

Conditional Use Permit Burden of Proof Statement

Applicant: KB Home

Proposed Multi-Family Residential Condominium Project, Unincorporated Saugus

Request:

Per LACC 22.28.160.A, the Applicant is requesting approval of a conditional use permit (“CUP”) to authorize development of 175 multi-family condominium units (41 three-story attached buildings with a maximum height of 38 feet) on vacant property zoned C-2 (Neighborhood Commercial); the CUP would also authorize an onsite grading project exceeding 100,000 cubic yards of grading (the project will involve approximately 111,214 cubic yards of cut, 106,725 cubic yards of fill and 4,489 cubic yards of soil export). The subject property is a vacant, previously-graded level pad located in unincorporated Saugus, with frontages on Plum Canyon Road, La Madrid Drive and Farrell Road.

Project Description:

The proposed project would subdivide the existing 14.54-gross-acre Lot No. 219 of Tract 46018-11 (the “subject property”), which is zoned Neighborhood Commercial (C-2), into two lots. The primary proposed land use for the subject property (Lot 1) is multi-family residential. Lot 2 would remain in its current vacant state (pending potential future commercial development of that site). The following are the applicable acreages:

- Total gross acreage of subject property = 14.54 acres
- Total net acreage of subject property = 12.36 acres
- Net acreage of residential parcel (Lot 1) = 10.45 acres
- Net acreage of commercial site (Lot 2) = 1.91 acres

The proposed multi-family residential development that is the primary focus of this project would include 175 three-story townhome style condominiums units in 41 separate buildings connected by a series of drive aisles. Maximum height of the buildings would be 38 feet. Each of the 41 buildings will contain either 4 or 5 separate units and each unit will have its own enclosed 2-car garage. A total of 350 private (resident) parking spaces and 71 guest parking spaces would be provided throughout the project.

The primary project access driveway would be along Plum Canyon Road; secondary access would be provided along La Madrid Avenue. A third access would be provided to Farrell Road (proposed Skyline Ranch Road) if an access easement can be obtained. The project includes sidewalk improvements along Farrell Road.

Two open space/stormwater detention basins totaling 7,500 square feet would be provided. Two open space park areas totaling 15,000 square feet would also be provided. These would be park-like features containing barbeque/picnic areas and possibly a tot lot or other play feature.

The subject property is zoned Neighborhood Commercial (C-2) and is designated CG (General Commercial) in the Santa Clarita Valley Area Plan. The application also contains a Vesting Tentative Tract Map, proposing to subdivide the subject parcel into two, smaller parcels: the

10.45-net-acre subject parcel and a 1.91-net-acre commercial parcel (which, as noted, will remain vacant pending potential future development of the parcel in the future).

APPLICANT'S BURDEN OF PROOF STATEMENTS FOR CUP

A. 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;**

The proposed project will meet KB Home's industry-leading standards for tasteful and forward-thinking multi-family residential site design and architectural character, with strong emphasis being placed on the attractiveness and cohesiveness of the proposed residential buildings' architectural composition and on the project's onsite outdoor resident/guest amenity and landscaped areas, pedestrian connectivity and overall compliance with the County's applicable Healthy Design Guidelines. The proposed multi-family residential condominium use is consistent with the subject property's underlying C-2 zoning (subject to the County's approval of the requested CUP). Moreover, the proposed multi-family condominiums at the proposed project density of approximately 17 units per net acre are consistent with the land use and density criteria for the subject property's General Commercial (GC) land use designation per the Santa Clarita Valley Area Plan (the "Area Plan"); the Area Plan places a maximum density of 18 dwelling units per net acre in the subject GC land use designation.

Consistent with the Area Plan's requirement that multi-family residential development in the applicable GC land use category not adversely impact job creation or economic development in the planning area, the proposed development will create high-quality construction jobs, spurring local job creation and economic development as the project is constructed. Moreover, the property owner has submitted a commercial market feasibility study for the subject property, which study indicates neither sufficient commercial market demand currently exists nor is forecasted to materialize in the future to support development of a large commercial retail center on the site (such as a department store-anchored shopping center). The study's findings in this regard notwithstanding, in order to reserve an opportunity for more measured and potentially market-responsive community serving commercial use at the site, should market conditions support this in the future, a 1.91-net-acre vacant parcel has been preserved at the southwesterly corner of the site ("Lot 2," located at the property's frontage on Plum Canyon Road and Farrell Road).

The community surrounding the subject property is defined by townhome (to the south/southwest) and existing and forthcoming single-family residential (to the north, east and west) development, so the proposed three-story townhome style condominiums will be wholly consistent with the established pattern and scale of development in the project vicinity. As part of the CUP request (through the discretion granted the Regional Planning Commission per LACC 22.56.200), the

Applicant is requesting a modest, 8% increase to the underlying C-2 zone's building height limitation; the Applicant is proposing maximum building heights of 38 feet in lieu of the C-2 zone's 35-foot building height limitation. The Applicant maintains 38-foot building height, in lieu of 35 feet, is necessary for the project to achieve the appropriate architectural massing from native grade to the roof ridgeline for the three story product. Parking will be provided onsite consistent with County Code requirements for same. Moreover, the conditions of approval of the associated tract map and related Subdivision Committee requirements and the conditions of approval of the CUP will ensure all site engineering, public health and safety considerations will be adequately addressed, so as to ensure the project will not serve to adversely affect health or welfare of persons living or working in the surrounding area.

With respect to the Applicant's CUP request to authorize an on-site grading project in excess of 100,000 cubic yards of grading, in its conditioned approval for this request, the County will impose conditions (e.g., regulating hours of hauling operations, mitigation measures for dust control, noise, etc.) which will ensure the proposed on-site grading operations are conducted in a manner that will protect the health, welfare, comfort and peace of persons living and working in the project vicinity. Additional protective measures will be imposed by the County Division of Building & Safety through the numerous conditions of the project grading permit.

For the reasons set forth above, the requested multi-family residential condominium use and the Applicant's request for an onsite grading project exceeding 100,000 cubic yards of grading will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or

The development of an attractive and well-designed multi-family townhome condominium community on vacant property that is zoned and planned for such use will only serve to improve the use, enjoyment and valuation of property of other persons located in the vicinity of the site. The proposed development will continue the established pattern of residential development in the immediate vicinity. As noted, townhomes exist to the south/southwesterly of the subject property (across Plum Canyon Road) whereas single-family residential development either occurs or will soon be taking place to the west, north and east; as such, the proposed development will provide a logical transitional extension of townhome development as one moves southwesterly from the existing townhome development to the south/southwest to the north/northeast, where single-family development either occurs or will soon be taking place (note that, per the Area Plan, the development of single-family detached residences is not permissible under the site's GC land use designation). A sufficient slope landscaping buffer area will be provided between the adjacent properties to the north so as to ensure the future single-family residential development that will take place to the north/northeast will not be adversely impacted

by the proposed multi-family condominiums; note a grade change occurs between the subject property and the single-family residential properties to the north/northeast (the single-family properties are sited at a higher grade than the subject property). Moreover, as noted, the conditions of approval of the associated tract map and related Subdivision Committee requirements and the conditions of approval of the CUP will ensure all site engineering, public health and safety considerations will be adequately addressed, so as to further ensure the project will not serve to be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

With respect to the Applicant's request for a CUP for an onsite grading project involving more than 100,000 cubic yards of grading, in its conditioned approval for this request, the County will impose conditions (e.g., regulating hours of hauling operations, mitigation measures for dust control, noise, etc.) which will ensure the proposed on-site grading is conducted in a manner that will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. Additional protective measures will be imposed by the County Division of Building & Safety through the numerous conditions of the Project grading permit.

For the reasons set forth above, the requested multi-family residential condominium use and the Applicant's request for an onsite grading project exceeding 100,000 cubic yards of grading will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The conditions of approval of the associated tract map and related Subdivision Committee requirements and the conditions of approval of the CUP will ensure all site engineering, public health and safety considerations will be adequately addressed and that any mitigation measures that may be needed to reduce project's potentially significant environmental impacts will be appropriately implemented by the Applicant; this, in turn, acts to ensure the project will not serve to jeopardize, endanger or otherwise constitute a menace to the public, health, safety or general welfare. As noted, the vacant site is zoned for the proposed use (subject to the County's approval of the CUP) and the subject property's Area Plan land use designation likewise supports the proposed use.

With respect to the CUP request for an onsite grading project in excess of 100,000 cubic yards of grading, in its conditioned approval for this request, the County will impose conditions (e.g., regulating hours of hauling operations, mitigation measures for dust control, noise, etc.) to ensure the proposed on-site grading and off-site export/hauling operations do not serve to jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. Additional protective

measures will be imposed by the County Division of Building & Safety through the numerous conditions of the project grading permit.

For the reasons set forth above, the requested multi-family residential condominium use and the Applicant's request for an onsite grading project exceeding 100,000 cubic yards of grading will not serve to jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. 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.

As depicted on the Vesting Tentative Tract Map and Exhibit "A" (site plan) thereto submitted with the CUP application, the Applicant has demonstrated that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other applicable development features prescribed in the County's subdivision and zoning ordinances, or as is otherwise required in order to integrate the proposed use with the uses in the surrounding area. As depicted on the Exhibit "A" (site plan) to the Vesting Tentative Tract Map, the subject property is adequate in size to support the proposed multi-family condominiums and appurtenant facilities, including, but not limited to, internal drive aisles, parking, outdoor amenity areas and landscaping. Provision of adequate on-site circulation and access is in the interest of safety and the general welfare because it helps to ensure that project vehicular traffic will not adversely impact the adjoining land uses and surrounding community. As noted, the project is providing onsite parking consistent with County zoning requirements for same. Ensuring that the project includes sufficient parking is in the interest of the public health, safety, and general welfare because it makes certain that the project would not adversely impact the surrounding community through overflow parking onto adjacent streets.

C. 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

The subject property is adequately served by streets (Plum Canyon Road, La Madrid Drive and Farrell Road) of sufficient width, and improved as necessary to carry the kind and quantity of traffic the proposed use will generate. This statement is substantiated by the project Traffic Assessment that has been prepared for the Applicant by the traffic engineering firm of Linscott, Law & Greenspan, which Traffic Assessment has been approved by LACO Department of Public Works' Traffic & Lighting Division.

2. By other public or private service facilities as are required.

The subject property (which, as noted, is a previously-graded, level pad) is located in an urbanized and developed area. Public services and utilities already serve the project area; as such, the project will be adequately served by public fire, law enforcement, utility, and/or other public services, as required. The Project includes all necessary on-site utility improvements and connections to existing off-site municipal infrastructure.