

**LOS ANGELES COUNTY**  
**ECONOMY AND EFFICIENCY COMMISSION**

ROOM 163, HALL OF ADMINISTRATION / 500 WEST TEMPLE / LOS ANGELES, CALIFORNIA 90012 / 974-1491

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July 23, 1986

Honorable Board of Supervisors  
Los Angeles County  
383 Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors

SUBJECT: HEARING PROCEDURES OF REGIONAL PLANNING

On November 26, 1985, the Board of Supervisors modified the case processing procedures of the Regional Planning Commission to permit certain cases to be heard by a hearing officer employed by the Department rather than by the commission. The Board asked the department and the Economy and Efficiency Commission to report on the effectiveness of the new procedures within six months of the effective date. The new system became fully operational in March, 1986.

The objectives of the change were to correct perceived problems in case processing which had been highlighted in several studies of the department. The objectives were:

- to reduce the backlog of zoning and subdivision cases and speed the process of deciding cases;
- to increase the commission and support resources devoted to the resolution of countywide planning issues.

We have reviewed the new system in terms of the Board's objectives. We believe the hearing officer system is a sound improvement over the prior method of hearing cases.

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- The hearing officer process costs slightly less per hearing-day (\$430) than the prior combination of Zoning Board and Commission (\$637 to \$1232).
- The hearing officers are deciding cases more rapidly than the prior combination of Zoning Board and Commission. Hearing Officers decide 3.7 cases per hearing day; the Zoning Board averaged 2.5.
- The Regional Planning Commission retains full authority to decide how cases will be heard. Upon advance review of the hearing agenda, the commission can re-assign any case to itself from a hearing officer. Subsequent to a decision, any appeal of a hearing officer's decision is made to the commission. Moreover, the commission may recall any hearing officer's decision for a re-hearing.
- More time is available for consideration of policy and planning issues. However, the commission could further increase the rate at which it is considering and deciding policy matters, and has been working intensively with the Director to accomplish that end.

The Director of Regional Planning and the Commission have themselves been reviewing the new procedures, They have identified and are considering certain refinements to it, particularly in the area of case scheduling. In addition, within the next year the Commission and the Director expect to be proposing additional improvements to case processing.

THEREFORE we recommend that the Board of Supervisors:

1. continue the case processing procedures established in November, 1985 with such refinements as are recommended from time to time by the Regional Planning Commission and the Director of Regional Planning.
2. direct the Director of Regional Planning to work with the Commission to increase the scope and rate of deliberations on countywide planning and policy issues.

Very truly yours,

Joe Crail  
Chairman

JC : yh

July 14, 1986

## **STATUS REPORT ON HEARING OFFICER PROCEDURE**

### INTRODUCTION

On December 10, 1985, the Board of Supervisors--as part of a continuing effort to streamline the development permit process--adopted ordinance establishing a Hearing Officer system to consider discretionary non-legislative development permits.

The desired effect of the ordinances was to enable the Planning Commission to devote more of its time to the consideration of complex cases and far reaching policy issues. This would be accomplished by replacing the existing Zoning Board with a Hearing Officer Procedure and reassigning--as had been the case prior to the Horn decision--subdivision review to staff.

Included in the adoption order was an instruction to the Department of Regional Planning, and a request to the Planning Commission, to report back to the Board six months after the effective date of the ordinance, as to the results of the program.

Part of the impetus for the new ordinance was the report earlier commissioned by the Department of Regional Planning entitled, "Streamlining Study: zoning and Subdivisions," prepared by Peat Marwick Mitchell & Company. The consultant, concluded that the Planning Commission was finding its time more and more fragmented by what amounted to minor discretionary hearings. Meanwhile, major planning issues, such as transportation, housing, community plans, and plan implementation ordinances, seemed to be losing the struggle for hearing opportunities. The report concluded that: "In many other jurisdictions, hearings are conducted on a part-time basis by an experienced person. Staff should be assigned to expedite case processing by eliminating the need for hearing for routine/minor permits. Decisions would be subject to appeal to the Planning Commission". This conclusion was supported by a second, privately commissioned study by the Governmental Affairs Council of the Building Industry Association.

### HEARING OFFICER PROCEDURES

The Board order on hearing officers required that the Commission and Department establish appropriate procedures and guidelines. These were prepared, approved by the Planning Commission, and subsequently approved by the Board of Supervisors on January 7, 1986. Further in accordance with the order, the Director of Planning appointed four Hearing Officers that were confirmed by the Board of Supervisors on January 7, 1986. The current Hearing Officers are all staff members who have had extensive experience in the public hearing process at the Zoning Board, Regional Planning Commission, and/or Board of Supervisors.

To assure an orderly transition into the new procedures, a number of work sessions, meetings, and discussions were held by staff prior to the initial hearing.

The established guidelines call for the Department to screen all cases ready for hearing and transmit to the Commission a list of upcoming cases that are proposed for hearing before a staff Hearing Officer and those proposed for the full Commission. The Commission may determine that it wishes to hear one or more of these cases which would then be assigned to the Commission. Once the Hearing Officer has heard a case, staff transmits to the Commission a list of decisions. The Commission may then--prior to the expiration of the appeal period--call up any case it wishes to review. As of July 1, the Commission has not called up any Hearing Officer cases for hearing before the full Commission. A set of the guidelines and a sample of all documents implementing those guidelines has been attached as an addendum to this report.

#### ACTIVITY TO DATE

The Hearing Officer Ordinance became operative on February 10, 1986. As of July 1, 1986, there have been 21 hearings under the new procedures; and action has been taken on 141 cases (of which 67 were consent items). In accordance with the intent of the ordinance, these hearing officer cases are believed to have all been relatively minor cases.

The ordinance allows for decisions of the Hearing Officer to be appealed. Of the 141 Hearing Officer cases, 7 have been appealed to the Regional Planning Commission. Of these, 4 decisions by the Hearing Officer have been sustained by the Commission, 1 was withdrawn, 1 decision was reversed, and 1 appeal is still pending. One other case--after it became apparent at the initial hearing that a major planning issue was involved--was referred to the Regional Planning Commission by the Hearing Officer.

During the comparable period, the Commission itself has considered a total of 22 zoning type cases that would have formerly gone to the Zoning Board. In addition, in accord with established guidelines, 19 subdivision and parcel maps were referred to and acted upon by the Commission.

In the area of policy issues, the change in procedure appears to have had a positive impact. During 1986, the Regional Planning Commission has conducted 19 meetings focusing on policy issues. This contrasts with 12 such meetings in the same period in 1985. Policy issues considered by the Commission range over the full gamut of important issues affecting the larger community, including the following:

Antelope Valley Areawide Plan  
 Los Cerritos Wetlands Local Coastal Plan  
 Santa Clarita Valley Transportation Plan (Road Assessment District)  
 Santa Clarita Valley Community plan

Airport Noise and Land Use Program  
 The Definition and Use of "Specific Plans"  
 BIA Report on "Expediting the Planning Process"  
 Joint Meeting with Countywide Citizens Planning Council  
 Development Monitoring System and Case Tracking Computer Programs  
 Review of Current Developments in Valencia and Castaic  
 Coordination with the Community Development Commission  
 Coordination with the Los Angeles County Sheriff  
 Coordination with the Department of Public Works  
 Altadena Community Plan  
 West Altadena Redevelopment Plan  
 Countywide Housing Element  
 Joint Meeting with County Transportation Commission  
 Ordinance Controlling Liquor Stores in Unincorporated Areas

### CONCLUSIONS

With the cooperation of the Commission and staff, the transition to Hearing Officer methods of dealing with minor cases has been very smooth. The criteria developed by the Planning Commission and staff has led to a reasonable division of labor between the Hearing Officer and the Planning Commission.

In the key area of Board concern, as earlier set forth by Peat-Marwick, the new procedure does seem to have allowed the Planning Commission additional time to focus on the complex cases and policy issues.

In addition to the above information, the staff feels that some relatively minor changes should be made to the ordinances. These pertain to revocation and parking permits.

As written, the responsibility of deciding revocation cases is assigned to the Hearing Officer. This appears to be inconsistent with other sections of the zoning Ordinance which provides discretion to the Commission. Also, the guidelines call for controversial cases to be assigned to the full Commission; and revocation cases tend to be controversial. The ordinance should be changed to give the Planning Commission the primary authority over revocation cases.

Although the director can act on certain parking permits without a hearing, there may be instances where a hearing may be desirable. The ordinance should be modified so that the parking permit process follows the rest of the ordinance in procedure thus allowing the Hearing Officer to consider parking permits when this is consistent with the guidelines.

## ANALYSIS

This ordinance makes minor amendments to the Hearing Officer procedures adopted by the Board of Supervisors on December 10, 1985, as set forth in Ordinance No 85-0195 and codified in Title 22 of the Los Angeles County Code.

Under the existing ordinance, the Director of Planning can act on certain parking permits without a hearing; however, there are instances where a hearing may be desirable. The only procedure available now is to have a hearing before the full commission. This ordinance modifies the procedure so a Hearing Officer may consider parking permits when this is consistent with the established guidelines.

As written, the current ordinance assigns responsibility of deciding revocation cases to the Hearing Officer. This appears to be inconsistent with other sections of the zoning ordinance which provides discretion to the Commission. The established guidelines call for controversial cases to be assigned to the full Commission; and revocation cases tend to be controversial. This ordinance gives the Planning Commission the primary authority over revocation cases.

These two minor modifications are designed to fine-tune the current Hearing Officer procedures.

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Title 22 of the Los Angeles County Code, relating to parking permits and to modifications and revocation.

The Board of Supervisors of the County of Los Angeles do ordain as follows:

SECTION 1: Section 22.56.1060 is amended to read as follows:

- E. In all cases where a written protest has been received, where the Board of Supervisors, either individually or collectively, requests, a public hearing shall be scheduled before the Commission hearing officer. In such case all procedures relative to notification, public hearing and appeal shall be the same as for a conditional use permit. Following a public hearing the Commission 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 2: Section 22.56.1760 is added to read as follows:

- 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 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.

HSP/dh  
1/ORD-15  
8/5/86

a newspaper printed and published in the County of Los Angeles.

Chairman

ATTEST:

Executive Officer - Clerk of  
the Board of Supervisors  
of the County of Los Angeles

I hereby certify that at its meeting of \_\_\_\_\_, the  
foregoing ordinance was adopted by the Board of Supervisors of said County of  
Los Angeles by the following vote, to wit:

Ayes:

Noes:

Supervisors

Supervisors

\_\_\_\_\_  
Executive Officer - Clerk of  
the Board of Supervisors  
of the County of Los Angeles

Effective Date: \_\_\_\_\_

Operative Date: \_\_\_\_\_

APPROVED AS TO FORM:

DE WITT W. CLINTON  
County Counsel

By DAVID MIX  
Senior Assistant County Counsel