



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

December 8, 2009

TO: Gina Natoli  
Hearing Officer

FROM: Ramon Cordova, Senior Regional Planning Assistant *REC*  
Land Divisions Section

**SUBJECT: PROJECT NO. 01-157-(4)  
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO.  
01-157  
SOUTHWEST CORNER OF CLARK AVENUE AND KINBRAE AVENUE  
HACIENDA HEIGHTS  
JANUARY 5, 2010 HEARING OFFICER MEETING**

Pursuant to Section 22.56.1600 of the Los Angeles County Code ("County Code") Zoning Ordinance (Conditional Use Permits—Modifications or Elimination of Conditions), the project applicant has requested to modify Condition No. 13 of Conditional Use Permit Case No. 01-157, which was approved on December 19, 2006 to create one multi-family lot with six new detached condominiums units in the R-3-21U-DP (Limited Multiple Residence – 5,000 Square Feet Minimum Required Lot Area – 21 Dwelling Units Per Net Acre – Development Program) zone on the 0.52-acre project site.

Condition No. 13, as currently approved, reads as follows:

"The subject property shall be graded, developed and maintained in substantial compliance with the approved vesting tentative tract map dated April 6, 2006. An amended or revised tentative tract map approved for Vesting Tentative Tract Map No. 53605 may, at the discretion of the Director of Regional Planning, constitute a revised Exhibit "A". All revised plans shall require the written authorization of the property owner".

With the requested modification, Condition No. 13 would read as follows:

"The subject property shall be graded consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill, developed and maintained in substantial compliance with the approved revised vesting tentative tract map dated May 26, 2009. An amended or revised tentative tract map approved for Revised Vesting Tentative Tract Map No. 53605 may, at the

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discretion of the Director of Regional Planning, constitute a revised Exhibit "A". All revised plans shall require the written authorization of the property owner".

The purpose of the requested modification is to allow onsite project grading. The previous project was approved with no grading approved. A separate but associated request through public hearing, is for the Revised Vesting Tentative Tract Map No. 53605 to allow grading.

Pursuant to Section 22.56.1630 of the County Code, the Hearing Officer shall approve an application to modify any condition of a previously approved conditional use permit only when not more than one protest to the application is received within the specified comment period. Staff did not receive two letters of opposition to the subject proposal. Consequently, staff recommends **approval** of this minor modification request.

**PROJECT NUMBER 01-157-(4)  
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO. 01-157  
FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

**HEARING OFFICER HEARING DATE: January 5, 2010**

**SYNOPSIS:**

The applicant is requesting a Minor Modification to Conditional Use Permit ("CUP") to authorize the addition of grading amounts consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill not depicted on the approved vesting tentative tract map in the R-3-21U-DP (Limited Multiple Residence - 5,000 Square Feet Minimum Required Lot Area - 21 Dwelling Units Per Net Acre - Development Program) zone. The subject property is located at the southeast corner of Clark Avenue and Kinbrae Avenue in the Hacienda Heights Zoned District.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

January 5, 2010 Public Meeting

A public meeting was held on January 5, 2010 before the Hearing Officer of the County of Los Angeles. Hearing Officer Gina Natoli heard staff presentation regarding the proposed modification. Staff indicated to the Hearing Officer that no letters of opposition were received for the proposed CUP modification and recommends approval of the proposed modification.

There being no further testimony, the Hearing Officer approved the Minor Modification to CUP, and directed staff to prepare the final findings for approval.

Findings

1. The applicant is requesting a Minor Modification to Conditional Use Permit Case No. 01-157 for the addition of grading amounts consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill not depicted on the approved vesting tentative tract map in the R-3-21U-DP (Limited Multiple Residence - 5,000 Square Feet Minimum Required Lot Area - 21 Dwelling Units Per Net Acre - Development Program) zone.
2. The 0.52-acre subject property is located at the southeast corner of Clark Avenue and Kinbrae Avenue in the Hacienda Heights Zoned District.
3. Zoning on the site is R-3-21U-DP (Limited Multiple Residence - 5,000 Square Feet Minimum Required Lot Area - 21 Dwelling Units Per Net Acre - Development Program Zone) zone.
4. The surrounding properties are zoned as follows:

## MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO. 01-157

## FINDINGS

North: City of Industry  
East: C-1 (Restricted Business)  
South: A-1-6,000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area)  
West: C-1

5. Surrounding land uses within 500 feet include:

North: City of Industry - Industrial  
East: Commercial  
South: Single-family residences and vacant properties  
West: Commercial

6. A separate but associated request through public hearing, is for the Revised Vesting Tentative Tract Map No. 53605 to allow grading.
7. The subject property is designated as "Urban 4" (Medium High Density – 12.1 to 22 Dwelling Units per Gross Acre) under the Hacienda Heights Community General Plan ("Plan"). Areas within this designation are suited for low rise apartment development.
8. The site plan (Revised Vesting Tentative Tract Map No. 53605) depicts a multi-family lot with six new detached condominium units on 0.52 gross acre and grading amounts consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill. The property is accessed from the northwest via Kinbrae Avenue. Kinbrae Avenue is a public street with a 60 foot wide right-of-way.
9. Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone R-3-21U-DP shall be subject to the following development standards under Part 4 of Chapter 22.20 of the Los Angeles County Code ("County Code"):
- a. The applicant has submitted a site plan which shows consistency with the requirements of the R-3-21U-DP zone.
10. On October 18, 2001, the staff of the Department of Regional Planning completed its review of the Environmental Questionnaire and other data regarding the previously approved development consisting of a multi-family lot with six new detached condominium units. A Negative Declaration had been recommended as the appropriate environmental document for that project pursuant to the California Environmental Quality Act and the Los Angeles County Environmental Guidelines. It was determined that this minor modification to conditional use permit project will not exceed the established threshold criteria for any environmental factor, and as a result, will not have a significant effect on the physical environment. An addendum

## FINDINGS

to the Negative Declaration which describes the addition of project grading in the amounts of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill was prepared on October 28, 2009 for this project.

11. On December 1, 2009, public hearing notices were mailed out to 71 property owners within 500 feet of the subject property. The notice was published in the San Gabriel Valley Tribune and La Opinion on December 5, 2009. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.
12. No correspondence was received within the required comment period of 15 days from receipt of the notice.
13. Properly conditioned, project grading in the amounts of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill at this location would be appropriate and will not jeopardize the health, safety, and welfare of the public.
14. 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 Regional Planning, 13<sup>th</sup> 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 Land Divisions Section, Los Angeles County Department of Regional Planning.

## BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

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

MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO. 01-157  
FINDINGS

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a modification to conditional use permit as set forth in Section 22.56.1630 of the County Code.

## HEARING OFFICER ACTION:

1. The Hearing Officer finds that this minor modification to conditional use permit project will not exceed the established threshold criteria for any environmental factor, and as a result, will not have a significant effect on the physical environment. An Addendum to the Negative Declaration which describes the addition of project grading in the amounts of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill was prepared on October 28, 2009 for this project, and is consistent with CEQA reporting requirements.
2. In view of the findings of fact and conclusions presented above, Minor Modification to Conditional Use Permit No. 01-157 is APPROVED subject to the attached conditions.

**Action Date: January 5, 2010**

SMT:REC  
12/8/09

## MODIFICATION TO CONDITIONAL USE PERMIT BURDEN OF PROOF

### Background

Conditional Use Permit Case No. 01-157-(4) was approved concurrently with Vesting Tentative Tract Map No. 53605 and Parking Permit Case No. 01-157-(4) by the Los Angeles County Hearing Officer on December 19, 2006 for a condominium development of one multi-family lot with six new detached condominiums units on 0.52 gross acres. No development has occurred on the project site pending recordation of the final map.

The applicant has requested that Condition No.13 of CUP 01-157-(4) be modified to allow grading on the project site. Modification of the condition would allow the project to move forward as grading is needed to prepare building pads for each condominium unit.

#### **A. That 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, or**
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**
- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

The minor CUP modification request will not result in any adverse impacts. No change are proposed to the site design or operations. No grading was previously proposed with the approval of vesting tentative tract 53605 and no improvements have been built. The minor CUP modification would allow grading in the amounts of 98 cubic yards of cut, 198 cubic yards of fill and 100 cubic yards of imported fill onsite. No changes to the project design would occur with the approval of the minor CUP modification.

#### **B. That 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.**

The project has not been constructed. The site plan depicts the required yards, fences and walls and parking, and complied with County Code (Titles 21 and 22) as well as the conditions of approval of CUP 01-157.

The proposed minor CUP modification will not result in a change to the proposed condominium development.

#### **C. That 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**
2. **By other public or private service facilities as are required.**

The project site is served by Kinbrae Avenue and Clark Avenue. Required street improvements conditioned on the approval of the tentative map will be made during construction. The project site is also served by sanitary sewers, gas and electrical utilities and public water.

**D. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit.**

Modification to Condition No. 13 is the only change being requested to allow grading onsite. This is a minor change which will allow grading onsite in order to create building pads for the six condominium units. Modification of Condition 13 would not alter nor deviate from the terms and conditions as imposed by the previous approved CUP.

**E. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.**

The approval of the modification request is necessary to allow grading onsite for proposed condominium units. Approval of the requested modification to condition 13 would allow approval of a pending grading. No development currently exist onsite. No change in use or operation will occur as a result of this modification.

**ADDENDUM TO CONDITIONAL USE PERMIT CASE NO. 01-157**

**MINOR MODIFICATION OF CONDITION NO. 13 OF CONDITIONAL USE PERMIT CASE NO. 01-157**

Pursuant to Part 11 of the Los Angeles County Code Zoning Ordinance (Conditional Use Permit – Modifications or Eliminations of Conditions), and in conformance with the Hearing Officer approval action regarding minor modification to Conditional Use Permit No. 01-157 on January 5, 2010. Condition No. 13 of the originally approved Conditional Use Permit Case No. 01-157 are hereby added to read as follows:

13. “The subject property shall be graded consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill, developed and maintained in substantial compliance with the approved revised vesting tentative tract map dated May 26, 2009. An amended or revised tentative tract map approved for Revised Vesting Tentative Tract Map No. 53605 may, at the discretion of the Director of Regional Planning, constitute a revised Exhibit “A”. All revised plans shall require the written authorization of the property owner”.

**Action Date January 5, 2010**

**BY:**

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**Gina Natoli, Hearing Officer  
Department of Regional Planning  
County of Los Angeles**