

Bond Case Briefs

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Tran v. County of Los Angeles

Court of Appeal, Second District, Division 2, California - January 21, 2022 - Cal.Rptr.3d - 2022 WL 189918 - 22 Cal. Daily Op. Serv. 1025

Liquor store owner petitioned for writ of administrative mandate seeking to overturn county board of supervisors' determination approving modified conditional use permit for alcohol sales.

The Superior Court denied petition. Owner appealed.

The Court of Appeal held that:

- County code's 30-day time limit for board to render decision after hearing is mandatory;
- Board's indication of intent to approve modified permit at hearing was not a rendering of decision under 30-day time limit; and
- Board's error was not harmless.

County board of supervisors' error in failing to comply with 30-day time period for rendering a decision after a hearing was not harmless with respect board's approval of a modified conditional use permit for alcohol sales, where, once the 30 days passed, the more favorable decision of regional planning commission, which board reviewed, should have been affirmed via the self-executing "failure to act" provision, and the grant of the permit would have become effective as of that date.