



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 7, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jesse Hooker
38713 Tierra Subida #200254
Palmdale, CA 93551

**REGARDING: PROJECT No. R2010-01008-(5)
CUP NUMBER 201000096
9240 East Avenue Q-4, Palmdale CA 93591**

Dear Applicant:

Hearing Officer, Pat Hachiya, by her action of June 7, 2011, **APPROVED** the above-described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on June 21, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6461 or e-mail at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Susan Tae, AICP, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety)

SMT/amc

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NO. R2010-01008-(5)
CONDITIONAL USE PERMIT NO. 201000096**

REQUEST:

Applicant is requesting approval of a Conditional Use Permit for the construction of a residential second unit and detached garage in an area lacking a public sewer connection within the A-1-1 (Light Agricultural – One Acre Minimum) zone.

HEARING DATE: June 7, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly-noticed public hearing occurred before the Hearing Officer. No one spoke in opposition, but the applicant's representative was present and accepted the terms of the conditions.

Findings

1. The Project is located at 9240 East Avenue Q-4, Palmdale in the unincorporated community of Littlerock (APN: 3027-028-012).
2. The Project is for the construction of a 1,026-square-foot residential second unit and detached three-car garage in an area lacking a public sewer connection within the A-1-1 (Light Agricultural – One Acre Minimum Lot Area) zone.
3. The Antelope Valley Areawide General Plan classification for this property is "N2" (Non-Urban 2), which permits 1.0 dwelling units per acre. The subject property is 2.09 acres large and the addition of another dwelling unit will not cause the density ratio for the N2 classification to be exceeded.
4. The subject property is zoned A-1-1. The subject property is 2.09 acres large and, therefore, meets the lot size standard.
5. The subject property is located in the Southeast Antelope Valley Community Standards District and meets the requirements thereof by preserving an existing Joshua tree onsite.
6. The proposed driveway to the residential second unit will have access off of Avenue Q-4, a private, improved paved street, which accesses a public road.
7. The existing uses on the site include a single-family house with accessory structures like storage sheds and horse stalls.

8. Surrounding land uses include vacant land and existing single-family houses.
9. The site plan depicts a flat, square-shaped lot at the southwest intersection of East Avenue Q-4 and 93rd Street East. Existing structures on the property include a one-story single-family residence, a concrete driveway, four storage sheds, three horse stalls, and a horse corral. The proposed residential second unit and detached garage will be located at the northwest corner of the property. The site plan also depicts the floor plan of the proposed second unit. It depicts a utility area, kitchen, dining area, living area, two bathrooms, and three bedrooms. The elevations of the second unit are also depicted. The east elevation depicts the side of the house visible from 93rd Street East and the existing house and it features a blank facade. The west elevation depicts the side of the house adjacent to the detached garage and it features two windows. The north elevation depicts the structure as seen from Avenue Q-4 and it shows two windows and a door. The south elevation depicts the structure as seen from the backyard or rear property line and it features two windows and a door.
10. The proposed Project is compatible with the surrounding neighborhood and community because the addition of a residential second unit on the 2.09-acre parcel will not cause density ratios established under the Antelope Valley Areawide General Plan to be exceeded, and the proposed structure is compatible with the general character of the area.
11. 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.
12. 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 at the Los Angeles County Department of 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 Zoning Permits North Section, Los Angeles County Department of Regional Planning.
13. This project is exempt from the County's Low Impact Development (LID) and Green Building Program because the Project will not alter more than 50 percent of the existing impervious surface area and the proposed building is less than 10,000 square-feet. Therefore, the thresholds for applying both LID and the Green Building Program are not met.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and

- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

HEARING OFFICER ACTION:

- 1. The Project is categorically exempt from the California Environmental Quality Act with a Categorical Exemption Class 3 – New Construction or Conversion of Small Structures.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201000096 is APPROVED subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

amc
06/07/2011

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2010-01008-(5)
CONDITIONAL USE PERMIT NO. 201000096**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit to construct a 1,026-square-foot residential second unit and detached three-car garage on a 2.09-acre parcel located in the A-1-1 (Light Agricultural – one-acre minimum lot size) zone in an area lacking public sewer subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. 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 Los Angeles County ("County") Department of Regional Planning ("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. 7, and until all required monies have been paid pursuant to Condition Nos. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8, shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$200.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **one (1)** inspection. The inspection 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, 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 ("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's health or safety or so as to be a nuisance or otherwise determined by County Code Section 22.60.350.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.

13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. 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.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification 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.

15. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT SITE-SPECIFIC CONDITION

16. A minimum of three (3) on-site covered parking spaces shall be maintained and made continuously available for vehicular parking as shown on the approved Exhibit "A".
17. As per the requirements of Section 22.52.1740 of the County Code, the second unit shall not be separately sold from the single-family residence that is located on the subject property, but it may be used as a rental unit. In addition, the single-family residence or the second unit on the subject property shall be owner-occupied in perpetuity. The permittee shall record in the office of the Recorder, within 90 days of approval, an agreement to this effect as a covenant running with the land for the benefit of the County, and the covenant shall declare that any violation thereof shall be subject to the enforcement procedures set forth in Part 6 of Chapter 22.60 of the County Code. The agreement shall be submitted to the Director of Regional Planning for review and approval prior to recordation.
18. Potable water shall be supplied by the Los Angeles County Waterworks Districts.
19. The applicant/property owner shall sign a covenant not to sue the county for damages resulting from approval of, or imposition of conditions on, this Conditional Use Permit.

SMT:amc
06/07/2011