



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

**CERTIFIED-RECEIPT
REQUESTED**

July 6, 2011

Valley Vineyards, LLC
PO Box 790
Agoura Hills, California 91376

**SUBJECT: PROJECT NO. TR066952-(5)
VESTING TENTATIVE TRACT MAP NO. 066952
CONDITIONAL USE PERMIT NO. 200700038
MAP DATE: FEBRUARY 3, 2011**

Dear Applicant:

A public hearing on Vesting Tentative Tract Map No. 066952 and Conditional Use Permit ("CUP") No. 200700038 was held by the Los Angeles County Regional Planning Commission ("Commission") on March 2, 2011 and June 29, 2011.

After considering the evidence presented, the Commission in its action on June 29, 2011, **denied** the vesting tentative map along with the CUP, in accordance with the Subdivision Map Act, Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code. A copy of the denial findings is attached.

The decision of the Commission regarding the tentative map and CUP shall become final and effective on the date of the decision, provided no appeal of the action taken has been filed with the Los Angeles County Board of Supervisors ("Board") within the following time period:

- In accordance with the requirements of the Subdivision Map Act and County Code, the tentative map may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on Monday, July 11, 2011.**
- In accordance with the requirements of the County Code, the CUP may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on Monday, July 11, 2011.**

The decision of the Commission regarding the tentative map and CUP may be appealed to the Board. **If you wish to appeal the decision of the Commission to the Board, you must do so in writing and pay the appropriate fee.** The fee for the appeal process is \$6,859.00 for the applicant and \$800.00 for non-applicant(s).

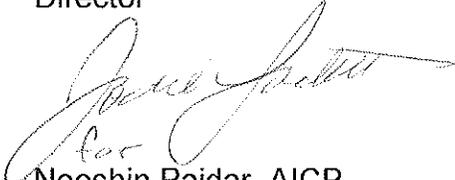
To initiate the appeal, submit a check made payable to the Los Angeles County Board

of Supervisors, along with an appeal letter to Mr. Michael Ceiplik, Zoning Section, Los Angeles County Board of Supervisors, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. **Please be advised that your appeal will be rejected if the check is not submitted with the letter.**

If you have any questions regarding this matter, please contact Jodie Sackett at jsackett@planning.lacounty.gov or (213) 974-6433 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. Our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

A handwritten signature in cursive script, appearing to read "Nooshin Paidar".

Nooshin Paidar, AICP
Supervising Regional Planner
Land Divisions Section

NP:jds

Attachments: Denial findings

C: Subdivision Committee
Board of Supervisors, Attn: Edel Vizcarra, Planning Deputy

**FINDINGS OF THE
LOS ANGELES COUNTY COMMISSION
PROJECT NO. TR066952-(5)
VESTING TENTATIVE TRACT MAP NO. 066952**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Vesting Tentative Tract Map No. 066952 ("TR 066952") on March 2, 2011 and June 29, 2011. TR 066952 was heard concurrently with Conditional Use Permit ("CUP") No. 200700038.
2. TR 066952 is a request for a subdivision of land to create 117 single-family lots, two private street lots, and one water tank lot on 292 gross acres.
3. CUP No. 200700038 is a related request for non-urban hillside management performance review, density-controlled development, a proposed wastewater treatment facility and onsite grading exceeding 100,000 cubic yards of cut and fill material.
4. The subject site is located at Bouquet Canyon Road and 87th Street West, in the unincorporated community of Antelope Valley and the Leona Valley Community Standards District ("CSD"), Fifth Supervisorial District of Los Angeles County.
5. The subject property is approximately 292 gross acres (267 net acres) in size, rectangular in shape, with variably-sloping terrain. The site has 133 acres of land within the zero to 25 percent slopes, 143 acres of land within the 25 to 50 percent slopes, and 16 acres of land in areas with greater than 50 percent slopes.
6. The project proposes 1,160,000 cubic yards of cut grading and 1,160,000 cubic yards of fill grading, to be balanced onsite.
7. The subject site contains no Oak trees.
8. Primary access to the subject property is provided by Bouquet Canyon Road, a Limited Secondary Highway under the Los Angeles County Master Plan of Highways, with 60 feet of existing right of way and approximately 32 feet of paved width. Access is also provided by 87th Street West, a public street, with 60 feet of existing right of way and approximately 28 feet of paved width.
9. The project site consists of 292.5 acres of A-2-2 (Heavy Agricultural – Two Acres Minimum Required Lot Area) zoning.
10. As the project proposes single-family lots with less than the minimum required gross lot area of two acres in the A-2-2 zone, a CUP for density-controlled development (clustering) is required.
11. The surrounding area within a radius of 500 feet is zoned the following:
 - North: A-2-2, A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area)
 - East: A-2-2, City of Palmdale
 - South: A-2-2
 - West: A-2-2

12. The subject property is currently vacant. It is surrounded by the following land uses within a radius of 500 feet:
 - North: Single-family residences, vacant parcels
 - East: Vacant parcels
 - South: Single-family residences, vacant parcels
 - West: Single-family residences, vacant parcels
13. The project is consistent with the A-2-2 zoning designation for allowed residential uses. Single-family residences are permitted in the A-2-2 pursuant to Section 22.24.070 of the Los Angeles County Code ("County Code") (Zoning Ordinance).
14. Approximately 122 acres of commercial vineyards are proposed within the development. Commercial vineyards are an allowed use within the A-2-2 zone.
15. The project proposes development of 117 residential units on property that contains slopes exceeding 25 percent. As slopes greater than 25 percent exist on the subject property, the applicant was required to submit a slope density study to determine if a CUP for hillside management is required. Projects that exceed the low density threshold for development on the project site are required to obtain a hillside management CUP in order to allow development above the low density threshold. Based on the slope characteristics of the property, the low density threshold for the subject project is 40 dwelling units. Therefore, the proposed density of 117 dwelling units exceeds the low density threshold, and, according to the non-urban hillside development provisions of the General Plan (p. LU-29), and of Section 22.56.215 of the Zoning Code, a hillside management CUP for the proposed development is required.
16. As part of the requirements for a CUP for non-urban hillside management, a minimum of 70 percent of dedicated open space is required to be preserved on the project site. For the proposed project, approximately 186 net acres of open space would be required. However, the project proposes to provide 95.8 net acres of open space, with 122 acres reserved for development with commercial vineyards. According to Section 22.56.215.J1 of the Zoning Code, open space areas required for hillside management projects include "undisturbed natural areas, open space for passive recreation, private yards, parks and open recreational areas, riding, hiking, and bicycling trails, landscaped areas adjacent to streets and highways, greenbelts, areas graded for rounding of slopes to contour appearance, [and] such other areas as the Commission deems appropriate." Consistent with the Zoning Code and established County policy and practice, commercial development such as the proposed vineyards is not consistent with the uses contemplated for open space areas required to be preserved as part of a hillside management project. Therefore, the approximately 122 acres proposed to be developed with commercial vineyard uses are not credited towards the project's open space requirement. As such, the project only provides approximately 36 percent open space and does not meet the 70 percent open space requirement for a nonurban hillside management project.
17. The 122 acres proposed for commercial vineyard development would be included within the individual private lots created throughout the project site and subject to easements. With that 122 acres the project would provide only approximately 95.8 net acres (or 36 percent) of open space. This open space would also be located within the individual single-family lots to be created from the project site and within the proposed water tank lot. Although the

Zoning Code allows for required open space areas to be provided within individual private lots, established County policies and practice support the provision of such open space in separate open space lots in order to facilitate the preservation and maintenance of such open space. As noted above, the proposed project does not meet the minimum open space requirements for a nonurban hillside management project. Additionally, the project's proposed configuration of open space does not satisfy the intent of the hillside management policies and requirements set out in the General Plan and Section 22.56.215 of the County Code, which call for the preservation of hillside resources.

18. Within the development, a ridgeline (consisting of seven hilltops) and portions of 50 percent or greater slopes located on the project site will be considerably disturbed with proposed grading, building pads, and/or streets, which, per the CUP burden of proof, is materially detrimental to the enjoyment and value of adjacent properties and property owners that currently enjoy the unaltered vistas contained on the property.
19. The project site is zone A-2-2, which requires a minimum lot size of 2 acres. A total of 65 of the proposed single-family lots are less than the two gross acres (or 80,000 net square feet) required within the A-2-2 zone. Therefore, the project requires a density-controlled development CUP pursuant to Section 22.56.205 of the County Code, in order to utilize reduced lot sizes to achieve a "clustered" development. Clustering is intended to concentrate development on a portion or portions of the property, thereby allowing the remaining portions of the property to be undeveloped and preserved as open space. The project is inconsistent with the provisions of density-controlled development ordinance, because the project does not include a sufficient number of reduced lot sizes to allow for adequate concentration of development. Only 65 of the proposed 117 single-family lots are proposed to be reduced the minimum allowable lot size of 1.5 net acres. The average lot size for the project is 2.5 acres. The proposed development includes too many "clusters" of mixed reduced and two-acres or larger single-family lots spread throughout the entirety of the project site. Contrary to the intent of the density-controlled development ordinance, the proposed project development is not concentrated on a limited portion of the project site, but rather is dispersed throughout the site. Additionally, the open space being provided as part of the project is located within individual private lots and the water tank lot. No open space is proposed to be dedicated in a separate fee lot or lots. Although, the Zoning Code allows for open space to be preserved through a variety of mechanisms, dedication of a separate fee lot or lots facilitates the preservation and maintenance of the required open space. Due to this, the project is inconsistent with the purpose and requirements of density-controlled development and clustering intended to preserve natural site features (such as hillsides, ridgelines and biota) with a significant portion of undeveloped and permanently dedicated open space.
20. The development proposes to cluster building pads and not single-family lots, leaving no remaining open space to be set aside in separate lots. With no properly defined open space areas, the project does not achieve a sufficient clustering design and thus, per the CUP burden of proof, does not accommodate the features prescribed by Title 22 (such as concentrated areas of development that leave open areas free from disturbance per the definition of density-controlled development contained in Section 22.08.040).
21. The Los Angeles County Departments of Public Works does not support the proposed advanced wastewater treatment system to be maintained by a Homeowner's Association.

As such, the project would not be adequately served by required public facilities, and therefore, the project does not satisfy a required element of the CUP burden of proof.

22. The proposed project does not demonstrate creative and imaginative design and will not result in a visual quality that will complement community character and benefit current and future community residents. Although the applicant characterizes the inclusion of commercial vineyards within the proposed project as creative and imaginative design, the project lacks the minimum required 70 percent of dedicated open space, and the open spaces and commercial vineyard proposed to be provided are located within each single-family lot. The areas of the single-family lots proposed for the commercial vineyards will be subject to easements and will include commercial activities attendant with commercial agricultural uses in areas that are intended to be reserved as open space designed to protect hillside resources. Per the hillside management CUP burden of proof, the lack of sufficient open space area and design will not result in a visual quality that will benefit the current and future community residents. Additionally, the design of the project utilizing an insufficient number of smaller clustered single-family lots and scattering the developed areas throughout the entirety of the project site does not constitute creative or imaginative design. The proposed project does not result in the concentrated development contemplated by the County Code to enhance and preserve open space portions of the project site. Further, the dispersal of single-family lots and building pads throughout the various terrain of the project site does not respect the natural topography and hillside character of the site, and instead proposes to located single-family units within steep terrain and in some instances just beneath, adjacent to and/or over a ridgeline and several hilltops located on the site.
23. The development proposes a density of 117 dwelling units, which is 28 dwelling units above the determined midpoint density of 89 dwelling units for the project site. The lack of a sufficient clustered design, (in terms of the size, extent and location of proposed grading and development), lack of minimum required open space, and lack of compliance with the County Code in relation to street width and street frontage, results in a project that will cause too much overall disturbance to existing natural features located on the site. Per the hillside management CUP burden of proof, the project site is not large enough to accommodate the proposed 117-lot non-urban hillside development with associated commercial vineyard, decentralized wastewater treatment system, water tank, private street system and public trails, since the open space, grading, drainage and easement requirements, along with the applicable Area Plan, zoning and CSD provisions, make such a development and associated features infeasible within the area of the existing project site.
24. The aforementioned site disturbance of density, grading, lot size, lot layout, streets, and lack of separate dedicated open space, in addition to the removal of an existing dirt path located along and adjacent to a ridgeline on the subject site is, per the hillside management CUP burden of proof, incompatible with the existing natural, scenic and open space resources of the Leona Valley community, which depends on such resources to maintain the overall character and desirability of the community.
25. The proposed project does not comply with the provision of the Leona Valley Community Standards District ("CSD") providing for local street widths of 24 feet or less intended to preserve the rural character of the area. Rather, it proposes streets that are 50 percent

wider in paving width (a total of 36 feet of paving) than the street infrastructure contemplated for the area.

26. The proposed subdivision does not meet the criteria for a waiver of street frontage pursuant to Section 21.24.040 of the County Code, as topographic conditions, title limitations, and/or the existing development pattern do not make the strict application of such street standards impossible or impractical, to the extent that such application can be reasonably accommodated within a development that is smaller in size, has a better design, has reduced hillside impacts, and complies with the provisions of the General Plan, Area Plan, and County Code.
27. The proposed project is inconsistent with the General Plan, as it utilizes proposed agricultural areas (commercial vineyards) that are not considered open space, does not provide the minimum sufficient amount of open space required for non-urban hillside management projects, and does not have a design that is consistent with the requirements of non-urban hillside management.
28. The proposed project is inconsistent with the Area Plan, as it utilizes private streets that are greater than the maximum allowed 24 feet in paved width, proposes single-family lots that have not been shown able to meet the minimum net area requirements of 60,000 square feet after all easements are subtracted, and proposes to remove an existing open space resource (dirt path) located along and adjacent to an existing ridgeline.
29. County staff has worked with the applicant since the original filing of the application regarding the issues that have been raised related to the project's inconsistencies with the General Plan, Area Plan, and the County Code. In previous Subdivision Committee meetings from April 2007, November 2007, March 2008, March 2009 and March 2011, Regional Planning has recommended that the project be redesigned to reduce the density to 89 dwelling units, create separate open space lots, reduce grading, reduce disturbance to hillsides and steep slopes, create a separate commercial vineyard lot, and cluster single-family lots in conformance with density-controlled development provisions. Thus far, the applicant has not fundamentally redesigned the project to meet any of these recommendations.
30. Correspondence received for the subject project includes 54 items from persons either opposed to or concerned with the proposed development. Points from those opposed/concerned are summarized below:
 - Density too high to maintain overall rural community character
 - Gated development inconsistent with rural community character
 - Lots and building pads too small to support equestrian use
 - Water supply/lack of water
 - Lack of water for a large vineyard operation
 - Too much traffic on Bouquet Canyon Road and 87th Street West
 - Impacts to hillsides, existing views
 - Removal of existing onsite trails/paths
 - Light, noise and traffic impacts to residents, horseback riders, wildlife
 - Sewage and groundwater impacts

- Air quality impacts from additional vehicles
- Increased fire hazard in community (and lack of sufficient existing fire resources)
- Infeasibility of proposed advanced wastewater treatment system
- Inconsistency with adopted Area Plan (density, land use pattern, seismic hazards)
- Impacts to cultural resources (Native American lands)
- Impacts to local school capacity

31. Nineteen items of correspondence were received from the applicant that show support for the project from individuals. Points from those in support are summarized below:

- Supporting viticulture and local heritage
- Preservation of open space
- Promoting investment and economic development in the area
- Increasing through-access via 87th Street West
- Increasing safety via improved access, installation of fire hydrants
- Promoting sustainability via use of bio-swales, roundabouts
- Promoting sustainability via an advanced wastewater treatment system
- Adding more trails and trail connections to the area

32. Correspondence received for the subject project since 2007 also includes comments from the Leona Valley Town Council ("town council"), which has been engaged in several meetings with the applicant to discuss the details of the development, via the scheduled town council meetings. During this same time period, the town council has also met with staff to review project documents and discuss the project design and case processing procedures. The town council has submitted to staff an abundance of letters and documents expressing their concerns with the subject project for the following reasons:

- Lot size (too small) and density (too high)
- Lack of compliance with seismic safety management (overall density too high)
- Errors in calculation for density, and gross and net lot area
- Lack of sufficient undisturbed set-aside open space
- Incorrect trail alignment and removal of existing trails
- Disturbance of viewsheds by proposed drainage basins, water tank
- Various errors and inconsistencies regarding onsite seismic areas, drainage, flood areas, and water flow
- Lack of a sufficient clustering design
- Lack of sufficient information regarding proposed bio-swales
- General lack of consistency with existing rural character

33. Recent agency correspondence received for the project between the March 2, 2011 and June 29, 2011 public hearings included one letter from the Quartz Hill Chamber of Commerce (in support) and one letter from the Santa Monica Mountains Conservancy (opposed).

34. On March 2, 2011, the Commission heard a presentation from staff and testimony from the town council. No other testimony was heard. At the request of the town council, the Commission removed the case from the hearing calendar and instructed staff to return to

the Commission on or before June 29, 2011. The Commission directed this action so that staff could review additional materials recently submitted by the applicant, work with the town council related to the project design and environmental determination, obtain additional input from the town council and local community, and assess the proposed development against the proposed draft Town and Country Plan.

35. After the March 2, 2011 hearing, Planning staff met with the applicant and again discussed the issues surrounding the project's inconsistencies with the applicable provisions of the General Plan, Area Plan, and County Code. To date, no revisions to the project have been proposed to address these issues.
36. In response to the Commission's direction at the March 2, 2011 hearing, Planning staff prepared the project to be brought back before the Commission before the end of June 2011. On May 26, 2011, Planning staff mailed notices of the June 29, 2011 hearing to the public and the applicant. On May 28, 2011, public hearing notices were published in the Antelope Valley Press and La Opinion newspapers, notifying the public of the June 29, 2011 hearing date. The applicant received notice of the fact the matter would be set for the hearing before the Commission on June 29, 2011, and in fact, requested a continuance from Planning staff on May 24, 2011 by email and later from the Commission during the public comment period at the Commission's June 1, 2011 meeting. When the applicant was informed that the matter would be considered on June 29, 2011, and that any requests for further continuance would need to be presented to the Commission at that time, the applicant informed Planning staff that the site had not been posted with the required hearing notice, and cited that failure to post as a justification for further continuance of the hearing. Upon learning that the site had not been properly posted, Planning staff worked with the applicant to ensure that the required notices were expeditiously posted on the site and confirmed the posting on June 7, 2011. Therefore, with the notice provided by the Commission at the March 2, 2011 hearing that the matter would be continued to June 2011, along with the mailed, published, and posted notice, the public was adequately notified of the public hearing.
37. On June 29, 2011, the Commission heard a presentation from staff and the applicant. Additional testimony was heard from the town council, three applicant representatives, and 10 persons opposed to and/or concerned with the development. An additional 21 persons attended the public hearing regarding the subject project (20 opposed/concerned, one in support) but did not provide testimony.
38. On June 29, 2011, the Commission discussed the proposed development and following matters:

The Commission was concerned with the size of the proposed commercial vineyard in relation to the anticipated water use and impacts of the overall project. The applicant responded that the acreage of the commercial vineyard is unrelated to the project's water impacts, but that the potential water impacts as analyzed in the project environmental document include water used for the commercial vineyard operation. The Commission stated that commercial vineyards seem opposed to sustainability goals unless water use aspects are considered in the size of the vineyard, and also indicated that commercial vineyards are not "true open space" and that if allowed within required open space will set a precedent.

The Commission discussed the issue of the project's density, stating that the "midpoint" has become the standard practice on hillside management projects to address a variety of issues and is considered a reasonable starting point for project density. The Commission indicated that to go above the midpoint requires additional project amenities, and that projects in general are not entitled to the "maximum density" allowed under the hillside management CUP.

The Commission discussed the proposed onsite wastewater treatment system, stating that even though it is proposed to be privately owned and maintained, if the system fails, the County will still be held liable for the effects of the system's failure. The Commission also stated that in general it is very supportive of reusing domestic water for irrigation, but that such innovative thinking "outside the box" does not work on every project.

The Commission stated that there are three options available: 1) act on staff's recommendation and deny the project; 2) provide a short continuance, return with modest changes, conditions of approval and a completed environmental document; or 3) direct the applicant to make a "fundamental redesign" of the project to address the main issues of density (reduction), design (clustering, hillside impacts), appropriate use of commercial vineyards and a wastewater treatment system with sufficient maintenance. The applicant responded that they would prefer Option 2, but is willing to do Option 3 with the understanding that the "sustainability" aspect of the project will be lost.

Lastly, the Commission, after considering the points in staff's analysis, public testimony, and the applicant's rebuttal testimony and responses, stated that it is their function to consider staff's recommendation and not broker "a deal" between the applicant and staff. The Commission, after further discussion regarding the fundamental issues of the project's density, design, use of open space for commercial vineyards, and inadequate wastewater treatment system, then indicated that it would not be inclined to direct staff towards Option 2, since "modest changes" would not address the fundamental project issues. Based on this, the Commission arrived at the conclusion that the project should either be denied (Option 1) or fundamentally redesigned (Option 3). The Commission asked the applicant if they would prefer Option 1 or 3, to which the applicant responded that they would prefer Option 3.

39. On June 29, 2011, the Commission, after hearing all testimony and considering all facts of the case presented, denied TR 066952.

40. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The subdivider has not demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is not in conformity with good zoning practice.

- B. The proposed subdivision and the provisions for its design and improvement are not consistent with the goals and policies of the General Plan and Area Plan.
- C. The site is not physically suitable for the density and type of development proposed, since it will not be adequately served by public sewer facilities to meet anticipated needs.

THEREFORE, in view of the findings of fact and conclusions presented above, TR 066952 is **denied**.

**FINDINGS OF THE
LOS ANGELES COUNTY COMMISSION
PROJECT NO. TR066952-(5)
CONDITIONAL USE PERMIT NO. 200700038**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Conditional Use Permit ("CUP") No. 200700038 on March 2, 2011 and June 29, 2011. CUP No. 200700038 was heard concurrently with Vesting Tentative Tract Map No. 066952 ("TR 066952").
2. CUP No. 200700038 is a request for a non-urban hillside management residential development project, density-controlled development, a proposed wastewater treatment facility, and onsite grading exceeding 100,000 cubic yards of cut and fill material.
3. TR 066952 is a related request for a subdivision of land to create 117 single-family lots, two private street lots, and one water tank lot on approximately 292.5 gross acres.
4. The subject site is located at Bouquet Canyon Road and 87th Street West, in the unincorporated community of Antelope Valley in the Fifth Supervisorial District of Los Angeles County.
5. The subject property is located within the N1 (Non-Urban 1 – Up to 0.5 Dwelling Units Per Gross Acre) land use category of the Land Use Policy Map of the Antelope Valley Areawide Plan ("Area Plan"), a component of Los Angeles Countywide General Plan ("General Plan"). The N1 designation allows for single-family residential uses.
6. The project site is zoned A-2-2 (Heavy Agricultural – Two Acres Minimum Required Lot Area), and is located in the Leona Valley Community Standards District ("CSD"). The A-2-2 zone allows for single-family residential development.
7. The subject property is approximately 292.5 gross acres (267 net acres) in size, rectangular in shape, with variably-sloping terrain, ranging from relatively flat portions to steeply sloping portions spread throughout the site. The site has 133 acres of land within the zero to 25 percent slope category, 143 acres of land within the 25 to 50 percent slope category, and 16 acres of land in areas with greater than 50 percent slopes.
8. The project proposes 1,160,000 cubic yards of cut grading and 1,160,000 cubic yards of fill grading, to be balanced onsite.
9. The subject site contains no oak trees.
10. Primary access to the subject property is provided by Bouquet Canyon Road, a Limited Secondary Highway under the Los Angeles County Master Plan of Highways, with 60 feet of existing right of way and approximately 32 feet of paved width. Access is also provided by 87th Street West, a public street, with 60 feet of existing right of way and approximately 28 feet of paved width.
11. The surrounding area within a radius of 500 feet is zoned the following:
 - North: A-2-2, A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area)
 - East: A-2-2, City of Palmdale

- South: A-2-2
 - West: A-2-2
12. The subject property is currently vacant. It is surrounded by the following land uses within a radius of 500 feet:
- North: Single-family residences, vacant parcels
 - East: Vacant parcels
 - South: Single-family residences, vacant parcels
 - West: Single-family residences, vacant parcels
13. The project is consistent with the A-2-2 zoning designation for allowed residential uses. Single-family residences are permitted in the A-2-2 pursuant to Section 22.24.070 of the Los Angeles County Code ("County Code") (Zoning Ordinance).
14. Approximately 122 acres of commercial vineyards are proposed within the development. Commercial vineyards are an allowed use within the A-2-2 zone.
15. The project proposes development of 117 residential units on property that contains slopes exceeding 25 percent. As slopes greater than 25 percent exist on the subject property, the applicant was required to submit a slope density study to determine if a CUP for hillside management is required. Projects that exceed the low density threshold for development on the project site are required to obtain a hillside management CUP in order to allow development above the low density threshold. Based on the slope characteristics of the property, the low density threshold for the subject project is 40 dwelling units. Therefore, the proposed density of 117 dwelling units exceeds the low density threshold, and, according to the non-urban hillside development provisions of the General Plan (p. LU-29), and of Section 22.56.215 of the Zoning Code, a hillside management CUP for the proposed development is required.
16. As part of the requirements for a CUP for non-urban hillside management, a minimum of 70 percent of dedicated open space is required to be preserved on the project site. For the proposed project, approximately 186 net acres of open space would be required. However, the project proposes to provide 95.8 net acres of open space, with 122 acres reserved for development with commercial vineyards. According to Section 22.56.215.J1 of the Zoning Code, open space areas required for hillside management projects include "undisturbed natural areas, open space for passive recreation, private yards, parks and open recreational areas, riding, hiking, and bicycling trails, landscaped areas adjacent to streets and highways, greenbelts, areas graded for rounding of slopes to contour appearance, [and] such other areas as the Commission deems appropriate." Consistent with the Zoning Code and established County policy and practice, commercial development such as the proposed vineyards is not consistent with the uses contemplated for open space areas required to be preserved as part of a hillside management project. Therefore, the approximately 122 acres proposed to be developed with commercial vineyard uses are not credited towards the project's open space requirement. As such, the project only provides approximately 36 percent open space and does not meet the 70 percent open space requirement for a nonurban hillside management project.

17. The 122 acres proposed for commercial vineyard development would be included within the individual private lots created throughout the project site and subject to easements. With that 122 acres the project would provide only approximately 95.8 net acres (or 36 percent) of open space. This open space would also be located within the individual single-family lots to be created from the project site and within the proposed water tank lot. Although the Zoning Code allows for required open space areas to be provided within individual private lots, established County policies and practice support the provision of such open space in separate open space lots in order to facilitate the preservation and maintenance of such open space. As noted above, the proposed project does not meet the minimum open space requirements for a nonurban hillside management project. Additionally, the project's proposed configuration of open space does not satisfy the intent of the hillside management policies and requirements set out in the General Plan and Section 22.56.215 of the County Code, which call for the preservation of hillside resources.
18. Within the development, a ridgeline (consisting of seven hilltops) and portions of 50 percent or greater slopes located on the project site will be considerably disturbed with proposed grading, building pads, and/or streets, which, per the CUP burden of proof, is materially detrimental to the enjoyment and value of adjacent properties and property owners that currently enjoy the unaltered vistas contained on the property.
19. The project site is zone A-2-2, which requires a minimum lot size of 2 acres. A total of 65 of the proposed single-family lots are less than the two gross acres (or 80,000 net square feet) required within the A-2-2 zone. Therefore, the project requires a density-controlled development CUP pursuant to Section 22.56.205 of the County Code, in order to utilize reduced lot sizes to achieve a "clustered" development. Clustering is intended to concentrate development on a portion or portions of the property, thereby allowing the remaining portions of the property to be undeveloped and preserved as open space. The project is inconsistent with the provisions of density-controlled development ordinance, because the project does not include a sufficient number of reduced lot sizes to allow for adequate concentration of development. Only 65 of the proposed 117 single-family lots are proposed to be reduced the minimum allowable lot size of 1.5 net acres. The average lot size for the project is 2.5 acres. The proposed development includes too many "clusters" of mixed reduced and two-acres or larger single-family lots spread throughout the entirety of the project site. Contrary to the intent of the density-controlled development ordinance, the proposed project development is not concentrated on a limited portion of the project site, but rather is dispersed throughout the site. Additionally, the open space being provided as part of the project is located within individual private lots and the water tank lot. No open space is proposed to be dedicated in a separate fee lot or lots. Although, the Zoning Code allows for open space to be preserved through a variety of mechanisms, dedication of a separate fee lot or lots facilitates the preservation and maintenance of the required open space. Due to this, the project is inconsistent with the purpose and requirements of density-controlled development and clustering intended to preserve natural site features (such as hillsides, ridgelines and biota) with a significant portion of undeveloped and permanently dedicated open space.
20. The development proposes to cluster building pads and not single-family lots, leaving no remaining open space to be set aside in separate lots. With no properly defined open space areas, the project does not achieve a sufficient clustering design and thus, per the CUP burden of proof, does not accommodate the features prescribed by Title 22 (such as

concentrated areas of development that leave open areas free from disturbance per the definition of density-controlled development contained in Section 22.08.040).

21. The Los Angeles County Departments of Public Works does not support the proposed advanced wastewater treatment system to be maintained by a Homeowner's Association. As such, the project would not be adequately served by required public facilities, and therefore, the project does not satisfy a required element of the CUP burden of proof.
22. The proposed project does not demonstrate creative and imaginative design and will not result in a visual quality that will complement community character and benefit current and future community residents. Although the applicant characterizes the inclusion of commercial vineyards within the proposed project as creative and imaginative design, the project lacks the minimum required 70 percent of dedicated open space, and the open spaces and commercial vineyard proposed to be provided are located within each single-family lot. The areas of the single-family lots proposed for the commercial vineyards will be subject to easements and will include commercial activities attendant with commercial agricultural uses in areas that are intended to be reserved as open space designed to protect hillside resources. Per the hillside management CUP burden of proof, the lack of sufficient open space area and design will not result in a visual quality that will benefit the current and future community residents. Additionally, the design of the project utilizing an insufficient number of smaller clustered single-family lots and scattering the developed areas throughout the entirety of the project site does not constitute creative or imaginative design. The proposed project does not result in the concentrated development contemplated by the County Code to enhance and preserve open space portions of the project site. Further, the dispersal of single-family lots and building pads throughout the various terrain of the project site does not respect the natural topography and hillside character of the site, and instead proposes to located single-family units within steep terrain and in some instances just beneath, adjacent to and/or over a ridgeline and several hilltops located on the site.
23. The development proposes a density of 117 dwelling units, which is 28 dwelling units above the determined midpoint density of 89 dwelling units for the project site. The lack of a sufficient clustered design, (in terms of the size, extent and location of proposed grading and development), lack of minimum required open space, and lack of compliance with the County Code in relation to street width and street frontage, results in a project that will cause too much overall disturbance to existing natural features located on the site. Per the hillside management CUP burden of proof, the project site is not large enough to accommodate the proposed 117-lot non-urban hillside development with associated commercial vineyard, decentralized wastewater treatment system, water tank, private street system and public trails, since the open space, grading, drainage and easement requirements, along with the applicable Area Plan, zoning and CSD provisions, make such a development and associated features infeasible within the area of the existing project site.
24. The aforementioned site disturbance of density, grading, lot size, lot layout, streets, and lack of separate dedicated open space, in addition to the removal of an existing dirt path located along and adjacent to a ridgeline on the subject site is, per the hillside management CUP burden of proof, incompatible with the existing natural, scenic and open space resources of the Leona Valley community, which depends on such resources to maintain the overall character and desirability of the community.

25. The proposed project does not comply with the provision of the Leona Valley Community Standards District ("CSD") providing for local street widths of 24 feet or less intended to preserve the rural character of the area. Rather, it proposes streets that are 50 percent wider in paving width (a total of 36 feet of paving) than the street infrastructure contemplated for the area.
26. The proposed subdivision does not meet the criteria for a waiver of street frontage pursuant to Section 21.24.040 of the County Code, as topographic conditions, title limitations, and/or the existing development pattern do not make the strict application of such street standards impossible or impractical, to the extent that such application can be reasonably accommodated within a development that is smaller in size, has a better design, has reduced hillside impacts, and complies with the provisions of the General Plan, Area Plan, and County Code.
27. The proposed project is inconsistent with the General Plan, as it utilizes proposed agricultural areas (commercial vineyards) that are not considered open space, does not provide the minimum sufficient amount of open space required for non-urban hillside management projects, and does not have a design that is consistent with the requirements of non-urban hillside management.
28. The proposed project is inconsistent with the Area Plan, as it utilizes private streets that are greater than the maximum allowed 24 feet in paved width, proposes single-family lots that have not been shown able to meet the minimum net area requirements of 60,000 square feet after all easements are subtracted, and proposes to remove an existing open space resource (dirt path) located along and adjacent to an existing ridgeline.
29. County staff has worked with the applicant since the original filing of the application regarding the issues that have been raised related to the project's inconsistencies with the General Plan, Area Plan, and the County Code. In previous Subdivision Committee meetings from April 2007, November 2007, March 2008, March 2009 and March 2011, Regional Planning has recommended that the project be redesigned to reduce the density to 89 dwelling units, create separate open space lots, reduce grading, reduce disturbance to hillsides and steep slopes, create a separate commercial vineyard lot, and cluster single-family lots in conformance with density-controlled development provisions. Thus far, the applicant has not fundamentally redesigned the project to meet any of these recommendations.
30. Correspondence received for the subject project includes 54 items from persons either opposed to or concerned with the proposed development. Points from those opposed/concerned are summarized below:
 - Density too high to maintain overall rural community character
 - Gated development inconsistent with rural community character
 - Lots and building pads too small to support equestrian use
 - Water supply/lack of water
 - Lack of water for a large vineyard operation
 - Too much traffic on Bouquet Canyon Road and 87th Street West

- Impacts to hillsides, existing views
 - Removal of existing onsite trails/paths
 - Light, noise and traffic impacts to residents, horseback riders, wildlife
 - Sewage and groundwater impacts
 - Air quality impacts from additional vehicles
 - Increased fire hazard in community (and lack of sufficient existing fire resources)
 - Infeasibility of proposed advanced wastewater treatment system
 - Inconsistency with adopted Area Plan (density, land use pattern, seismic hazards)
 - Impacts to cultural resources (Native American lands)
 - Impacts to local school capacity
31. Nineteen items of correspondence were received from the applicant that show support for the project from individuals. Points from those in support are summarized below:
- Supporting viticulture and local heritage
 - Preservation of open space
 - Promoting investment and economic development in the area
 - Increasing through-access via 87th Street West
 - Increasing safety via improved access, installation of fire hydrants
 - Promoting sustainability via use of bio-swales, roundabouts
 - Promoting sustainability via an advanced wastewater treatment system
 - Adding more trails and trail connections to the area
32. Correspondence received for the subject project since 2007 also includes comments from the Leona Valley Town Council ("town council"), which has been engaged in several meetings with the applicant to discuss the details of the development, via the scheduled town council meetings. During this same time period, the town council has also met with staff to review project documents and discuss the project design and case processing procedures. The town council has submitted to staff an abundance of letters and documents expressing their concerns with the subject project for the following reasons:
- Lot size (too small) and density (too high)
 - Lack of compliance with seismic safety management (overall density too high)
 - Errors in calculation for density, and gross and net lot area
 - Lack of sufficient undisturbed set-aside open space
 - Incorrect trail alignment and removal of existing trails
 - Disturbance of viewsheds by proposed drainage basins, water tank
 - Various errors and inconsistencies regarding onsite seismic areas, drainage, flood areas, and water flow
 - Lack of a sufficient clustering design
 - Lack of sufficient information regarding proposed bio-swales
 - General lack of consistency with existing rural character
33. Recent agency correspondence received for the project between the March 2, 2011 and June 29, 2011 public hearings included one letter from the Quartz Hill Chamber of Commerce (in support) and one letter from the Santa Monica Mountains Conservancy (opposed).

34. On March 2, 2011, the Commission heard a presentation from staff and testimony from the town council. No other testimony was heard. At the request of the town council, the Commission removed the case from the hearing calendar and instructed staff to return to the Commission on or before June 29, 2011. The Commission directed this action so that staff could review additional materials recently submitted by the applicant, work with the town council related to the project design and environmental determination, obtain additional input from the town council and local community, and assess the proposed development against the proposed draft Town and Country Plan.
35. After the March 2, 2011 hearing, Planning staff met with the applicant and again discussed the issues surrounding the project's inconsistencies with the applicable provisions of the General Plan, Area Plan, and County Code. To date, no revisions to the project have been proposed to address these issues.
36. In response to the Commission's direction at the March 2, 2011 hearing, Planning staff prepared the project to be brought back before the Commission before the end of June 2011. On May 26, 2011, Planning staff mailed notices of the June 29, 2011 hearing to the public and the applicant. On May 28, 2011, public hearing notices were published in the Antelope Valley Press and La Opinion newspapers, notifying the public of the June 29, 2011 hearing date. The applicant received notice of the fact the matter would be set for the hearing before the Commission on June 29, 2011, and in fact, requested a continuance from Planning staff on May 24, 2011 by email and later from the Commission during the public comment period at the Commission's June 1, 2011 meeting. When the applicant was informed that the matter would be considered on June 29, 2011, and that any requests for further continuance would need to be presented to the Commission at that time, the applicant informed Planning staff that the site had not been posted with the required hearing notice, and cited that failure to post as a justification for further continuance of the hearing. Upon learning that the site had not been properly posted, Planning staff worked with the applicant to ensure that the required notices were expeditiously posted on the site and confirmed the posting on June 7, 2011. Therefore, with the notice provided by the Commission at the March 2, 2011 hearing that the matter would be continued to June 2011, along with the mailed, published, and posted notice, the public was adequately notified of the public hearing.
37. On June 29, 2011, the Commission heard a presentation from staff and the applicant. Additional testimony was heard from the town council, three applicant representatives, and 10 persons opposed to and/or concerned with the development. An additional 21 persons attended the public hearing regarding the subject project (20 opposed/concerned, one in support) but did not provide testimony.
38. On June 29, 2011, the Commission discussed the proposed development and following matters:

The Commission was concerned with the size of the proposed commercial vineyard in relation to the anticipated water use and impacts of the overall project. The applicant responded that the acreage of the commercial vineyard is unrelated to the project's water impacts, but that the potential water impacts as analyzed in the project environmental document include water used for the commercial vineyard operation. The Commission stated that commercial vineyards seem opposed to sustainability goals unless water use

aspects are considered in the size of the vineyard, and also indicated that commercial vineyards are not "true open space" and that if allowed within required open space will set a precedent.

The Commission discussed the issue of the project's density, stating that the "midpoint" has become the standard practice on hillside management projects to address a variety of issues and is considered a reasonable starting point for project density. The Commission indicated that to go above the midpoint requires additional project amenities, and that projects in general are not entitled to the "maximum density" allowed under the hillside management CUP.

The Commission discussed the proposed onsite wastewater treatment system, stating that even though it is proposed to be privately owned and maintained, if the system fails, the County will still be held liable for the effects of the system's failure. The Commission also stated that in general it is very supportive of reusing domestic water for irrigation, but that such innovative thinking "outside the box" does not work on every project.

The Commission stated that there are three options available: 1) act on staff's recommendation and deny the project; 2) provide a short continuance, return with modest changes, conditions of approval and a completed environmental document; or 3) direct the applicant to make a "fundamental redesign" of the project to address the main issues of density (reduction), design (clustering, hillside impacts), appropriate use of commercial vineyards and a wastewater treatment system with sufficient maintenance. The applicant responded that they would prefer Option 2, but is willing to do Option 3 with the understanding that the "sustainability" aspect of the project will be lost.

Lastly, the Commission, after considering the points in staff's analysis, public testimony, and the applicant's rebuttal testimony and responses, stated that it is their function to consider staff's recommendation and not broker "a deal" between the applicant and staff. The Commission, after further discussion regarding the fundamental issues of the project's density, design, use of open space for commercial vineyards, and inadequate wastewater treatment system, then indicated that it would not be inclined to direct staff towards Option 2, since "modest changes" would not address the fundamental project issues. Based on this, the Commission arrived at the conclusion that the project should either be denied (Option 1) or fundamentally redesigned (Option 3). The Commission asked the applicant if they would prefer Option 1 or 3, to which the applicant responded that they would prefer Option 3.

39. On June 29, 2011, the Commission, after hearing all testimony and considering all facts of the case presented, denied CUP No. 200700038.
40. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:
For the requested CUP for a nonurban hillside management development project, density-

controlled development, wastewater treatment facility, and onsite grading exceeding 100,000 cubic yards of cut and fit material:

- A. That the proposed project is not consistent with the General Plan and Area Plan; and
- B. That the requested use at the proposed location will be materially detrimental to the use, enjoyment and valuation of property of other persons located in the vicinity of the site; and
- C. That the proposed site is not adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses surrounding the area; and
- D. That the proposed site is not adequately served by other public or private service facilities as are required; and, therefore,

Additionally, for the hillside management CUP:

- A. That the proposed project is not compatible with the natural, biotic, cultural, scenic and open space resources of the area; and
- B. That the proposed project is neither conveniently served by (nor provides) neighborhood shopping and commercial facilities, and is not provided with essential public services without imposing undue costs on the total community, and is not consistent with the objectives and policies of the General Plan, and
- C. That the proposed development does not demonstrate creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents; and,

THEREFORE, in view of the findings of fact and conclusions presented above, CUP No. 200700038 is **denied**.