



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

**CERTIFIED-RECEIPT
REQUESTED**

February 2, 2011

Athena Bowyer
Royal Investors Group, LLC
1900 Avenue of the Stars, Suite 2860
Century City, CA 90067

Dear Ms. Bowyer:

**SUBJECT: PROJECT NO. 02-044 – (5)
MODIFICATION TO RECORDED TRACT MAP NO. 46543
MODIFICATION REQUEST LETTER DATE: July 20, 2010**

A public hearing on Modification to Recorded Tract Map No. 46543 ("Modification") was held before the Los Angeles County Hearing Officer ("Hearing Officer"), Mr. Alex Garcia, on December 7, 2010 and February 1, 2011.

After considering the evidence presented, the Hearing Officer in his action on February 1, 2011, approved the Modification in accordance with the Subdivision Map Act and Title 21 (Subdivision Ordinance) of the Los Angeles County Code ("County Code"), and the recommendations and conditions of the Los Angeles County Subdivision Committee. A copy of the approved findings and conditions is attached.

The action on the Modification authorizes the modification of Public Works Road Condition No. 6 to allow existing above-ground electrical utility lines to remain above-ground along the property frontages along 60th Street West and Avenue M-4, but requires all new utilities serving the project to be undergrounded to the satisfaction of Public Works.

The decision of the Hearing Officer regarding the Modification 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 Regional Planning Commission ("Commission") within the following time period:

- In accordance with the requirements of the County Code, the Modification may be appealed within 10 days following the decision of the Hearing Officer. **The appeal period for this project will end at 5:00 p.m. on February 14, 2011.**

PROJECT NO. 02-044 – (5)
MODIFICATION TO RECORDED TRACT MAP NO. 46543
Approval Letter

PAGE 2

The applicant or any other interested person may appeal the decision of the Hearing Officer regarding the Modification to the Commission. **If you wish to appeal the decision of the Hearing Officer to the Commission, you must do so in writing and pay the appropriate fee.** The appeal form is available on the Department of Regional Planning website. The fee for appeal process is \$5,552.00 for the applicant and \$689.00 for non-applicant(s). If the applicant files an appeal for no more than a total of two conditions on the approved Modification, the appellant shall pay a processing fee in the amount of \$689.00.

To initiate the appeal, submit your appeal letter and a check made payable to the "County of Los Angeles" to Commission Services, Room 1350, 320 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 Mr. Donald Kress of the Land Divisions Section of the Department of Regional Planning at (213) 974-6433 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. Our offices are closed Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director



Susan Tae, AICP, Supervising Regional Planner
Land Divisions Section

SMT:dck

c: Subdivision Committee

**FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 02-044 – (5)
MODIFICATION TO RECORDED TRACT MAP NO. 46543**

1. A Hearing Officer of the County of Los Angeles, Mr. Alex Garcia, conducted a noticed public hearing in the matter of Modification to Recorded Tract Map No. 46543 (“TR 46543”) on December 7, 2010 and February 1, 2011.
2. Modification to TR 46543 proposes to eliminate Los Angeles County Department of Public Works (“Public Works”) Road Condition No. 6, which requires that all new and existing utility lines along the frontage of TR 46543 shall be underground.
3. TR 46543 was approved by the Los Angeles County Hearing Officer for 11 single-family lots on 3.18 acres on September 4, 2002 and recorded on October 24, 2005.
4. The subject site is located along 60th Street West between Avenue M-4 and Avenue M-6 within the Quartz Hill Zoned District, within the unincorporated community of Antelope Valley.
5. The generally rectangular property includes 11 vacant, single-family lots totaling approximately 3.18 net acres in size with level topography.
6. Access is provided by Wayland Court, a 58-foot wide, dedicated, public street.
7. The project site is currently zoned A-1-10,000 (Light Agricultural - 10,000 Square Feet Minimum Required Lot Area).
8. Surrounding zoning includes A-1-10-000 to the north, south and east. The City of Palmdale lies across 60th Street West to the west of the subject property.
9. The subject property consists of 11 existing, vacant single-family residential lots. Surrounding uses include single-family residences to the north, south, and east and City of Palmdale to the west.
10. The property is depicted in the U1 (Urban 1 – Up to 3.3 Dwelling Units per Acre), land use category of the Antelope Valley Area Plan (“Area Plan”), a component of the Los Angeles County General Plan.
11. The proposed modification does not alter the project design shown on the recorded map. No modified map was submitted.
12. The modification to a recorded map was filed pursuant to Section 21.52.030 of the Los Angeles County Code (“County Code”) which allows modifications where there are physical problems associated with the development of the site, or where technical problems occur after recordation. A public hearing is required for any

proposed modifications, but the hearing and action by the decision-making body is limited to only those modifications and may not address other aspects of the project.

13. One e-mail from a neighbor to the subject property has been received regarding the condition of the subject property. Concerns expressed in this e-mail include:
 - Street surface is uneven due to excavation for utility installation;
 - Grading of land has leveled the development even with the back of the neighbor's wall, causing dirt and debris to flow onto the neighbor's property. Some of the debris includes nails and potentially harmful materials that could hurt a person or pet; and
 - Unfinished walls with exposed rebar protruding from the top of the wall are present on the subject property.
14. During the December 7, 2010 Hearing Officer public meeting, staff recommended that the Hearing Officer continued the matter to February 1, 2011, without opening the public hearing or taking any testimony, in order to allow time for the applicant to abate an Informal Notice of Substandard Conditions on the subject property issued by the Division of Building and Safety ("Building and Safety") of Public Works on November 23, 2010. The applicant was not present at this meeting.
15. During the December 7, 2010 Hearing Officer public meeting, after hearing staff's recommendation, the Hearing Officer continued the matter to February 1, 2011.
16. On January 15, 2011, staff received verification from Building and Safety that the Informal Notice of Substandard Conditions has been abated to the satisfaction of Public Works.
17. During the February 1, 2011 Hearing Officer public hearing, the Hearing Officer heard a presentation from staff which summarized the project. The Hearing Officer questioned staff about the status of the Informal Notice of Substandard Conditions. Staff responded that the substandard conditions had been abated. The applicant was not present at this hearing. No persons testified.
18. After hearing staff's response to his question, Hearing Officer closed the public hearing and approved Modification to Recorded Tract Map No. 46543.
19. The proposed modification does not impose any additional burdens on the present fee owner of the property. The entire project is currently owned by Rosamond

Associates, LLC, and Shayan Capital, LLC, and the modification is being made at their request.

20. The proposed modification would not alter any right, title or interest in the real property. Easements on certain lots in favor of the electrical utility would be required whether the subdivision were served by above-ground or underground electrical utility lines.
21. The proposed modification addresses the technical problem of undergrounding the existing overhead electrical utility lines, including the 66-kilovolt transmission line along 60th Street West and the distribution lines along Avenue M-4. Staff has reviewed information from the utility operator, Southern California Edison (“SCE”), and has determined that the time and expense required to underground the existing utility lines, including the 66-kilovolt transmission lines, make the undergrounding of these lines infeasible for the project.
22. The proposed modification does not result in an increased number of dwelling units or a greater density than the recorded map. The proposed modification only addresses the location of electrical utility lines.
23. The site is physically suitable for the type and proposed density of the development. No change in project type or density is proposed as part of the modification.
24. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or serious public health problems, or conflict with public assessments. The overall design of the subdivision is unchanged by the proposed modification.
25. The original project, TR 46543, received a Negative Declaration pursuant to CEQA and the Los Angeles County Environmental Guidelines. A Negative Declaration means that the project will not have a significant effect on the environment. Staff has determined that the proposed modification will not have a significant effect on the environment.
26. The subdivider shall comply with all other conditions of approval of the original grant which remain in effect and unchanged.
27. 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 Department of Regional Planning (“Regional Planning”), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian

PROJECT NO. 02-044 – (5)
MODIFICATION TO RECORDED TRACT MAP NO. 46543
Findings

Page 4

of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

THEREFORE, THE HEARING OFFICER approves Modification to Recorded Tract Map No. 46543. The following road condition is modified:

1. Public Works Road Condition No. 6 is modified to allow existing above-ground electrical utility lines to remain above-ground along the property frontages along 60th Street West and Avenue M-4, but requires all new utilities serving the project to be undergrounded to the satisfaction of Public Works.

LETTER DATED 07-20-2010

We have no objection to the amendment request. The following revised conditions are recommended for inclusion in the tentative approval:

1. Permission is granted to waive the condition to underground all existing overhead lines along the property frontage. All new utility lines shall be undergrounded to the satisfaction of Public Works. Please contact Construction Division at (626) 458-3129 for the new location of any above ground utility structures in the parkway.
2. Conform with all previously approved and amended road conditions to the satisfaction of Public Works.

PC Prepared by Patricia Constanza
Tr46543r_Modification to Recorded Map 10-21-2010.doc

Phone (626) 458-4921

Date 10-21-2010