Regional Planning Commission Transmittal Checklist

Hearing Date
12/16/2009
Agenda Item Number
8(x)

Project Number: R2009-01455-(5)
Case(s): Variance No. 200900007
Contact Person: Tyler Montgomery, Zoning Permits II

Included	NA/None	Document
☒	☐	Factual
☒	☐	Property Location Map
☒	☐	Staff Report
☒	☐	Draft Findings
☒	☐	Draft Conditions
☐	☒	DPW Letter
☒	☐	FD Letter
☒	☐	Other Department's Letter(s)
☒	☐	Burden Of Proof Statement(s)
☐	☒	Environmental Documentation (IS, MMP, EIR)
☐	☒	Opponent And Proponent Letters
☒	☐	Photographs
☐	☒	Resolution (ZC Or PA)
☐	☒	Ordinance with 8.5 X 11 Map (ZC Or PA)
☒	☐	Aerial (Ortho/Oblique) Image(s)
☐	☒	Land Use Radius Map
☒	☐	Site Plan And Elevations
☐	☒	Other

Reviewed By: _____

Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT NO. R2009-01455-(5)
VARIANCE NO. 200900007

RPC MEETING DATE	CONTINUED TO
December 16, 2009	
AGENDA ITEM 8(x)	
PUBLIC HEARING DATE December 16, 2009	

APPLICANT	OWNER	REPRESENTATIVE
James C. Ball	James & Kristine Ball	James C. Ball

REQUEST
Variance: To authorize the construction of a single-family residence in the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone that will project 50 feet above the pre-existing natural grade. The height limit within the A-2-1 zone is 35 feet.

LOCATION/ADDRESS
16612 Sierra Highway, Canyon Country (APN 3231-010-021)

ACCESS
Sierra Highway, between Fitch Avenue and Sand Canyon Road

ZONED DISTRICT
Sand Canyon

COMMUNITY
Santa Clarita Valley

EXISTING ZONING
A-2-1 (Heavy Agricultural; 1-acre minimum lot size)

SIZE	EXISTING LAND USE	SHAPE	TOPOGRAPHY
4.2 acres	Vacant	Irregular	Sloping, with 10,000 s.f. level graded pad

SURROUNDING LAND USES & ZONING

North: Vacant land—A-2-1 (Heavy Agricultural; 1-acre minimum lot size)	East: Vacant land—A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
South: Vacant land—A-2-1 (Heavy Agricultural; 1-acre minimum lot size)	West: Commercial and light industrial uses; Single-family residences—C-3 (Unlimited Commercial) & R-3 (Limited Multiple Residence)

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Santa Clarita Valley Area Plan	HM (Hillside Management)	N/A	See Staff Analysis

ENVIRONMENTAL STATUS
Class 3 Categorical Exemption – Small Structures

DESCRIPTION OF SITE PLAN
The applicant proposes to construct a two-story single-family residence with 2,700 square feet of floor area and a 750 square-foot detached garage. The residence would be located on a 10,000 square-foot graded pad at the center of the 4.1-acre parcel, which slopes steeply upward from west to east. The actual structure of the residence would have a maximum height of 26 feet. However, because the graded pad was not originally authorized as a building site, it is the policy of the Department of Regional Planning to measure the height of the residence from the original natural grade. Therefore, the residence would project to a maximum height of 50 feet above the pre-existing grade. Because the maximum height limit for the A-2-1 zone is 35 feet, a variance application is required to be filed.

KEY ISSUES
- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

**(O) = Opponents (F) = In Favor*

Map taken from:
"The Thomas Guide, 2008 Edition"
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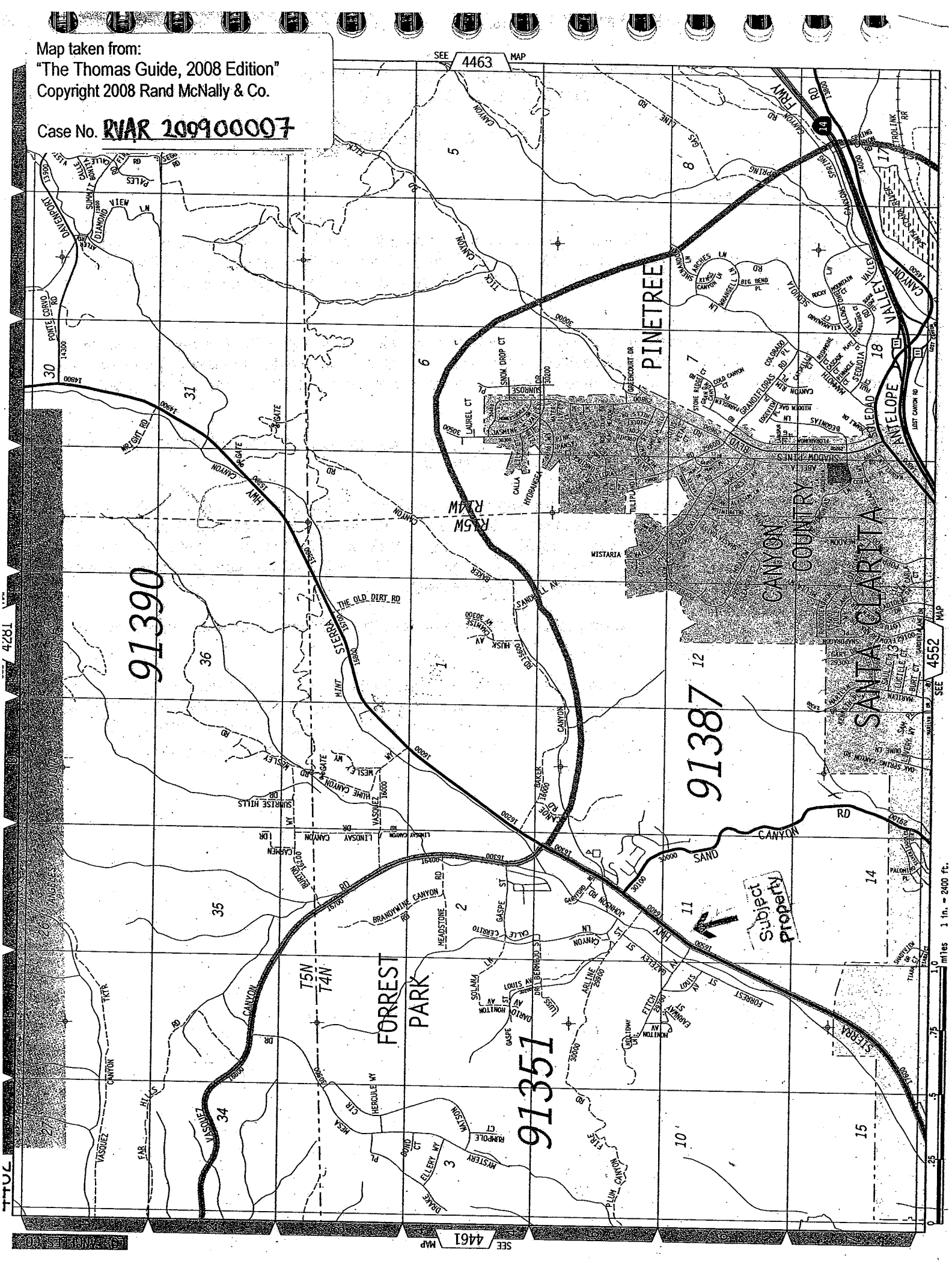
Case No. RVAR 200900007



STAFF ANALYSIS

PROJECT NUMBER
R2009-01455-(5)
CASE NUMBER
Variance No. 200900007

ENTITLEMENTS REQUESTED
Pursuant to Section 22.56.260 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant, James C. Ball, is requesting a Variance to authorize the construction of a single-family residence that exceeds the established height limit of 35 feet within the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone. The proposed residence will project to a height of 50 feet above the pre-existing natural grade.

DESCRIPTION OF SUBJECT PROPERTY
Location
16612 Sierra Highway, Canyon Country, within the Sand Canyon Zoned District of Los Angeles County.

Physical Features
The property is a 3.8-acre parcel, which slopes steeply upward from west to east, with a 10,000 square-foot graded pad on its northeastern portion. The pad was created through grading and fill from 2004 to 2006, and was authorized by Public Works through grading permit GR030925001. The parcel is irregularly shaped and takes access from Sierra Highway to the west via a curving driveway (see attached aerial photo), which was constructed as part of the same grading permit.

EXISTING ZONING
Subject Property
The subject property is zoned A-2-1 (Heavy Agricultural; 1-acre minimum lot size).

Surrounding Properties
Surrounding properties are zoned as follows:
North: A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
South: A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
East: A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
West: C-3 (Unlimited Commercial) and R-3 (Limited Multiple Residence)

EXISTING LAND USES
Subject Property
The project site is currently vacant, although a 10,000-square-foot graded pad and driveway exist on the property.

Surrounding Properties
Land uses in the vicinity of the subject property consist of the following:

North: Vacant land
South: Vacant land
East: Vacant land
West: Commercial and Light Industrial uses; Single-family residences; Multi-family residences

PREVIOUS CASES/ZONING HISTORY

A grading permit for the property—as well as several adjacent properties—was issued by the Department of Public Works in 2004 (GR030925001), which allowed for the grading of the existing driveway. The driveway was, and is, intended to service a future single-family residence on a parcel to the east of the subject property. As part of this permit, the existing pad was created through transfer of fill into a portion of a ravine. The purpose of this action was to provide stabilization to the curving driveway, which includes several switchbacks. At the time, the only other use for which the pad was approved was for storage of construction equipment. Grading work was done at the site from 2004 to 2006.

At some point after the original issuance of the grading permit in 2004, the applicant's intentions for the 10,000-square-foot graded pad were changed. Instead of using the pad solely for stabilization of the driveway and storage of equipment, the applicant began the entitlement process for construction of a single-family residence on the site. As part of this process, the applicant applied for a Lot Line Adjustment (RLLA 200800011), which adjusted the boundaries of the existing parcel to incorporate the site of the proposed septic leach field to the southwest. As part of the Lot Line Adjustment process, a Certificate of Compliance for the property was also issued. These documents received final approval from the Department of Regional Planning in May 2008.

The applicant next sought entitlement for construction of the single-family residence from the Department of Regional Planning. The structure of the residence, as proposed, would be two (2) stories and project to a height of 26 feet above the elevation of the graded pad. However, there followed a disagreement between the applicant and Regional Planning staff as to whether the height of the residence should be measured from this pad or from the original, pre-existing grade of the ravine. Section 22.08.070 of the Los Angeles County Code reads as follows:

"Where fill material has been placed on a lot or parcel after such lot or parcel is created, grade shall be determined by the director."

Because the graded pad was originally approved only for stabilization of the driveway and equipment storage—and not for a single-family residence—the Director of Planning made the determination that the height of the residence should be measured from the original, pre-existing grade of the site. Such determinations are necessary in order to avoid the creation of elevated grades for one stated purpose, only to subsequently be used for a different purpose that—if proposed during grading—would have required a height variance. Therefore, when measured from the original topography, the proposed

single-family residence would have a maximum height of 50 feet above grade. The applicant subsequently applied for a variance to authorize the proposed structure.

Land Use Policy Map
The subject property is designated "HM" (Hillside Management) in the Santa Clarita Valley Area Plan. The Plan states that, "Approval of residential development proposals (in these areas) will be based upon the ability to mitigate natural hazards and provide for compatible hillside design."

SITE PLAN
The property is located at 16612 Sierra Highway in Canyon Country. The applicant proposes constructing a single-family residence on the steeply sloping (average 24% grade) parcel.

The two-story single-family residence would have 2,700 square feet of floor area and a 750 square-foot detached garage. The residence would be located on a 10,000 square-foot graded pad on the northeastern portion of the 4.1-acre parcel, which slopes steeply upward from west to east. The actual structure of the residence would have a maximum height of 26 feet. However, because the graded pad was not originally authorized as a building site, it is the policy of the Department of Regional Planning to measure the height of the residence from the original natural grade. Therefore, the residence would project to a maximum height of 50 feet above the pre-existing grade (see attached cross-section).

The property would take access from Sierra Highway to the west via a sloping, 760-foot-long driveway with several switchbacks. This driveway already exists and would continue past the residence to service properties to the southeast, which are currently vacant. The residence would utilize a private septic system, the leach field for which would be located on the southwestern portion of the property.

Compliance with Applicable Zoning Standards
Section 22.24.170 of the Los Angeles County Planning and Zoning Code (Title 22) lists development standards for the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone. All proposed setbacks are well within these requirements, as all potential structures are more than 50 feet from any lot line. The Code also requires two (2) covered off-street parking spaces for each single-family residence, which would be provided by the proposed detached garage.

Unless specifically modified by a variance, developments in Zone A-2-1 shall have a maximum height of 35 feet above grade, excluding chimneys and antennas. As delineated above, in this case the Department of Regional Planning has determined that the height of the structure should be measured from the pre-existing natural grade. Therefore—although the actual structure itself rises 26 feet above the pad—the total height of the structure above grade would be 50 feet. The applicant has requested a variance to allow for this deviation from height standards.

BURDEN OF PROOF—VARIANCE

As required by Section 22.56.290 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission 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;

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;

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;

D. That the requested use at the location proposed 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.

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

F. 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.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). If approved, the project qualifies for a Class 3, New Construction or Conversion of Small Structures exemption. This exemption specifically references one (1) single-family residence.

PUBLIC COMMENTS

Legal Notification/Community Outreach

A total of 274 public hearing notices regarding the proposal were mailed to property owners within the 1,000-foot radius of the subject property on November 5, 2008. The hearing notice was published in *The Signal* and in *La Opinion* on November 10, 2008. The notice has been posted on the property for at least 30 days prior to the public hearing date. Case materials were also sent to the Canyon Country Jo Anne Darcy Library and posted on the Regional Planning website. Staff has received no public comments at this time.

COUNTY DEPARTMENT COMMENTS

The proposed project was submitted by the applicant to various Los Angeles County departments for preliminary approval before the filing of the current variance application. During its analysis of the project, Regional Planning staff contacted the Los Angeles County Fire Department, the Los Angeles County Department of Public Works, and the Los Angeles County Department of Public Health regarding the status of their reviews.

Public Health has provided staff with a clearance for the project's proposed well and on-site septic system and has cleared the project for public hearing (enclosed).

County Fire was consulted by staff and provided an approved fuel modification plan for the proposed project (enclosed). Staff also confirmed by phone that the proposed access and fire flow for the project meets their requirements.

Public Works has confirmed by phone their clearance of the project for public hearing. They have also indicated that they will provide a written clearance to staff, although this has not been received at the time of this report.

STAFF EVALUATION

The applicant proposes to construct a two-story single-family residence with 2,700 square feet of floor area and a 750 square-foot detached garage. The residence would be located on a 10,000 square-foot graded pad on the northeastern corner of the 4.1-acre parcel, which slopes steeply upward from west to east. The actual structure of the residence would have a maximum height of 26 feet. However, because the graded pad was not originally authorized as a building site, it is the policy of the Department of Regional Planning to measure the height of the residence from the original natural grade. Therefore, the residence would project to a maximum height of 50 feet above the pre-existing grade. Because the maximum height limit for the A-2-1 zone is 35 feet, a variance is required.

Aside from the 35-foot height limitation, the proposed single-family residence would be allowed by right within the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone, and its design meets all the zone's other development requirements.

The residence is proposed within the "HM" (Hillside Management) land use designation in the Santa Clarita Valley Area Plan. The Plan states that, "Approval of residential

development proposals (in these areas) will be based upon the ability to mitigate natural hazards and provide for compatible hillside design." The proposed residence would be located on the most appropriate portion of the parcel, as it is a pre-existing graded pad with vehicular access and would not require any further earthmoving. Although extensive grading has already been undertaken on the site, it was done legally and with the same stated intention—a single-family residence—that is currently being proposed, albeit not at the same location. Therefore, staff feels that the current proposed location of the residence would be the most hillside compatible design on the property as it currently exists. Public Works has also approved the grading and given conceptual clearance to the location of the residence.

Hillside Management areas of the Santa Clarita Valley Area Plan must also meet the density standards of the Plan's general development conditions. In the case of lands designated "HM," residential developments that exceed one dwelling unit per five (5) acres must apply for a conditional use permit. Although the subject property is only 4.2 acres, the applicant owns the adjacent parcel to the north (APN 3231-010-021), which may be held as one with the parcel in question, creating a total area of 6.6 acres. This shall be added as a condition of approval for the variance.

In order for a variance to be granted, the applicant must demonstrate that the property in question has some special circumstance or exceptional characteristic that does not apply to other identically zoned parcels in the vicinity. In this case, the topography of the project site is such that the most appropriate location for the residence is on the pre-existing graded pad. While it is conceivable that another location could be found to accommodate a single-family residence on the property, it would almost certainly require at least a moderate amount of additional earthmoving on another portion of the property. Staff does not consider this alternative desirable, as it is likely to cause further hillside and environmental degradation and could also conflict with the Hillside Management area plan classification. In this case, staff believes that granting the height variance would be a better course of action, as it would allow the applicant use of his property without further alteration of hillsides or natural scenery, both of which are specifically and repeatedly called out for preservation in the County General Plan.

To be granted a variance, the applicant must also show that the requested increase in height is not likely to affect the health, comfort, or welfare of surrounding neighbors. The proposed residence would not be visible to adjacent properties to the southwest, southeast, or northeast. Properties to the northwest would be able to view the property. However, its height is not likely to be more intrusive than any other residence constructed on an adjacent hillside property, as the structure itself is only 26 feet above the existing pad. As a reference, the applicant constructed a scaffolding of the same height on the project site during a site visit by staff in order to demonstrate the fact that it is relatively unobtrusive (see enclosed photos). This is buttressed by the fact that the structure will be built well below the ridgeline and the fact that staff has not received any opposition, or requests for information, from area residents who received notice of the project.

STAFF RECOMMENDATION

After reviewing the facts of the case, staff believes that the applicant has met the burden of proof for approval of a variance. Therefore, staff recommends approval of Variance 200900007, subject to the attached conditions.

SUGGESTED MOTION

I move that the Regional Planning Commission close the public hearing and **APPROVE** Variance 200900007 with the attached Findings and Conditions.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Maria Masis, Zoning Permits II Section Head

Attachments:
Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statements
Clearance letter from Public Health
Approval of fuel modification plan from County Fire
Aerial photo
Site photos

MM:TM
12/03/09

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

PROJECT NO. R2009-01455-(5)
VARIANCE NO. 200900007

REGIONAL PLANNING COMMISSION HEARING DATE: DECEMBER 16, 2009

SYNOPSIS:
Pursuant to Section 22.56.260 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a Variance to authorize construction of a single-family residence that exceeds the established height limit of 35 feet within the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The applicant, James C. Ball, is requesting a variance to authorize the construction of a single-family residence that exceeds the established height limit of 35 feet within the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone. The proposed residence will project to a height of 50 feet above the pre-existing natural grade. The site is located at 16612 Sierra Highway, Canyon Country, in the Sand Canyon Zoned District of Los Angeles County.

2. The project site is zoned A-2-1 (Heavy Agricultural; 1-acre minimum lot size).

3. The property is a 3.8-acre parcel, which slopes steeply upward from west to east, with a 10,000 square-foot graded pad on its northeastern portion. The pad was created through grading and fill from 2004 to 2006, and was authorized by Public Works through grading permit GR030925001. The parcel is irregularly shaped and takes access from Sierra Highway to the west via a curving driveway, which was constructed as part of the same grading permit.

4. Surrounding properties are zoned as follows:
   North: A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
   East: A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
   South: A-2-1 (Heavy Agricultural; 1-acre minimum lot size)
   West: C-3 (Unlimited Commercial) and R-3 (Limited Multiple Residence)

5. The surrounding land uses consists of the following:
   North: Vacant land
   East: Vacant land
   South: Vacant land

West: Commercial and Light Industrial Uses; Single-family residences; Multi-family residences

6. A grading permit for the property was issued by the Department of Public Works in 2004 (GR030925001), which allowed for the grading of the existing driveway. The driveway was, and is, intended to service a future single-family residence on a parcel to the east of the subject property. As part of this permit, the existing pad was created through transfer of fill into a portion of a ravine. The purpose of this action was to provide stabilization to the curving driveway, which includes several switchbacks. At the time, the only other use for which the pad was approved was for storage of construction equipment.

7. Because the graded pad was originally approved only for stabilization of the driveway and equipment storage—and not for a single-family residence—the Director of Planning made the determination that the height of the residence should be measured from the original, pre-existing grade of the site. Therefore, when measured from the original topography, the proposed single-family residence would have a maximum height of 50 feet above grade.

8. The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.

9. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

10. The subject property is designated "HM" (Hillside Management) in the Santa Clarita Valley Area Plan. The Plan states that, "Approval of residential development proposals (in these areas) will be based upon the ability to mitigate natural hazards and provide for compatible hillside design."

11. Staff consulted with the Los Angeles County Fire Department, the Department of Public Health, and the Department of Public Works regarding the project proposal. These departments subsequently cleared the project for public hearing.

12. Staff has not received any comments from the public regarding this project proposal.

13. Section 22.24.170 of the Los Angeles County Planning and Zoning Code (Title 22) lists development standards for the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone. All proposed setbacks are well within these requirements, as all potential structures are more than 50 feet from any lot line. The Code also

requires two (2) covered off-street parking spaces for each single-family residence, which would be provided by the proposed detached garage.

14. The property is located at 16612 Sierra Highway in Canyon Country. The applicant proposes constructing a single-family residence on the steeply sloping (average 30% grade) parcel.

15. The two-story single-family residence would have 2,700 square feet of floor area and a 750 square-foot detached garage. The residence would be located on a 10,000 square-foot graded pad on the northeastern portion of the 4.1-acre parcel, which slopes steeply upward from west to east. The actual structure of the residence would have a maximum height of 26 feet. However, because the graded pad was not originally authorized as a building site, it is the policy of the Department of Regional Planning to measure the height of the residence from the original natural grade. Therefore, the residence would project to a maximum height of 50 feet above the pre-existing grade.

16. The property would take access from Sierra Highway to the west via a sloping, 760-foot-long driveway with several switchbacks. This driveway already exists and would continue past the residence to service properties to the southeast, which are currently vacant. The residence would utilize a private septic system, the leach field for which would be located on the southwestern portion of the property.

17. Aside from the 35-foot height limitation, the proposed single-family residence would be allowed by right within the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone, and its design meets all the zone's other development requirements.

18. The proposed residence would be located on the most appropriate portion of the parcel, as it is a pre-existing graded pad with vehicular access and would not require any further earthmoving. Although extensive grading has already been undertaken on the site, it was done legally and with the same stated intention—a single-family residence—that is currently being proposed, albeit not at the same location. Therefore, the current proposed location of the residence would be the most hillside compatible design on the property as it currently exists. Public Works has also approved the grading and given conceptual clearance to the location of the residence. The project is compatible with the Hillside Management area plan designation.

19. The topography of the project site is such that the most appropriate location for the residence is on the pre-existing graded pad. While it is conceivable that another location could be found to accommodate a single-family residence on the property, it would almost certainly require at least a moderate amount of additional earthmoving on another portion of the property. This is not desirable, as it is likely to cause

further hillside and environmental degradation and could also conflict with the Hillside Management area plan classification. Granting the height variance would be a better course of action, as it would allow the applicant use of his property without further alteration of hillsides or natural scenery, both of which are specifically and repeatedly called out for preservation in the County General Plan.

20. The proposed residence would not be visible to adjacent properties to the southwest, southeast, or northeast. Properties to the northwest would be able to view the property. However, its height is not likely to be more intrusive than any other residence constructed on an adjacent hillside property, as the structure itself is only 26 feet above the existing pad. This is buttressed by the fact that the structure will be built well below the ridgeline and the fact that staff has not received any opposition, or requests for information, from area residents who received notice of the project.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

A. 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

B. 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

C. 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

D. 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Variance as set forth in Sections 22.56.330 of the Los Angeles County Code.

REGIONAL PLANNING COMMISION ACTION:

1. Approve the Categorical Exemption (Class 3) for the project, and determine that the proposed project is exempt from the reporting requirements of the California Environmental Quality Act (CEQA).

2. In view of the findings of fact and conclusions presented above, Variance No. 200900007 is **APPROVED** subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Each Commissioner, Zoning Enforcement, Building and Safety

MM:TM
12/03/09

1. This grant authorizes the construction of a single-family residence that exceeds the established height limit of 35 feet within the A-2-1 (Heavy Agricultural; 1-acre minimum lot size) zone, subject to all of the following conditions of approval.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No 10. Notwithstanding the foregoing, this condition (No.3), and Condition Nos. 4 [indemnification], and condition number 5 [litigation deposit], and 6 [expiration date] shall be effective immediately upon final approval of this grant by the County.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

   The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing and with the appropriate fee, six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statue, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **$300.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **three (3) annual inspections**. The inspections shall be unannounced.

   If the term of the grant is extended, additional monies sufficient to provide for additional biennial inspections shall be deposited with the County for the life of the grant. The amount due for such inspections shall be the amount equal to the recovery cost at the time of payment. The inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged for additional inspections shall be $150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

12. The subject property shall be maintained in compliance with the requirements of the Los Angeles County Department of Public Health. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

13. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.

14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The residence shall not exceed a total height of 50 feet above the original pre-existing grade (26 feet above the artificial grade), excluding chimneys and antennas.

17. A covenant to hold the subject parcel (APN 3231-010-022) as one with the adjacent parcel (APN 3231-010-021), which is also owned by the applicant, shall be filed and submitted to the Department of Regional Planning prior to final approval of the project, to the satisfactory of the Director of Planning.

18. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the variance.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

VARIANCE BURDEN OF PROOF

In addition to the information required on the application by Chapter 22.56, Part 2, the applicant for a variance shall substantiate to the satisfaction of the Director the following facts:

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

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
Applicant desires to build a 2,700 sf 2-story sgl-fam. res. that is 30 ft. high. DRP decided
to measure the height from 20 to 40 ft below the existing grade. This Variance will
resolve the hypothetical zoning violation and also provide site plan approval for a
pending res. bldg. permit: BL0709110027. Permit is ready to issue except for this.
Grading was done from 2004 to 2006 per permit GR030925001. Proposed house is sited
at center of a 10,000 sf flat pad and is mostly non-visible from adjacent properties.
Applicant claims 1-house exemption from Hillside Mgt., CEQA and CA Fish & Game.
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
Applicant has previously submitted site plans for DRP review in Feb & June of 2008. DRP
refused to intake the application. DRP has suggested this Variance process. If County
takes the land by preventing resid. development, there is no alternate commercial,
agricultural or recreational value. Owner invested substantially in design, engineering,
grading, drainage, well. This lot is 4.2 acres. Zoning is A-2-1 (1 acre min per dwelling).
Approval of this "height variance" will result in a 30 ft high house that does not project
above the sight-line horizon from any adjacent lots or anywhere else in the vicinity.
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.
This will be an obvious improvement to a neighborhood that is a mish-mash of resid. &
commercial, many non-conforming & poorly maintained. In 8 yrs of possession & 2 yrs
of grading, there have been no neighbor complaints. Grading has been done for 3 yrs.
The Director of DRP has the discretionary authority to approve the fill grade and this
application should be unnecessary.

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

KEN HABARADAS, MS, REHS
Acting Environmental Health Staff Specialist
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5280 • FAX (626) 960-2740

BOARD OF SUPERVISORS

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Michael D. Antonovich
Fifth District

November 20, 2009

Tyler Montgomery
Zoning Permits II Section
County of Los Angeles
Department of Regional Planning

RE: PROJECT NO. R2009-01455-(5), VARIANCE NO. 200900007
LOCATION: 16612 SIERRA HIGHWAY, CANYON COUNTRY

This is in response to your Notice of Consultation for the above-referenced project that was forwarded to Environmental Health for review and comment.

After reviewing our records, we have confirmed that water source and septic approvals for the above-referenced project have been issued by Environmental Health Health. Please see attached Well Water Availability approval and site plan dated August 27, 2009. The site plan confirms that a method of wastewater disposal for the project has been approved by Environmental Health.

If you have any questions regarding the approvals, please let me know.

Regards,

Ken Habaradas, MS, REHS
Bureau of Environmental Protection

Attachments

— Chris Ball —

COUNTY OF LOS ANGELES ♦ DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH
Drinking Water Program
5050 Commerce Drive, Baldwin Park, CA 91706-1423
Tel (626) 430-5380 FAX (626) 813-3016

WELL WATER AVAILABILITY APPROVAL
UTILIZING A WELL WATER TREATMENT DEVICE

PROJECT ADDRESS: 16612 Sierra Hwy.

CITY & ZIP CODE: Canyon Country, CA 91351

Well water availability for the location indicated below is approved contingent upon the following:

1) Upon completion of construction, prior to occupancy, the property owner must schedule an appointment with the Department to collect an additional water sample for laboratory testing to verify that the well water continues to meet the required MCL standards.

2) Water sample laboratory testing results shall be submitted to the Department annually.

☒ An approved private well located at: ☐ An approved *shared well located at:

16612 Sierra Hwy. Canyon Country, CA 91351
Number *Street* *City* *Zip Code*

*SHARED WELL: Gallons / minute: _____ NUMBER OF CONNECTIONS: 1

*This private well was yield tested on: September 24, 2008
Date of Yield Test

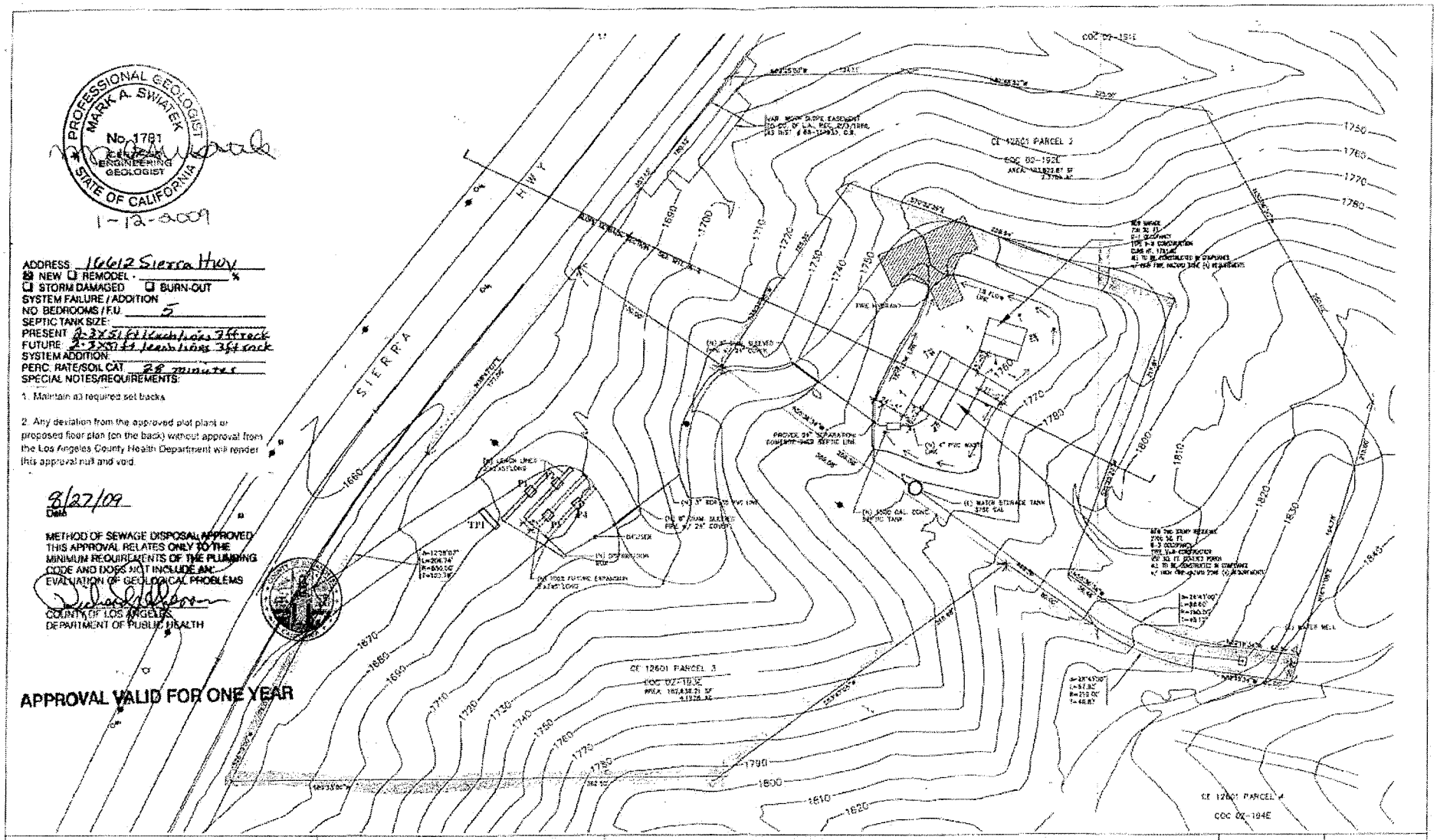
(WELL WATER AVAILABILITY APPROVAL IS VALID FOR THREE (3) YEARS FROM DATE OF YIELD TEST INDICATED ABOVE.)

The Los Angeles County Department of Public Health has determined at this time that the above described well water is an acceptable source of potable water for this project.

APPROVAL TO OBTAIN BUILDING PERMIT:
REHS: Richard Gallegos DATE: 8-27-08

APPROVAL TO OBTAIN OCCUPANCY PERMIT:
REHS: DATE:

Rev. 10/22/08



AGI A.G.I. GEOTECHNICAL, INC.
Engineering Geology • Geotechnical Engineering
16633 Sherman Way, Unit B • Van Nuys, CA 91406

SITE PLAN
16612 Sierra Highway
Canyon Country
Los Angeles County, California

TP1 Approximate Location of Groundwater Test Pit
P2 Approximate Location of Percolation Test Pit

SITE PLAN
SCALE: 1/64" = 1'

PROJECT NO.	13-2462-03
DATE	12-02-2008
PREPARED BY	MAS
APPROVED BY	MAS

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

December 6, 2007

Chris Ball
27811 Avenue Hopkins # 6
Valencia, CA 91355

Dear Mr. Ball:

FUEL MODIFICATION PLAN – 16612 SIERRA HIGHWAY, CANYON COUNTRY
PARCEL #3231-010-021 - FM PROJECT #3795 - FFFM T200700347

The Preliminary Fuel Modification Plan has been reviewed and approved. The project is approved in concept and needs to be resubmitted for final review and approval prior to granting a building permit. Please refer to the enclosed plot plan and assessment notes for information that must appear on the Final Fuel Modification Plan.

Questions regarding this response should be directed to Deputy Forester Keith Condon or Forestry Assistant Larinda Pontes at the Fuel Modification Unit. Office hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m. The Fuel Modification Unit may be reached at (626) 969-5205.

Very truly yours,

JOHN R. TODD, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JRT:ac

Enclosures

department of regional planning

16612 Sierra Highway

Printed On: Dec 3, 2009

Legend

- Parcel Boundary
- Right-of-Way
- Subdivision
- Lot Line
- Cut/Deed Line
- Easement
- Other
- Ownership Hook
- Freeway
- Setback District Setbacks
- Condo Lines
- Private Street Sideline
- Vacate Street Sideline

Master Plan of Highways

- Expressway - (e)
- Expressway - (p)
- Ltd. Secondary Highway - (e)
- Ltd. Secondary Highway - (p)
- Parkway - (e)
- Parkway - (p)
- Major Highway - (e)
- Major Highway - (p)
- Secondary Highway - (e)
- Secondary Highway - (p)

(e)-Existing (p)-Proposed

- Old Map Boundary
- Township/Range Grid
- Wall Sheet Grid
- Zoning Index Map Grid
- Zoning Map Grid
- The Thomas Guide Grid
- CSD Area Specific Boundary
- National Forest

- Zoning (Boundary)

Zoning

- Zone A-1
- Zone A-2
- Zone B-1
- Zone B-2
- Zone C-1
- Zone C-2
- Zone C-3
- Zone C-H
- Zone C-M
- Zone CPD
- Zone C-R
- Zone D-2
- Zone IT
- Zone M-1
- Zone M-1.5
- Zone M-2
- Zone M-3
- Zone MPD
- Zone MXD
- Zone O-S
- Zone P-R
- Zone R-1
- Zone R-2
- Zone R-3-( )U
- Zone R-4-( )U
- Zone R-A
- Zone RPD
- Zone R-R
- Zone SP
- Zone SR-D
- Zone W

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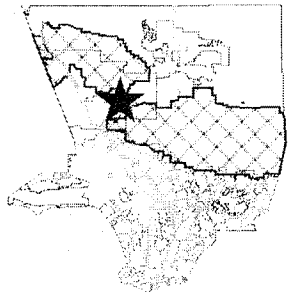

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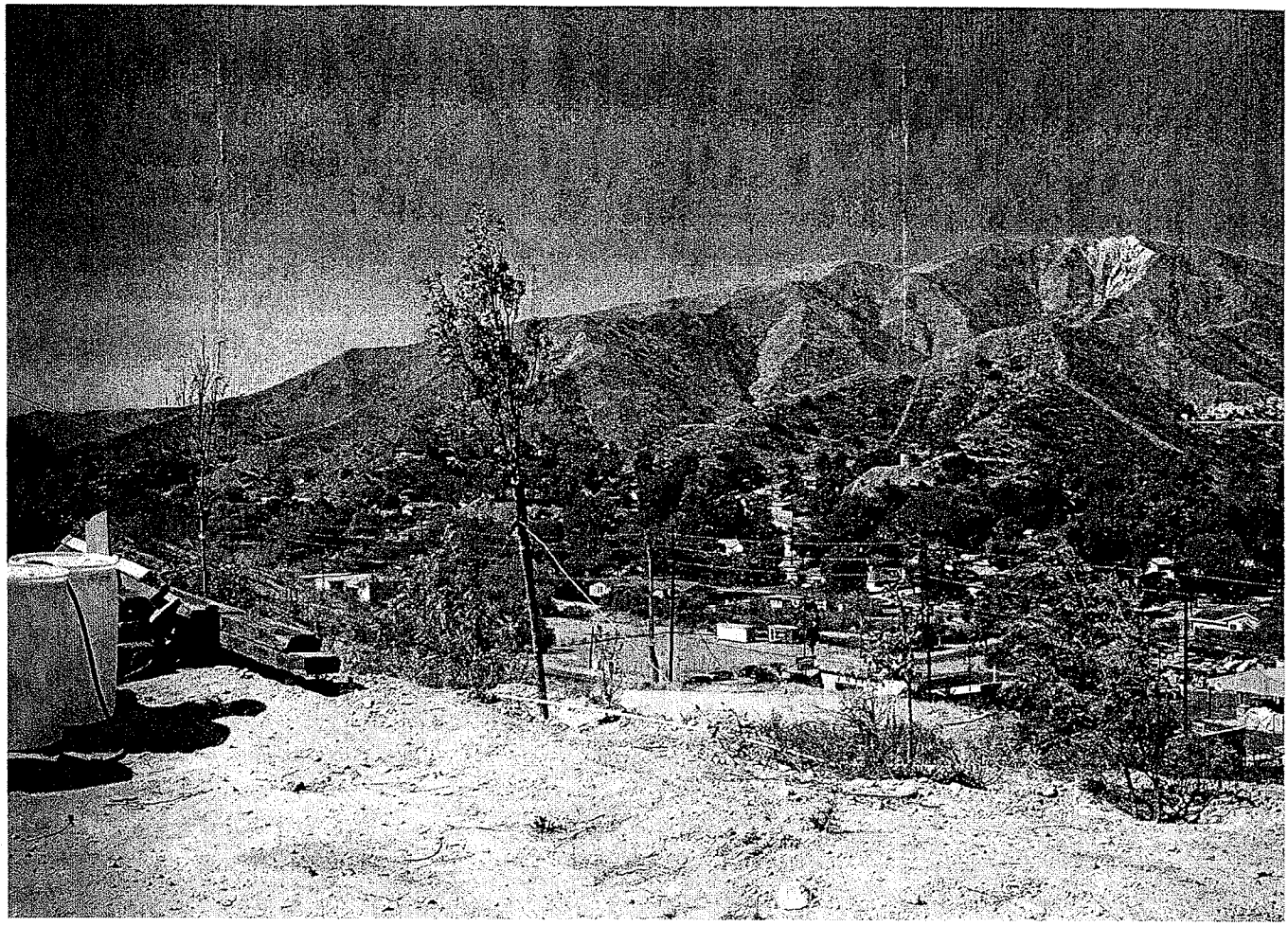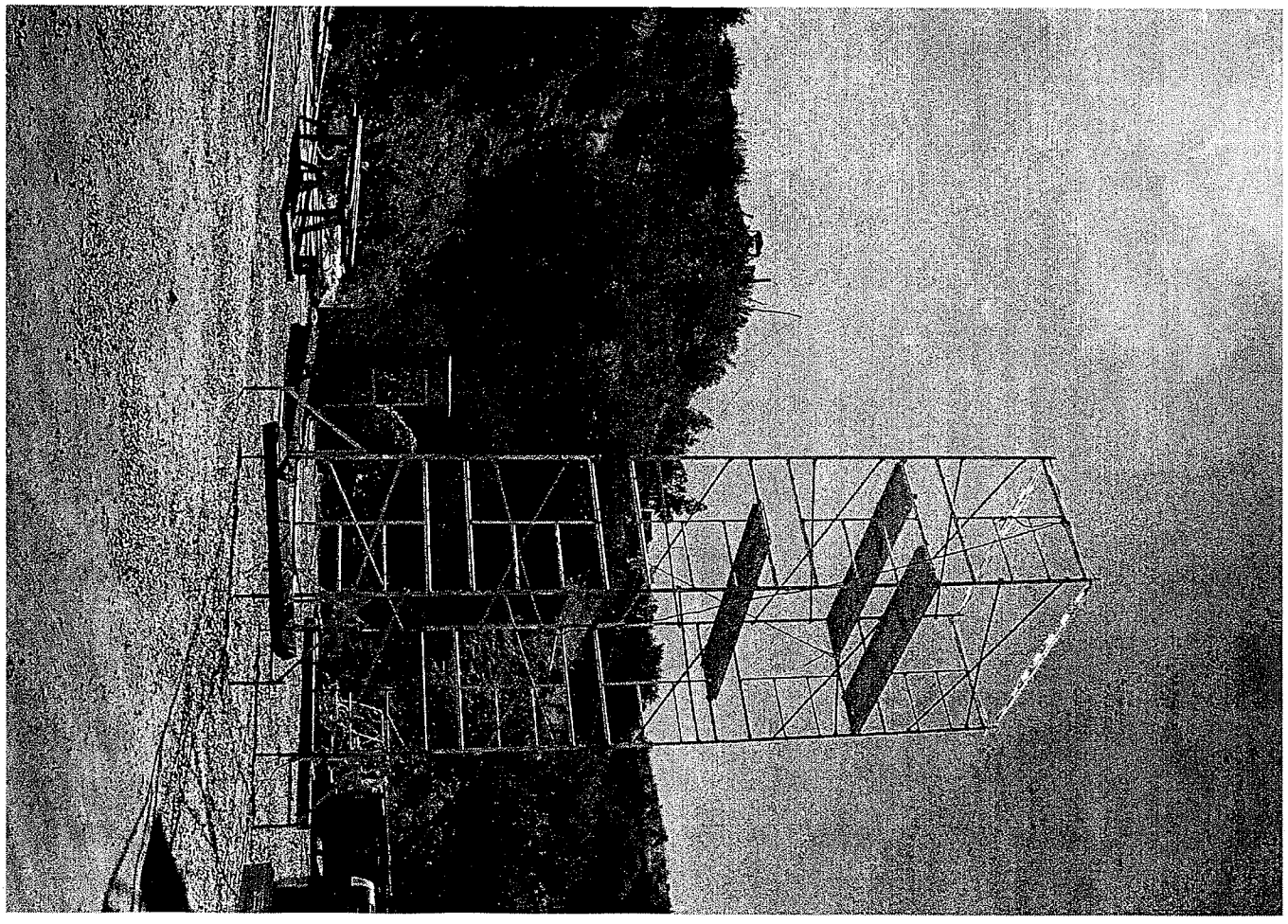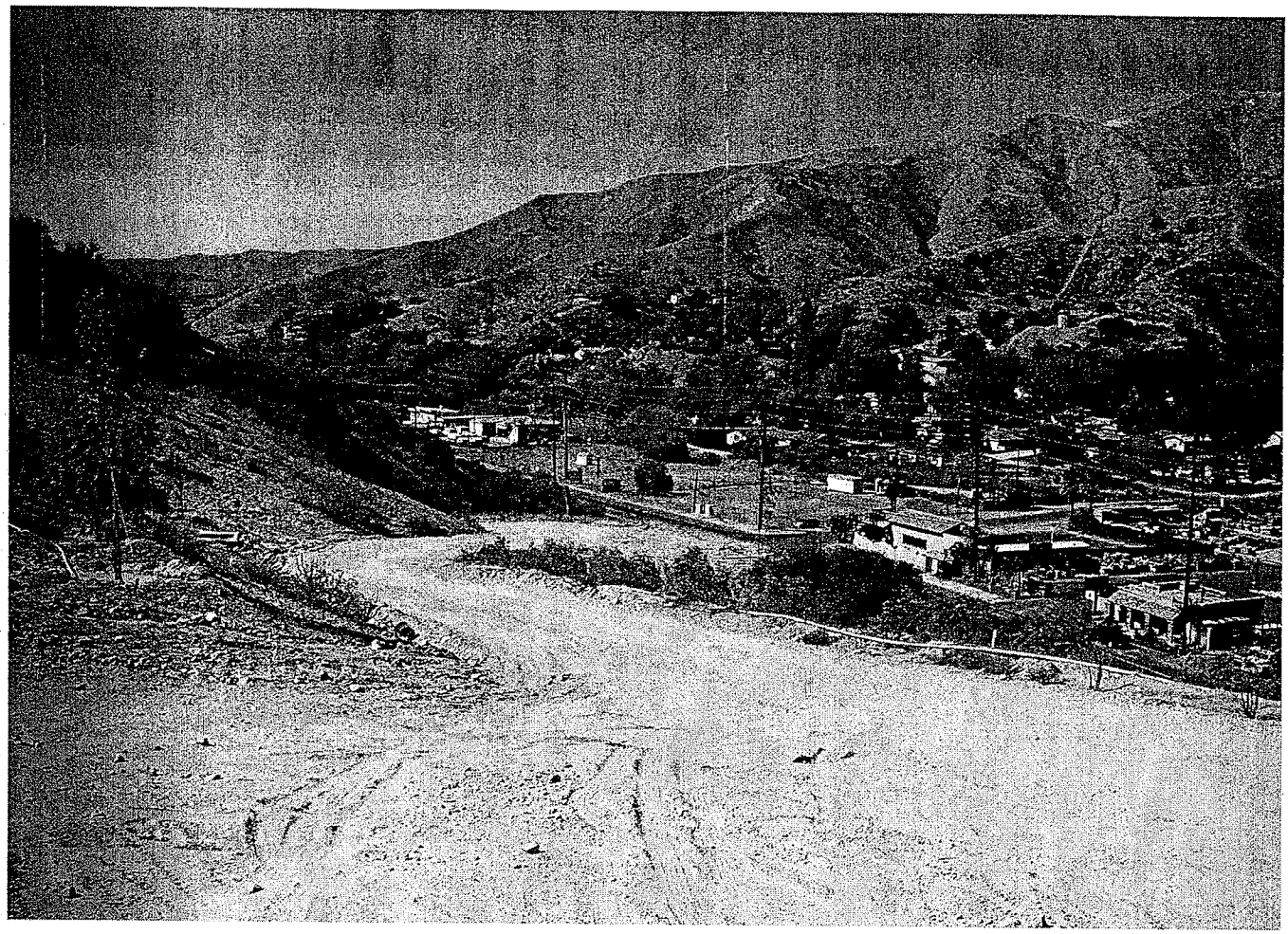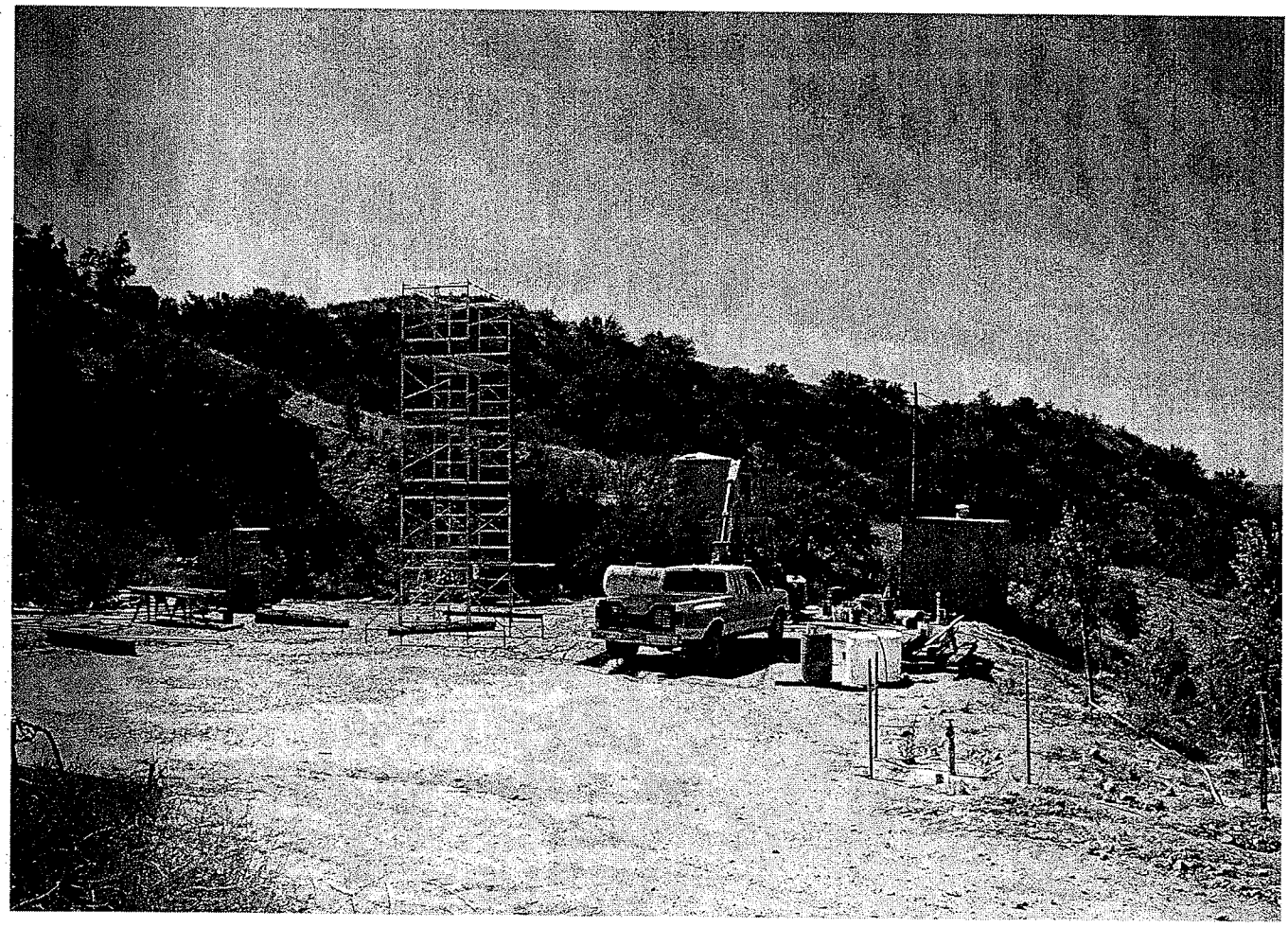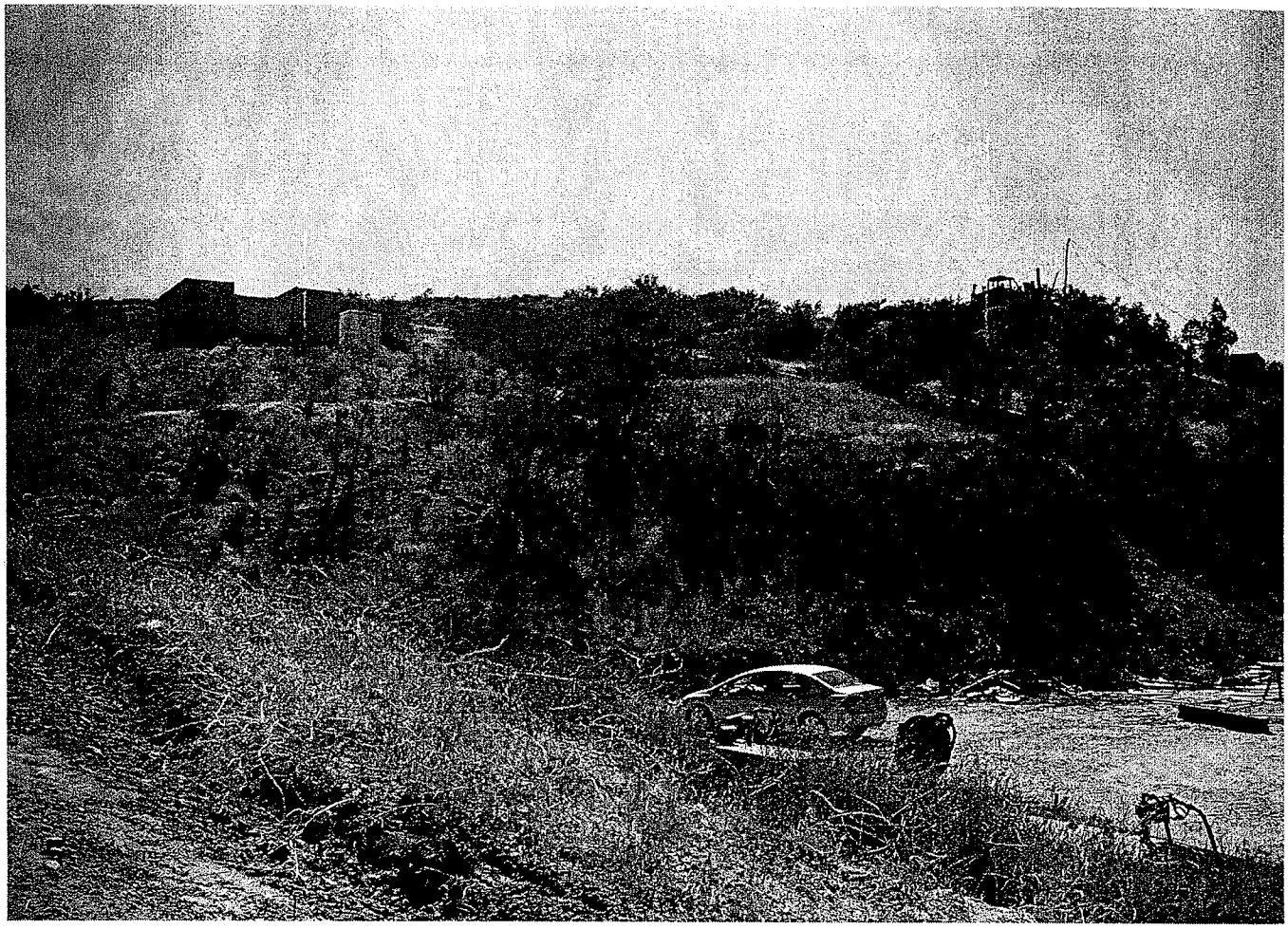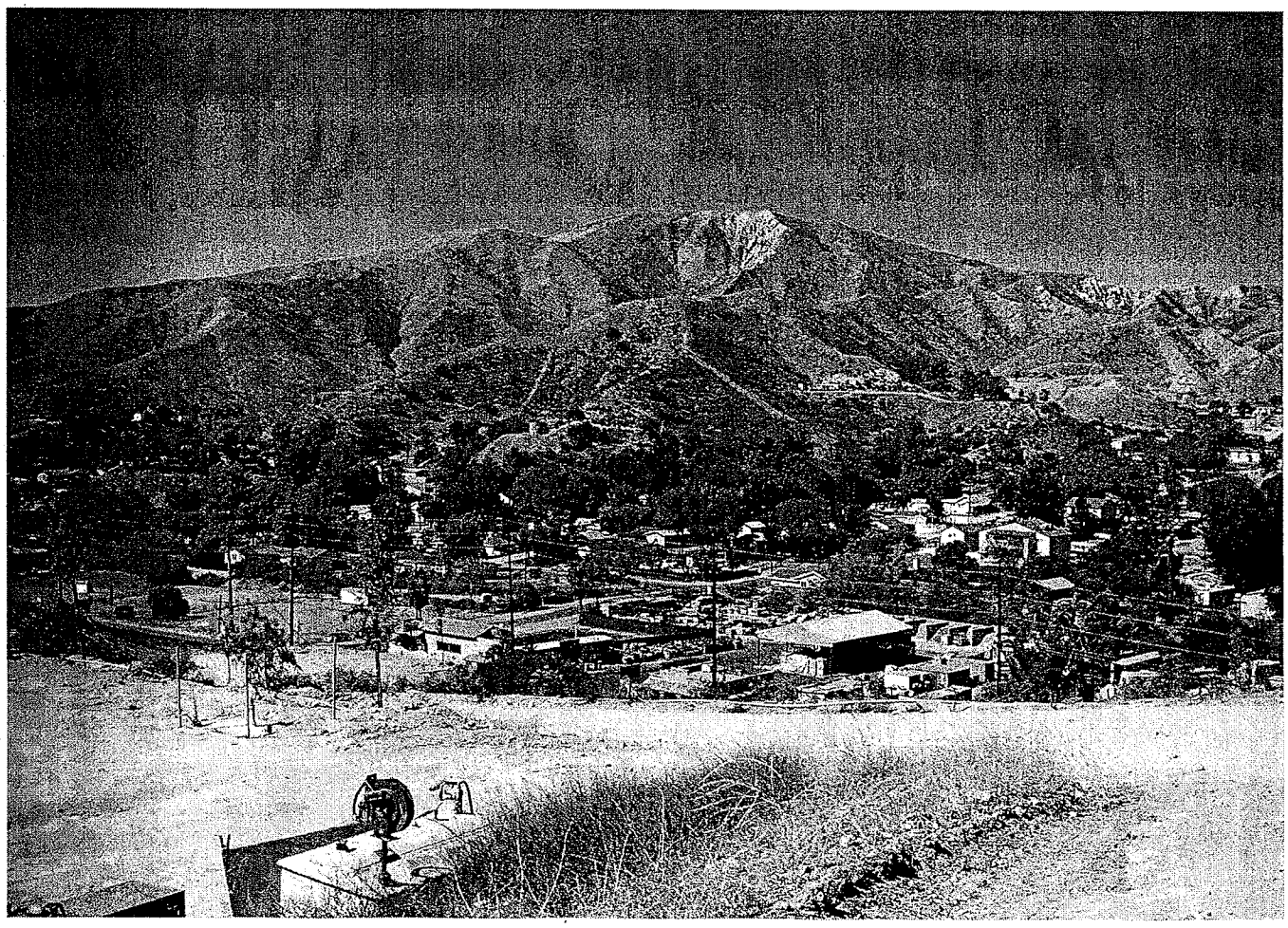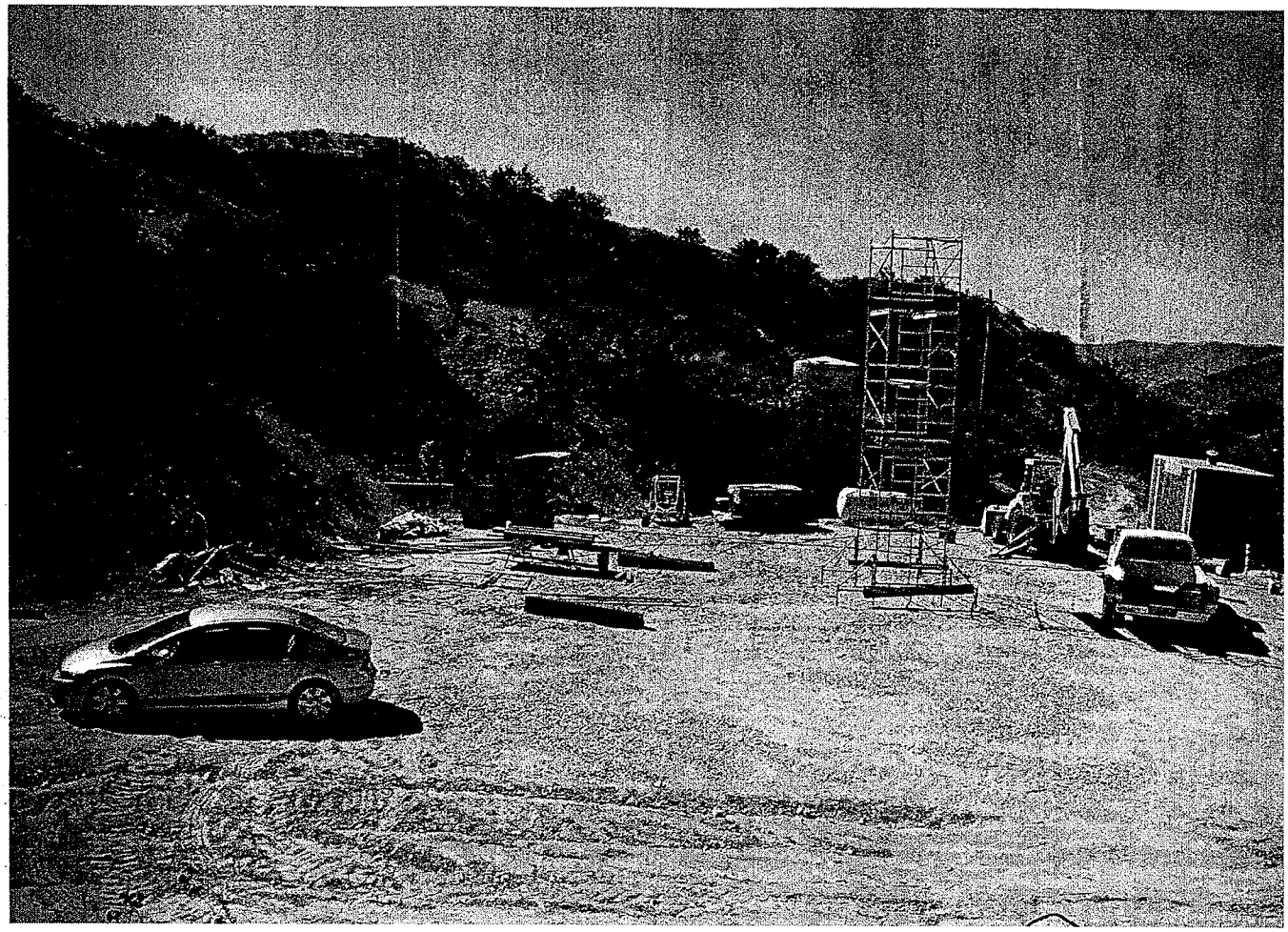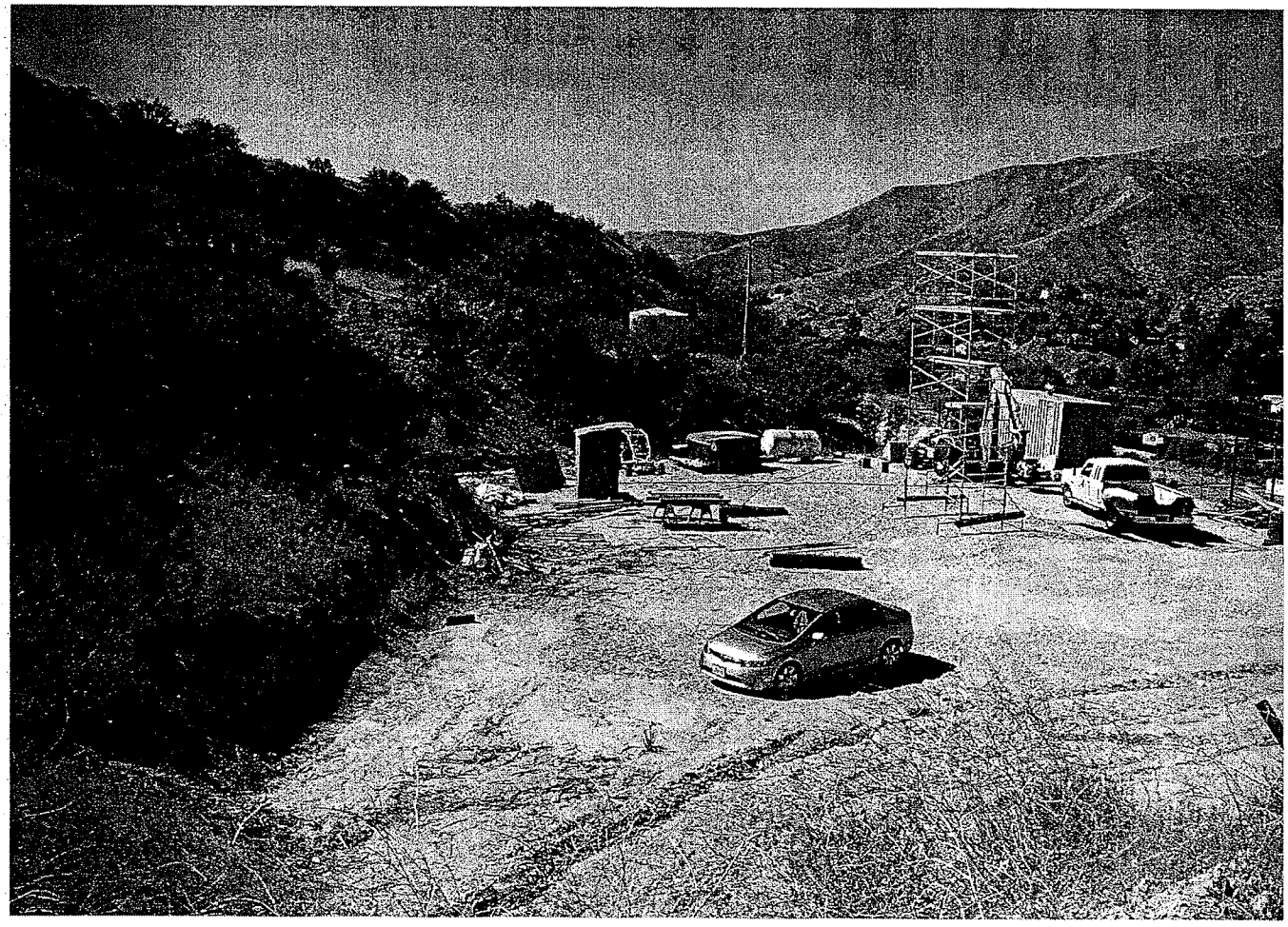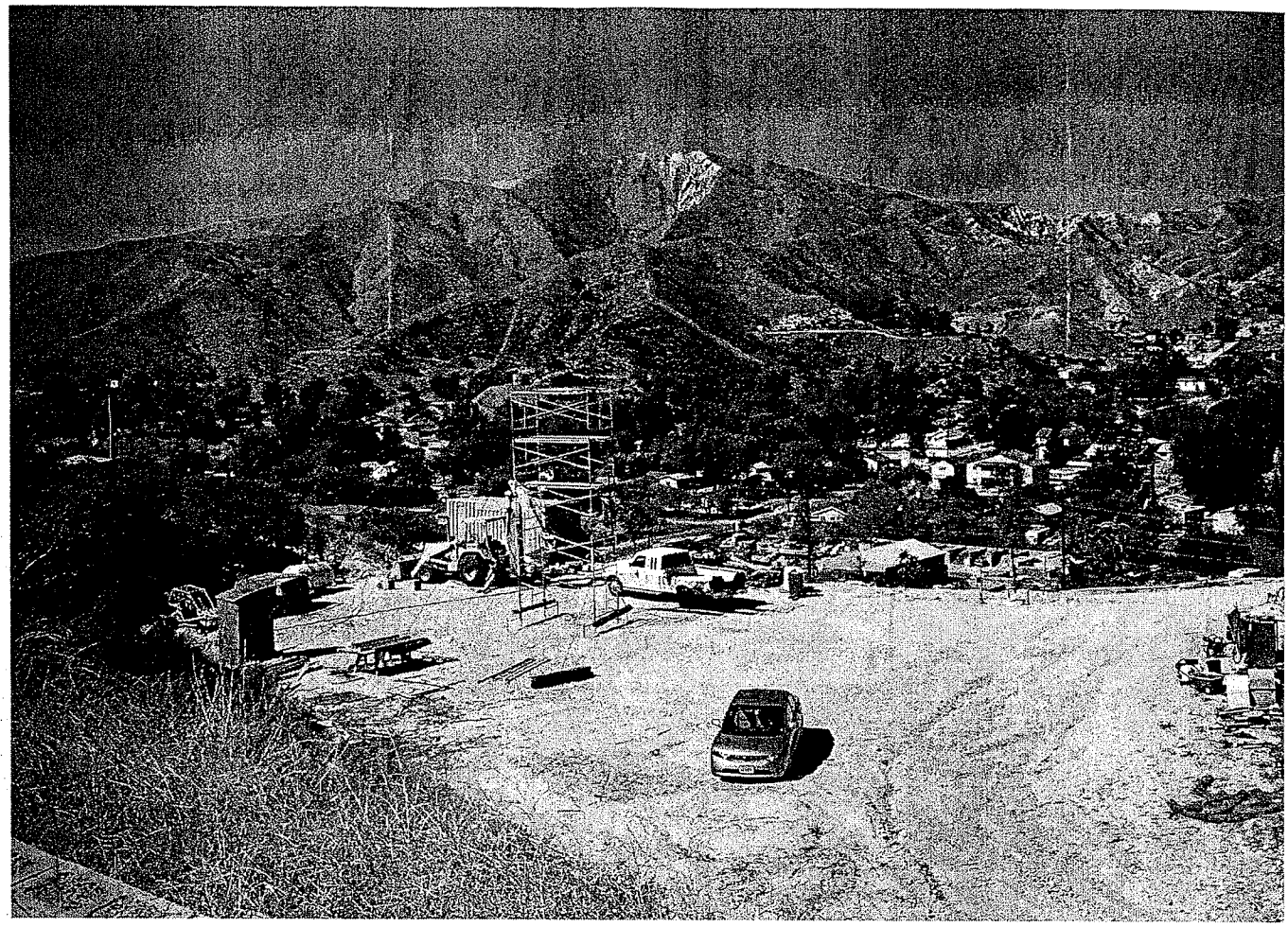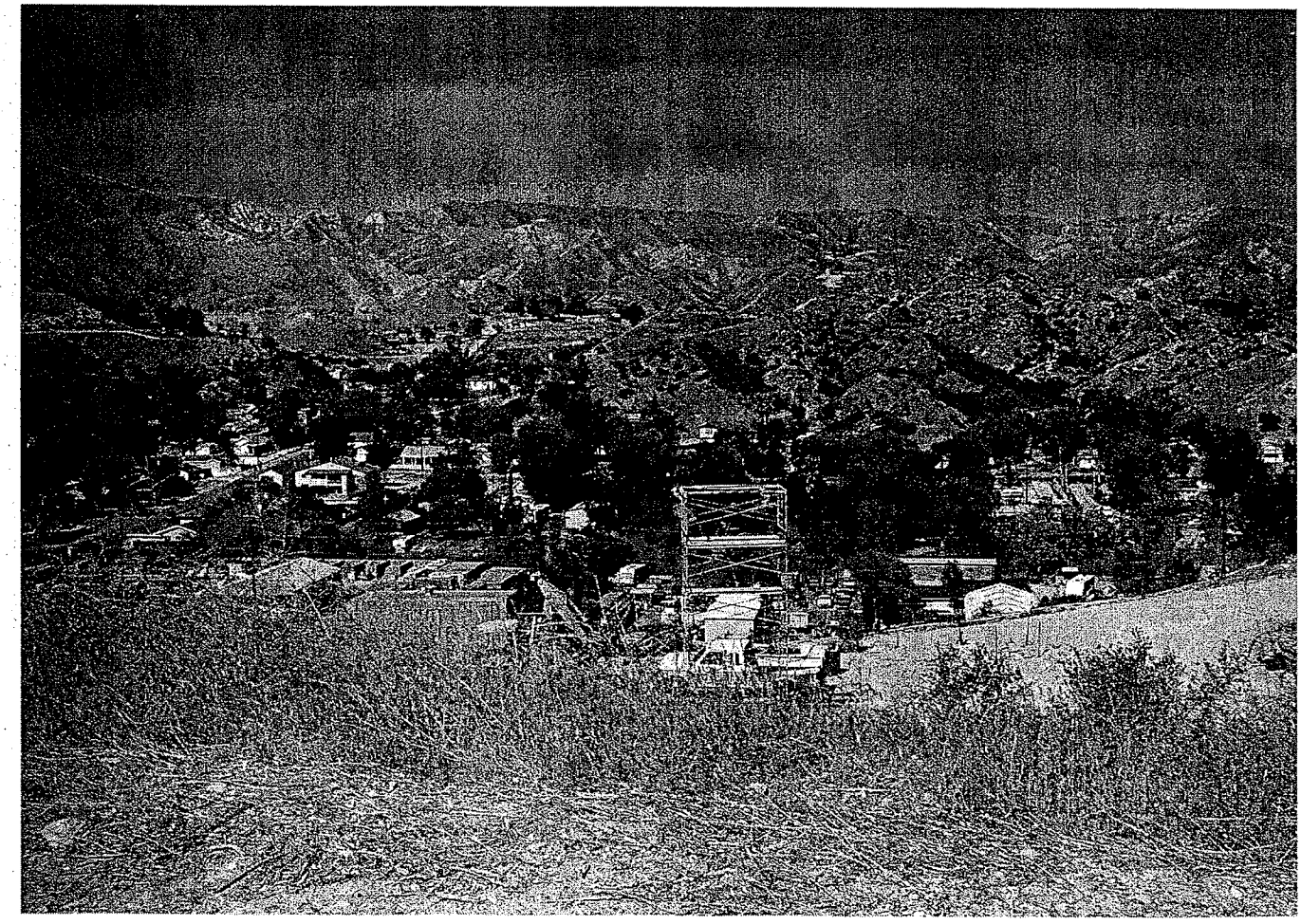
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