



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 19, 2011

Caroline Shopshear
3963 Sierra Highway
Acton, CA 93510

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER R2010-01625-(5)
RCUP 201000149
33055 Crown Valley Road

Dear Applicant:

Hearing Officer, Gina Natoli by his/her action of Tuesday, April 19, 2011, **APPROVED** the above described application. 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 5:00 p.m. on Tuesday, May 3, 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.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

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 Adam Thurtell of the Zoning Permits North Section at (213) 974-6443 or e-mail at AThurtell@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,

Richard J. Bruckner
Director

Mark Child, Supervising Regional Planner
Zoning Permits North Section

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

c: DPW (Building and Safety); Zoning Enforcement
John and Pamela Castagna
MC:at

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER R2010-01625-(5)
RCUP 201000149
33055 Crown Valley Road**

HEARING DATE: 4/19/2011

SYNOPSIS:

The applicant proposes a 1200 square foot second dwelling unit. The second dwelling unit would be located on the northwest portion of the parcel, in the back yard.

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed hearing was held before Hearing Officer Gina Natoli on April 19, 2011. The Hearing Officer heard testimony from the applicants and the applicant's agent in favor of the request. The Hearing Officer approved the conditional use permit request.

Findings

1. The subject property is located at 33055 Crown Valley Road in the unincorporated community of Acton within the Soledad Zoned District.
2. The proposed project is a second dwelling unit within a Very High Fire Hazard Severity Zone. A conditional use permit is required to establish this use in such a zone, per Section 22.52.1730 B.
3. The subject property is located within the Antelope Valley Area Plan and has a land-use designation of N2 (non-urban, 1.0 du/acre) which corresponds to rural residential development. The purpose of this category is to maintain the existing low-density residential neighborhoods. The existing and proposed development is consistent with the land use category.
4. The subject property is located within the Acton Community Standards District (CSD) and zoned A-1-10,000 (Light Agricultural, 10,000 square foot lot minimum). The subject property meets all applicable development standards with the exception of maximum impervious finished surface. Pursuant to Section 22.44.126 C.4.a. the maximum impervious finished surface for the subject property is 13,000 square feet. The site plan depicts 13,207 square feet of impervious finished surface. The applicant will be required to reduce the impervious surface area to less than 13,000 square feet.
5. The Surrounding Properties are zoned as follows:

North: A-1-10,000 (Light Agricultural, 10,000 square foot lot minimum)
South: A-1-10,000 (Light Agricultural, 10,000 square foot lot minimum)
East: A-1-10,000 (Light Agricultural, 10,000 square foot lot minimum)
West: A-1-10,000 (Light Agricultural, 10,000 square foot lot minimum)

6. Surrounding land uses within 1000 feet include:
North: Single family residence
South: Single family residence
East: Single family residence
West: Single family residence
7. The project requires a conditional use permit for a second unit in a High Fire Hazard Severity Zone, pursuant to Section 22.52.1730 B of the County Zoning Code
8. The proposed second unit is consistent with surrounding land uses and would provide additional housing for the family of the applicant.
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.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. That the proposed use is consistent with the adopted general plan for the area; and
2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.
3. 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;
4. AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a General Plan Amendment.

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. 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 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 I Section, Los Angeles County Department of Regional Planning.
3. In view of the findings of fact and conclusions presented above, Conditional Use Permit Number 201000053 Project Number R2004-00378-(5) is APPROVED, Subject to the attached conditions.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

This grant authorizes the construction of a second dwelling unit within a Very High Fire Hazard Severity Zone, is subject to the following conditions of approval;

1. 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.
2. This grant shall not be effective for any purpose and cannot be used 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 Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 3, and until all required fees have been paid pursuant to Condition No. 4. Notwithstanding the foregoing, this condition (No. 2), and Conditions No. 5, 6 and 7 shall be effective immediately upon final approval of this grant by the County.
3. 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.
4. 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.

Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$200.00**. 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, including adherence to development in accordance with the approved site plan on file. The fund provides for one inspection.

The inspection fee shall be paid within 30 days of approval. 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 for 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. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).

5. 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 cooperate fully 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.
 6. 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 in accordance with Los Angeles County Code Section 2.170.010.
7. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
 8. 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's health or safety or so as to be a nuisance.
 9. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

10. Required changes to the site plan shall be submitted to the director for review and approval within ninety (90) days of the approval date of this grant. Changes shall include a reduction in impervious area to 13,000 square feet or less to comply with the Acton CSD, Section 22.44.126.C.4.a. The permittee shall provide three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. 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 conditional use permit.
11. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
12. 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.
13. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
15. Outdoor lighting shall be designed so as to direct light and glare only onto the buildings on the subject property. Said lighting and glare shall be deflected, top-shielded and focused away from all adjoining property. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility. Wherever feasible, lighting using motion sensors shall be installed.
16. The applicant shall record in the office of the County Recorder an agreement stating that the second unit applicant shall be an owner-occupant of the single-family residence that is located on the same lot or parcel of land. Thereafter, either the single-family residence or the second unit shall be owner-occupied in perpetuity. This covenant shall run with the land for the benefit of the County of Los Angeles, and the covenant shall also declare that any violation thereof shall be subject to the enforcement procedures of Part 6 of Chapter 22.60.
17. Two uncovered parking spaces shall be provided for the second unit.