



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 3, 2011

TO: Gina Natoli, AICP
Hearing Officer

FROM: Ramon Cordova, Senior Regional Planning Assistant *REC*
Land Divisions Section

**SUBJECT: PROJECT NO. 03-238-(5)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO.
03-238
Westerly terminus of Witherspoon Parkway between Del Valle Road
and Avenue Penn, Castaic
MAY 17, 2011 MEETING, ITEM NO. 10**

Pursuant to Section 22.56.1600 of the Los Angeles County Code ("County Code") Zoning Ordinance (Conditional Use Permits—Modifications or Elimination of Conditions), the project applicant has requested to modify Condition No. 48 of Los Angeles County Department of Regional Planning ("DRP") Conditional Use Permit No. 03-238, which was approved on December 3, 2008 to demonstrate compliance with requirements of the MPD-DP (Manufacturing Planned Development-Development Program) zone, on-site project grading exceeding 100,000 cubic yards and to allow retaining walls five feet in height.

Condition No. 48, as currently approved, reads as follows:

48. "Prior to the issuance of any building permit, the installation of improvements at the Hasley Canyon at I-5 Interchange (Roundabout) and Commerce Center Drive at SR-126 Interchange (Grade Separation) locations will mitigate impacts due to the project and are required to be completed, in place and operational."

With the requested modification, Condition No. 48 would read as follows:

48. "Prior to the issuance of any building permit, the installation of improvements at the Commerce Center Drive at SR-126 Interchange (Grade Separation) location to mitigate impacts due to the project are not required to be completed, in place and operational. "

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The purpose of the requested modification is to remove the requirement to install the Hasley Canyon Road and Golden State Freeway interchange (roundabout). The roundabout has since been completed and this requirement is not needed. A separate but associated request is for an Amendment to Vesting Tentative Parcel Map No. 060030 to revise the DRP Condition No. 13 requiring improvements to Hasley Canyon Road at the Golden State (Interstate 5) Freeway Interchange (Roundabout) prior to building permit issuance, as these improvements have been completed and impacts have been mitigated. Prior to the issuance of any building permit, the condition will be amended to require the payment of fees to the proposed Westside Bridge & Thoroughfare District for the project's share for the completion of the grade separated for Commerce Center Drive and State Route 126 interchange which is the remaining requirement of the condition.

Pursuant to Section 22.56.1630 of the County Code, the Hearing Officer shall approve an application to modify any condition of a previously approved conditional use permit only when not more than one protest to the application is received within the specified comment period, and where the findings are met. Staff received no letter in opposition to the subject proposal.

The request also meets the findings as follows:

1. The proposed minor modification to a conditional use permit revises Condition No. 48 and will not negatively impact the health, welfare or comfort of adjoining property owners, and will not be detrimental to valuation of the surrounding properties.
2. The approval of the proposed minor modification will not substantially alter or deviate from the terms and conditions of the previously approved conditional use permit as the project is updating Condition No. 48 to reflect current conditions. The condition originally required that prior to issuance of any building permit, the Hasley Canyon Road and Golden State (Interstate 5) Freeway interchange (Roundabout) be installed. The roundabout has since been completed and therefore is being proposed to be eliminated from the condition.
3. The approval of the proposed minor modification is necessary to revise the condition requiring improvements to Hasley Canyon Road at the Golden State (Interstate 5) Freeway Interchange (Roundabout) prior to building permit issuance, as these improvements have been completed and impacts have been mitigated. Prior to the issuance of any building permit, the condition will be revised to require the payment of fees to the proposed Westside Bridge & Thoroughfare District for its share for the completion of the grade separation for Commerce Center Drive and State Route 126 interchange which is the remaining

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requirement of the condition. It was determined based on updated traffic information that rather than full improvements, payment of its fair share is appropriate.

Consequently, staff recommends **approval** of this minor modification request.

SMT:REC
May 2, 2011

Attachments: Draft Findings
Addendum to Mitigated Negative Declaration
Burden of Proof
Addendum to Condition No. 48

**PROJECT NUMBER 03-238-(5)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 03-238
FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

HEARING OFFICER MEETING DATE: May 17, 2011

SYNOPSIS:

The applicant is requesting a Minor Modification to Conditional Use Permit ("CUP") to authorize proposed modification to CUP Condition No. 48. The modification request is necessary to revise the condition requiring improvements to Hasley Canyon Road at the Golden State (Interstate 5) Freeway Interchange (Roundabout) prior to building permit issuance, as these improvements have been completed and impacts have been mitigated. Prior to the issuance of any building permit, the payment of fees to the proposed Westside Bridge & Thoroughfare District for its share for the completion of the grade separation for Commerce Center Drive and State Route 126 interchange which is the remaining requirement of the condition. The subject property is located at the westerly terminus of Witherspoon Parkway between Del Valle Road and Avenue Penn in the Newhall Zoned District.

PROCEEDINGS BEFORE THE HEARING OFFICER:

May 17, 2011 Public Meeting

A public meeting was held on May 17, 2011 before the Hearing Officer of the County of Los Angeles. Hearing Officer Gina Naton heard a staff presentation regarding the proposed modification. Staff indicated to the Hearing Officer that no letters of opposition were received for the proposed CUP modification, that the required findings have been met, and recommends approval of the proposed modification.

There being no further comments, the Hearing Officer approved the Minor Modification to CUP, and directed staff to prepare the final findings for approval.

Findings

1. The applicant is requesting a Minor Modification to Conditional Use Permit ("CUP") No. 03-238 to authorize proposed modification to CUP Condition No. 48. The modification request is necessary to revise the condition requiring improvements to Hasley Canyon Road at the Golden State (Interstate 5) Freeway Interchange (Roundabout) prior to building permit issuance, as these improvements have been completed and impacts have been mitigated. Prior to the issuance of any building permit, the payment of fees to the proposed Westside Bridge & Thoroughfare District for its share for the completion of the grade separation for Commerce Center Drive and State Route 126 interchange which is the remaining requirement of the condition.

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FINDINGS

2. The 116.6-acre subject property is located at the westerly terminus of Witherspoon Parkway between Del Valle Road and Avenue Penn in the Newhall Zoned District.
3. Zoning on the site is MPD-DP (Manufacturing Planned Development-Development Program).
4. The surrounding properties are zoned as follows:
 - North: A-2-2 (Heavy Agricultural-Two Acre Minimum Required Lot Area)
 - East: M-1.5-DP (Restricted Heavy Manufacturing-Development Program)
 - South: A-2-2
 - West: A-2-2
5. Surrounding land uses within 500 feet include:
 - North: Unimproved Properties
 - East: Industrial
 - South: Unimproved Properties
 - West: Unimproved Properties
6. A separate but associated request is the First Amendment to Vesting Tentative Parcel Map No. 060030 ("PM 060030") to revise DRP Condition No. 13 requiring improvements to Hasley Canyon Road at the Golden State (Interstate 5) Freeway Interchange (Roundabout) prior to building permit issuance, as these improvements have been completed and impacts have been mitigated. Prior to the issuance of any building permit, the payment of fees to the proposed Westside Bridge & Thoroughfare District for its share for the completion of the grade separation for Commerce Center Drive and State Route 126 interchange which is the remaining requirement of the condition.
7. PM 060030 was approved by the Los Angeles County Regional Planning Commission ("Commission") on December 3, 2008 was a related request to authorize the creation of Small Lot Alternative ("SLA") parcel map for 36 lots (31 industrial lots and five debris basin lots) on 116.6 gross acres.
8. The subject property is designated as HM (Hillside Management) and M (Industry) under the Santa Clarita Valley Area Plan ("Plan"). The M land use designation allows industrial warehouse uses. HM land use designation also allows industrial warehouse uses with a CUP.
9. CUP No. 03-238 was approved by the Commission on December 3, 2008 was a related request to demonstrate compliance with requirements of the MPD-DP zone, on-site project grading exceeding 100,000 cubic yards and to allow retaining walls five feet in height.

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10. Oak Tree Permit No. 200700006 was also a related request to allow the removal of four oak trees (no heritage oaks).
11. Exhibit "A" dated October 16, 2007 depicts an industrial development of 36 lots (31 industrial lots and five debris basin lots) on 116.6 gross acres and grading amounts consisting of 2.4 million cubic yards of earthwork to be balanced onsite. The main points of entry and exit for the proposed industrial development will be the westerly extension of Witherspoon Parkway, proposed "A" Street and "B" Street, all 84-foot wide public streets. Internal access for the industrial condominiums will be provided by a 28-foot wide private driveway and fire lane.
12. Unless specifically modified by a CUP during the discretionary review process, premises in Zone MPD-DP shall be subject to the following development standards under Part 5 of Chapter 22.32 of the Los Angeles County Code ("County Code"):
 - a. The approved Exhibit "A" site plan dated October 16, 2007 depicts consistency with the requirements of the MPD-DP Zone.
13. On July 23, 2008, the staff of the Los Angeles County Department of Regional Planning ("Regional Planning") completed its review of the Environmental Questionnaire and other data regarding the previously approved development consisting of an industrial development of 36 lots (31 industrial lots and five debris basin lots). An Addendum to the Mitigated Negative Declaration had been prepared as the appropriate environmental document for that project pursuant to the California Environmental Quality Act and the Los Angeles County Environmental Document Reporting Procedures and Guidelines which describes the modifications to Parcel Map Condition No. 13, CUP Condition No. 48, and Mitigation Monitoring Program Measure No.16, was prepared on March 24, 2011 for this project. It was determined that this minor modification to the conditional use permit project will not exceed the established threshold criteria for any environmental factor, and as a result, will not have a significant effect on the physical environment.
14. On April 14, 2011, notices of the application were mailed out to 92 property owners within 1000 feet of the subject property. The notice was published in The Signal and La Opinion on April 14, 2011 and readvertised on April 18, 2011. The readvertisement of the Minor Modification to CUP was necessary to correct typographical errors. The applicant submitted evidence that the hearing notice has been posted on the property for 30 days prior to the public meeting.
15. No correspondence in opposition to the proposed modification was received within the required comment period of 15 days from receipt of the notice.

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MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 03-238
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16. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed minor modification to the approved CUP modifies CUP Condition No. 48, and Mitigation Monitoring Program Measure No. 16, and will not negatively impact the health, welfare or comfort of adjoining property owners, and will not be detrimental to valuation of the surrounding properties;
- B. The approval of the proposed minor modification will not substantially alter or deviate from the terms and conditions of the previously approved CUP as the project is updating CUP Condition No. 48 to reflect current conditions. The condition originally required that prior to issuance of any building permit, the Hasley Canyon and Golden state Freeway interchange (roundabout) be installed. The roundabout has since been completed and therefore is being proposed to be eliminated from the condition; and
- C. The approval of the proposed minor modification is necessary to the reasonable operation and use granted by the previously approved CUP and will allow the applicant to proceed in obtaining final map approval in line with their goal to meet the demands of the industrial real estate market.

AND, THEREFORE, the information submitted by the applicant and presented at the public meeting substantiates the required findings and burden of proof for a modification to conditional use permit as set forth in Section 22.56.1630 of the County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this minor modification to CUP No. 03-238 will not exceed the established threshold criteria for any environmental factor, and as a result, will not have a significant effect on the physical environment. An Addendum to the Mitigated Negative Declaration which describes the modifications to CUP Condition No. 48, and Mitigation Monitoring Program Measure No. 16, was prepared on March 24, 2011 for this project, and is consistent with California Environmental Quality Act reporting requirements. It was determined that this minor modification to the conditional use permit project will not exceed the established threshold criteria for any environmental factor, and as a result, will not have a significant effect on the physical environment.

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MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 03-238
FINDINGS**

2. In view of the findings of fact and conclusions presented above, Minor Modification to CUP No. 03-238 is APPROVED subject to the attached conditions.

Action Date: May 17, 2011

SMT:REC
5/3/11

DRAFT

**PROJECT NO. 03-238-(5)
ADDENDUM TO CONDITIONAL USE PERMIT CASE NO. 03-238**

**MINOR MODIFICATION OF CONDITION NO. 48 OF CONDITIONAL USE PERMIT
NO. 03-238**

Pursuant to Part 11 of the Los Angeles County Code Zoning Ordinance (Conditional Use Permit – Modifications or Eliminations of Conditions), and in conformance with the Hearing Officer approval action regarding minor modifications to Conditional Use Permit No. 03-238 on May 17, 2011, Condition No. 48 of the originally approved Conditional Use Permit No. 03-238 is hereby amended to read as follows:

48. “Prior to the issuance of any building permit, the installation of improvements at the Hasley Canyon at I-5 Interchange (Roundabout) and Commerce Center Drive at SR-126 Interchange (Grade Separation) locations to will mitigate impacts due to the project and are not required to be completed in place and operational.”

Action Date May 17, 2011

BY:

**Gina Natoli, AICP, Hearing Officer
Department of Regional Planning
County of Los Angeles**

DRAFT



Los Angeles County
 Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

- 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.

The proposed CUP is being required because a CUP was approved along with a Tentative Map 060030 previously where a modification to the conditions is now being requested. The modification to this map will not alter the design or building square footage of the previously approved map and therefore not adversely affect the health, peace, comfort or welfare of person's working in the surrounding area.

- 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.

The proposed modifications are to the existing traffic related offsite conditions that have been determined to be no longer applicable based upon a recent traffic report, do to the recent roadway improvements to the surrounding area. There are no onsite changes that are being proposed to the existing approved layout. The changes in conditions will not impact the adequacy of the site to accommodate the yards, walls, fences, parking and load facilities, landscaping and other development features.

- 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.

The previously approved site is adequately served by both existing Witherspoon Parkway and Avenue Penn which are both 84' right of way along with the newly improved I-5/ Hasley Canyon Road intersection. In addition, the site is also in close proximity to Highway 126.

**ADDENDUM TO MITIGATED NEGATIVE DECLARATION FOR APPROVED VESTING
TENTATIVE PARCEL MAP NO. 060030-(5); CUP/RENV 03-238; ROAK200700006**

PREVIOUSLY APPROVED PROJECT DESCRIPTION:

Vesting Tentative Parcel Map No. 060030-(5) was approved by the Regional Planning Commission on December 3, 2008, for a 36 lot subdivision, with 31 industrial lots and 5 debris basin lots, over a parcel of land totaling 116.6 gross acres in the unincorporated community of Val Verde in Los Angeles County. Combined total of the net lot area will be 69.6 acres, total of 1,300,841 square feet of building area, 2,802 parking spaces, grading of 2.4 million cubic yards cut and fill. Access to site through extension of Witherspoon Parkway and through newly proposed "A" Street to south which will connect with Witherspoon Parkway through proposed "B" Street on site. Development will be extension of Valencia Commerce Center from east of site. Conditional Use Permit (CUP 03-238) for development in Industrial Planned Development Zone with Development Program (MPD-DP), grading, development on significant ridgeline in the Castaic Community Standards District, and hillside management. Development overlays previously approved TPM 20983, not recorded. Oak Tree Permit approved to remove one Heritage Oak, and three Valley/Scrub Oaks on site. Gas mitigation plan to be reviewed by Los Angeles County Department of Public Works' Environmental Programs Division, and by California Department of Conservation's Division of Oil, Gas & Geothermal Resources, for abandoned oil wells on site. Approved Parcel Map No. 060030 has not been recorded.

PROPOSAL AND ADDENDUM REQUESTED:

The project proponent (Sterling Gateway, L.P.) requests a discretionary approval of an Amendment Map (RAM PM060030-1) to modify Parcel Map Condition No. 13, Conditional Use Permit Condition No. 48, and Mitigation Monitoring Program Measure No.16, which prior to issuance of any building permit, requires the installation of improvements at Hasley Canyon Road and I-5 (Interstate 5/Golden State Freeway) interchange (roundabout), and the Commerce Center Drive at State Route (SR) 126 Interchange (Grade Separation). The Hasley Canyon at I-5 interchange and installation of all improvements has been completed and will mitigate all impacts from the project. No other changes to the project's (PM060030) parameters are proposed.

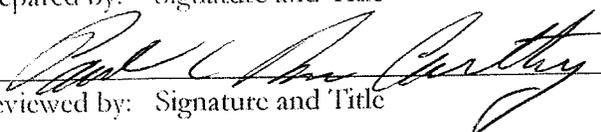
FINDINGS FOR ADDENDUM:

Section 15164 (b) of the California Environmental Quality Act authorizes Lead Agencies to prepare an Addendum to an adopted Negative Declaration if only minor technical changes or additions to the document are necessary or none of the conditions described in Section 15162 are present which call for a subsequent negative declaration. Staff of the Department of Regional Planning has determined that none of the conditions described in Section 15162 are present. The Amendment Map filed to modify Parcel Map Condition No. 13, Conditional Use Permit Condition No. 48, and Mitigation Monitoring Program Measure No. 16 is considered a minor technical change and is not anticipated to result in any new significant environmental effects or a substantial increase in the severity of previously identified effects.

Therefore, this Addendum to the previously approved Mitigated Negative Declaration adopted on December 3, 2008, which is attached hereto, provides adequate environmental analysis for the project as currently amended. Additional environmental analysis associated with the modification of approved conditions and adopted mitigation measures is not required as impacts have been analyzed in the previous environmental document. The following Environmental Documentation provides a brief explanation of the decision not to prepare a subsequent EIR or negative declaration pursuant to CEQA Guidelines Section 15162.

ENVIRONMENTAL DOCUMENTATION

The requested proposal is for a discretionary approval of an Amendment Map (RAM PM060030-1) proposal to modify Parcel Map Condition No. 13, Conditional Use Permit Condition No. 48, and Mitigation Monitoring Program Measure No.16, which prior to issuance of any building permit, requires the installation of improvements at Hasley Canyon Road and I-5 (Interstate 5/Golden State Freeway) interchange (roundabout), and the Commerce Center Drive at State Route (SR) 126 Interchange (Grade Separation). The Hasley Canyon at I-5 interchange and installation of all improvements has been completed and reviewed by the Los Angeles County Department of Public Works' Traffic and Lighting Division, with their determination having been made that the new interchange provides sufficient capacity to accommodate traffic generated by the project, as stated in their letter dated December 16, 2010 to Austin Foust Associates, Inc. The impacts from the project, as per Mitigation Measure No. 16, have been partially mitigated with the new Hasley Canyon at I-5 Interchange and will be removed from the requirements of Mitigation Measure No. 16. However, Public Works' Traffic and Lighting Division also determined in their letter that the traffic generated by the project and other related projects will continue to have a cumulative impact at the intersection of Commerce Center Drive and SR-126 Interchange (Grade Separation). The project is allowed to continue with clearance for the issuance of building permits, provided that the project's developer(s) first pay the required fees to the proposed Westside Bridge and Thoroughfare District, which will include the grade separation improvement project needed to mitigate the project's cumulative impact at the intersection of Commerce Center Drive and State Route 126. Per Public Works, if the Westside Bridge and Thoroughfare District is not in place prior to final recordation of the first map associated with the project, then the project's developer(s) shall pay its pro rata share of 5.8 percent as calculated in the project's 2007 traffic impact analysis. All payments must be initiated and/or completed prior to the issuance of building permits. Mitigation Measure No. 16 will be modified to reflect this. These modifications are considered to be minor technical changes and do not constitute the necessity for a subsequent EIR or negative declaration to be prepared pursuant to CEQA Guidelines Section 15162.

 Prepared by: _____	PRPA	<u>3-29-11</u>
	Signature and Title	Date
 Reviewed by: _____		<u>4-11-11</u>
	Signature and Title	Date

MITIGATION MONITORING PROGRAM
PROJECT NO. 03-238, PM060030

Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>(add left-turn lane). West approach: One shared left/right-turn lane and one exclusive right-turn lane (convert left-turn lane to shared left/right-turn lane). Install traffic signal.</p> <p>16. The installation of improvements at the following locations will mitigate cumulative impacts due to the project, and are required to be completed, in place and operational. The project's developer(s) must pay required fees to the proposed Westside Bridge and Thoroughfare District, which will include improvements to the following <u>specified interchange (grade separation), or pay its pro rata share of 5.8 percent as calculated in the project's 2007 traffic impact analysis if the Westside Bridge and Thoroughfare District is not in place prior to final recordation of the first map associated with the project. All payments must be initiated and/or completed before any building permits are issued:</u></p> <ul style="list-style-type: none"> • <u>Hasley Canyon at I-5 Interchange (Roundabout)</u> • <u>Commerce Center Drive at SR-126 Interchange (Grade Separation)</u> <p>17. The project along with other related projects will significantly impact the following County intersections. The project shall contribute its proportionate share of the cost for the following mitigation measures:</p> <ul style="list-style-type: none"> • <u>Commerce Center Drive at Witherspoon Parkway.</u> North approach: Two through 				

MITIGATION MONITORING PROGRAM
PROJECT NO. 03-238, PM060030

Mitigation Measure	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<p>lanes, one shared through/right-turn lane, and one exclusive right-turn lane (convert one through-lane to shared through/right-turn lane).</p> <p>The project's pro-rata share is 31 percent.</p> <p><u>Commerce Center Drive at Franklin Parkway.</u></p> <p>South approach: Two left-turn lanes and three through-lanes (add left-turn lane).</p> <p>West approach: One left-turn lane and two right-turn lanes (add right-turn lane).</p> <p>The project's pro-rata share is 24 percent.</p> <p><u>The Old Road at Henry Mayo Drive.</u></p> <p>West approach: Two left-turn lanes and one free-flow right-turn lane (add left-turn lane).</p> <p>The project's pro-rata share is 1 percent.</p> <p>Conceptual plans and cost estimates for these improvements shall be submitted to Public Works for review and approval prior to map recordation.</p>				
<p>Emergency Services</p> <p>18. The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities which are required by new commercial, industrial or residential development in an amount</p>	<p>Payment for implementation of emergency services measures to be paid prior to commencement of construction.</p>	<p>Monitoring to occur prior to issuance of building permits.</p>	<p>Applicant</p>	<p>Los Angeles County Public Works and Fire Department</p>