denial — Findings.

. . .

C. In all cases where the director denies an application, he shall so inform the applicant, in writing, and in such notice shall also inform him that if within ~~30~~14 days after receipt of such notice he files such additional information as the director may require and pays an additional fee, the amount of which shall be stated in the notice, a public hearing will be scheduled relative to such matter before the commission. Such additional fee shall be the difference between the fee paid and the fee for public hearing as specified in Section 22.60.100.

SECTION 8. Section 22.56.520 is hereby amended to read as follows:

22.56.520 Appeal procedures.

A. Any person dissatisfied with the action of the director, in cases other than denial of an animal permit as provided in Section 22.56.480, may file an appeal of such action with the commission within the time period set forth in Part 5 of Chapter 22.60. Upon receiving a notice of appeal, the commission shall take one of the following actions:

1. Affirm the action of the director; or

2. Refer the matter back to the director for further review with or without instructions; or

3. Set the matter for public hearing before itself. In such case, the commission's decision may cover all phases of the matter, including the addition or deletion of any condition.

B. 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.

SECTION 9. Section 22.56.530 is hereby amended to read as follows:

22.56.530 Effective date of permit.

The decision of~~:~~

~~A. T~~the director or the commission shall become final and effective ~~15 days after receipt of notice of action by the applicant, provided no request for public hearing has been filed by such applicant or other appeal of the action taken has been filed with~~

~~the commission within such 15 days following notification, of~~as set forth in Part 5 of Chapter 22.60 unless an appeal is timely filed pursuant to said Part 5 of Chapter 22.60.

~~B. The commission shall become final and effective 15 days after receipt of notice of action by the applicant, provided no appeal of the action taken has been filed with the executive officer-clerk of the board of supervisors pursuant to Part 5 of Chapter 22.60.~~

SECTION 10. Section 22.56.1050 is hereby amended to read as follows:

22.56.1050 Application — Notice requirements.

A. In all cases where an application is filed, the director shall cause a notice indicating the applicant's request at the location specified to be forwarded by first-class mail, postage prepaid, to:

1. 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. A notice shall also be sent in a similar manner to "occupant" at the site address in those cases where the mailing address of any owner of property required to be notified under the provisions of this subsection differs from the site address of such property. In the case of an apartment house, a notice addressed to "occupant" shall be mailed to each dwelling unit; and

2. Such other persons or groups whose property or interests might, in his judgment, be affected by such application or permit.

B. Such notice shall also indicate that any person, opposed to the granting of such permit may express such opposition by written protest to the director within ~~15~~14 calendar days ~~after receipt of such~~following the date on the notice.

SECTION 11. Section 22.56.1060 is hereby amended to read as follows:

22.56.1060 Application — Findings and decision.

A. The director shall approve an application for a parking permit where the following findings are made:

1. That the applicant has met the burden of proof set forth in Section 22.56.1020; and

2. That no written protest to the proposed parking permit has been received within ~~15~~14 calendar days ~~after the applicant's receipt of~~following the date on the notice sent by the director pursuant to Section 22.56.1050.

B. The director shall deny the application where the information submitted by the applicant fails to substantiate the findings to his satisfaction.

C. The director shall send a notice of his decision to the applicant and any person requesting notification and anyone who has filed a written protest. Such notice shall indicate that an appeal may be filed pursuant to Section 22.56.1065.

D. The decision of the director shall become final and effective ~~15~~on the 15th calendar day~~s after receipt of~~following the date on the notice of action ~~by the applicant~~taken; provided, that neither a written appeal of the action taken has been filed with the commission ~~within such 15~~on or before the 14th calendar day~~s~~ following

~~notification~~the date on the notice, nor ~~has~~ a further review by the commission of the director's decision has been timely initiated by the board of supervisors, or a member of the board of supervisors.

E. In all cases where a written protest has been received, or where the board of supervisors, either individually or collectively, requests, a public hearing shall be scheduled before the hearing officer. In such case, all procedures relative to notification~~,~~ and public hearing ~~and appeal shall be the same as for a conditional use permit~~set forth in Part 4 of Chapter 22.60 shall be followed. Following a public hearing the hearing officer shall approve or deny the proposed modification, based on the findings required by this section for approval by the director exclusive of written protest.

SECTION 12. Section 22.56.1065 is hereby amended to read as follows:

22.56.1065 Appeal procedures.

~~A.~~ Any person dissatisfied with the action of the director or the hearing officer, as applicable, may file an appeal of such action with the commission, ~~within 15 days of receipt of notification by the applicant. Upon receiving either a notice of appeal or a request of further review initiated by one or more members of the board of supervisors within the appeal period, the commission shall take one of the following actions:~~

~~1. Affirm the action of the director; or~~

~~2. Refer the matter back to the director for further review with or without instructions; or~~

~~3. 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.~~

~~B. 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~~and any person dissatisfied with the decision of the commission may file an appeal with the board of supervisors. All such appeals shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60.

SECTION 13. Section 22.56.1080 is hereby amended to read as follows:

22.56.1080 ~~Commission d~~Decision — Effective date.

The effective date of a decision ~~of the commission~~made on a permit under this Part 7 shall ~~become final and effective 15 days after receipt of notice of action by the owner or operator of such use, provided no appeal of the action taken has been filed with the executive officer-clerk of the board of supervisors pursuant to Part 5 of Chapter~~ be as set forth in Section 22.60.260.

SECTION 14. Section 22.56.1090 is hereby amended to read as follows:

22.56.1090 ~~Effective d~~Date of grant when an appeal is filed.

Where an appeal is filed to any parking permit, and the permit is ultimately granted, the date of the decision by the commission or the board of supervisors of such appeal, whichever is later, shall be deemed the date of grant in determining ~~said~~the expiration date.

SECTION 15. Section 22.56.1650 is hereby amended to read as follows:

22.56.1650 Appeal procedures.

Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the commission within ~~15 days of the date of mailing or hand delivery of the hearing officer's decision~~the time period set forth in, and subject to all of the other provisions of Part 5 of Chapter 22.60.

SECTION 16. Section 22.56.1655 is hereby amended to read as follows:

22.56.1655 Effective date of decision.

A. The decision of the hearing officer shall become final and effective ~~15 days after the date of mailing or hand delivery of such decision, provided that no appeal of the action has been filed with the commission within such 15 days~~as set forth in Part 5 of Chapter 22.60 unless an appeal is timely filed with the commission.

B. The decision of the commission on an appeal shall be final and effective on the date of decision and shall not be subject to further administrative appeal.

SECTION 17. Section 22.56.1750 is hereby amended to read as follows:

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 appeal shall be filed within the time period set forth in, and shall be subject to all of the other provisions of Part 5 of Chapter 22.60, except that the decision of the commission shall be final and effective on the date of the decision and shall not be subject to further administrative appeal.

SECTION 18. Section 22.56.1885 is hereby amended to read as follows:

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:

. . .

B. Action.

. . .

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

b. Be sent in accordance with the provisions of subsection A1 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~~as set forth in Part 5 of Chapter 22.60 unless an appeal is timely filed.

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 of 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~~ within the time period set forth in, and subject to all the other provisions of Part 5 of Chapter 22.60, except that the decision of the commission shall be final and shall not be subject to further administrative appeal.

D. ~~Effective~~ Date of Grant. Where an appeal is filed on a temporary use permit for an extended time period, and the permit is ultimately granted, the date of decision by the commission on such appeal shall be deemed the date of grant in determining said expiration date.

. . .

SECTION 19. Section 22.56.2200 is hereby amended to read as follows:

22.56.2200 Appeal — From director's decision — Procedures.

Any person dissatisfied with the action of the director may file an appeal of such action with the secretary of the commission within ~~15 calendar days after notice of such action is received by the applicant. Such appeal shall contain the following information:~~

~~A. The administrative file number (case number) identifying the matter which is being appealed; and~~

~~B. The street address of the premises included in the action of the director or, if no street address, the legal description of the premises; and~~

~~C. Whether the appeal is:~~

~~1. An appeal on the denial of such application,~~

~~2. An appeal on the approval of such application,~~

~~3. An appeal of a condition or conditions of an approval (specifying the particular condition or conditions);~~

~~D. No other information shall be included in the notice of appeal;~~

~~E. An appeal fee shall accompany the filing in an amount determined pursuant to subsection A of Section 22.60.230~~the time period set forth in, and subject to all of the other provisions of, Part 5 of Chapter 22.60.

SECTION 20. Section 22.56.2210 is hereby deleted in its entirety.

SECTION 21. Section 22.56.2230 is hereby deleted in its entirety.

SECTION 22. Section 22.56.2240 is hereby amended to read as follows:

22.56.2240 Effective dates of decisions.

The decision of:

A. The director shall become final and effective ~~15 calendar days after receipt of notice of action by the applicant, provided no appeal has been filed with the commission~~as set forth in Part 5 of Chapter 22.60 unless an appeal is timely filed pursuant to ~~Section 22.56.2200~~the provisions of said Part 5 of Chapter 22.60;

B. The commission shall be final and effective on the date of decision. ~~Where~~Appeal of an oak tree permit to the board of supervisors is only allowed where an oak tree permit is concurrently considered with a permit, variance, zone change or tentative map for a subdivision, including a minor land division, and such oak tree permit shall be appealable only as a part of an appeal on the concurrent ~~action~~entitlement. Said appeal must be made within the applicable time period and shall be subject to the applicable procedures established for appealing the concurrent entitlement.

SECTION 23. Section 22.56.2430 is hereby amended to read as follows:

22.56.2430 Notice of action and county appeal rights.

. . .

C. An appeal may be filed by any interested person dissatisfied with a decision on a coastal development permit within ~~15 days after receipt of the notice of action by the applicant.~~:

1. Fourteen calendar days following the date on the notice of action for a coastal development permit that is not appealable to the Coastal Commission;

2. Ten business days from the date of receipt by the executive director of the Coastal Commission of the notice of the county's final action for a coastal development permit that is appealable to the Coastal Commission.

SECTION 24. Section 22.56.2490 is hereby amended to read as follows:

22.56.2490 Effective date of permit.

A. A coastal development permit which is not appealable to the Coastal Commission shall have the following effective dates:

1. The decision of the director shall become effective ~~15 days after receipt of the notice of the decision by the applicant~~on the 15th calendar day following the date on the notice of action taken, unless timely appealed to the ~~regional planning~~ commission pursuant to the provisions of Part 5 of Chapter 22.60.

2. The decision of the ~~regional planning~~ commission is final and shall become effective on the date of its decision.

B. A coastal development permit which is appealable to the Coastal Commission shall become effective ~~after~~at the close of business on the tenth ~~working~~ business day ~~after~~following the date of receipt of the ~~final~~ notice of the ~~permit decision~~County's final action on the permit by the Executive Director of the Coastal Commission, unless an appeal is filed ~~within that~~prior to the effective date and time. If an appeal has been filed, the operation and effect of the coastal development permit shall be stayed pending Coastal Commission action on the appeal~~;~~. ~~t~~The effective date of the Coastal Commission decision will be the date of decision by the Coastal Commission.

SECTION 25. Section 22.56.2750 is hereby amended to read as follows:

22.56.2750 Effective date — Administrative review.

Notwithstanding the provisions of Section 22.60.260, the following effective dates apply to administrative housing permits:

A. Unless otherwise stated, the decision of the director shall become effective ~~15 days after receipt of the notice of decision by the applicant~~on the 15th calendar day following the date of the decision.

B. Off-menu incentives. Where applicable, when an applicant requests an off-menu incentive, the decision of the director shall become effective on the 21st calendar day~~s after receipt of the notice of the decision by the applicant~~following the date of the decision, unless appealed by the applicant or any interested person or called up for review by the commission prior to that date.

SECTION 26. Section 22.56.2760 is hereby amended to read as follows:

22.56.2760 Appeals — Administrative review.

A. Off-menu incentives.

1. When an off-menu incentive is requested, an appeal to the commission may be made by any interested person dissatisfied with the action taken by the director on an administrative housing permit, and/or the project may be called up for review by the commission. Such appeal shall be filed with the commission, or be called up for review by the commission, within ~~21 days of receipt of notification by the applicant~~20 calendar days following the date of the decision. The appeal shall be

accompanied by the fee required by Section 22.60.230. Appeals that do not address the findings and determinations made by the director, as described in Section 22.56.2730, shall not be accepted.

. . .

SECTION 27. Section 22.60.200 is hereby amended to read as follows:

22.60.200 Purpose and authorization.

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

B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this Title 22, decisions of the hearing officer may be called up for review by the commission; and decisions of the commission may be called up for review by the board of supervisors, unless otherwise specifically stated regarding a specific permit or review.

SECTION 28. Section 22.60.210 is hereby amended to read as follows:

22.60.210 Rights of appeal.

~~Any~~Unless otherwise specified or limited by specific provisions of Title 22, any interested person dissatisfied with the action of the director, hearing officer, or the commission may file an appeal from such action. ~~Any interested person dissatisfied with the action of the commission may file an appeal from such action.~~

SECTION 29. Section 22.60.220 is hereby amended to read as follows:

22.60.220 Time limits for appeals and calls for review.

Appeals of decisions and calls for review shall be initiated prior to the effective date of the decision. However if the deadline for initiation of an appeal or call for review falls on a non-business day for the relevant appellate body, then the deadline for an appeal or call for review is extended to the next business day and the effective date of the decision shall be the following day.

SECTION 30. Section 22.60.230 is hereby amended to read as follows:

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, along with any accompanying appeal fee, 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 for Appeals to the Board of Supervisors.~~

~~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 amounts 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. The appellant shall also pay a processing fee to the department of regional planning in the amount of $1,499.00 to cover the costs of the appeal.~~

~~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.~~Information Required. An appeal shall contain the following information:

a. The administrative file number (case number) identifying the matter which is being appealed; and

b. The street address of the premises included in the action being appealed or if no street address, the legal description of the premises; and

c. Whether the appeal is:

i. An appeal of the denial of such application; or

ii. An appeal of the approval of such application; or

iii. An appeal of a condition or conditions of an approval (specifying the particular condition or conditions); and

d. Any other information that is requested on the appellate body's appeal form.

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

4. Fee for Appeals ~~to the Regional Planning Commission~~.

a. Processing Fee for Appeals to the Board. Upon filing an appeal with the board of supervisors, the appellant shall concurrently submit a processing fee in the amount of $1,499.00 to cover the cost incurred by the department of regional planning for the appeal. Only one appeal fee shall be charged for the appeal of any related concurrently acted upon entitlements under this Title 22, which concerns, in whole or in part, the same project. Notwithstanding the provisions of subsection A of Section 21.56.010 of Title 21, when an appeal of a decision made under this Title 22 is filed with an appeal of any tentative map, parcel map, or request for waiver concurrently acted upon under Title 21 which concerns, in whole or in part, the same project, only the appeal set forth in Section 21.56.020 must be paid for all such appeals.

b. Processing Fee for Appeals to the Commission. Upon filing an appeal with the ~~regional planning~~commission, the appellant shall pay a processing fee in the amount of $1,309.00 to be applied in its entirety to the department of regional planning; provided, however, that when an appeal is filed from a Director's Review of a large family child care home, the amount of the processing fee shall be $322.00.

~~b~~c. The fees included in this subsection shall be reviewed annually by the county of Los Angeles auditor-controller. Beginning on January 1, 1992, and thereafter on each succeeding January 1, the amount of each fee in this section shall be adjusted as follows: Calculate the percentage movement in the Consumer Price Index for Los Angeles during the preceding January through December period, adjust each fee by said percentage amount and round off to the nearest dollar. However, no adjustment shall decrease any fee and no fee shall exceed the reasonable cost of providing services.

~~c. Additional Deposits. When a transcript of the previous proceeding is required, the appellant shall pay an additional deposit, in an amount to be 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.~~

5. Exception to Fees. When the appellant is not the applicant, the preceding prescribed fees for appeals shall be reduced by 50 percent, except that this reduction shall not apply to the processing fee for an appeal from a director's review of a large family child care home, as prescribed in subsection 4.~~a~~b of this section.

. . .

SECTION 31. Section 22.60.240 is hereby amended to read as follows:

22.60.240 Procedures for appeals and calls for review.

. . .

E. Decision and Notice. After the hearing, the appellate body shall affirm, modify, or reverse the original decision or refer the matter back for further review. 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.

. . .

SECTION 32. Section 22.60.260 is hereby amended to read as follows:

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 issued pursuant to Title 22:

A. ~~T~~Except as set forth in subsection B, below, the decision of the director, hearing officer, ~~shall become effective 15 days after receipt of the notice of decision by the applicant~~or the commission shall be effective on the 15th calendar day following the date of the decision, except and unless the decision is timely appealed ~~to~~or called up for review ~~by the commission prior to that date~~, where available. To be timely, an appeal or call for review must be initiated on or before the 14th calendar day following the date of the decision unless said 14th day falls on a non-business day of the applicable appellate body, in which case, the appeal deadline shall be extended to the next business day and the effective date of the decision shall be the following day.

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 or called up for review by the board of supervisors prior to that date.~~In all cases in which a project has received permits issued concurrently pursuant to both this Title 22 and Title 21 – Subdivisions, the decision shall become effective on the first calendar day after expiration of the time limit established by section 66452.5 of the Government Code as set forth in Section 21.56.010 of Title 21.

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 or appealed to 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 supervisors of such appeal or review shall be deemed the date of grant in determining an expiration date.

[2155010ELCC]