



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

January 7, 2010

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
ENVIRONMENTAL ASSESSMENT CASE NO. 01-157
AGENDA ITEM NO. 10; JANUARY 19, 2010**

PROJECT BACKGROUND

Minor Modification to Conditional Use Permit Case No. 01-157 Condition No. 13 proposed the addition of grading consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill.

On January 5, 2010, the Hearing Officer continued the matter to January 19, 2010 and instructed staff to revise draft findings for the Modification to Conditional Use Permit ("CUP") Case No. 01-157 and make available draft findings for Revised Vesting Tentative Tract Map No. 53605 ("TR 53605").

During the January 5, 2010 Hearing Officer public meeting, staff gave a brief presentation on TR 53605 and CUP modification. Staff stated that no correspondence in opposition had been received for TR 53605 and no letters of opposition were received during the 15-day comment period for the CUP modification.

STAFF EVALUATION AND RECOMMENDATION

As currently revised, the proposed grading will not affect the approved six-unit condominium project's consistency with the Hacienda Heights Community General Plan, and will allow for the project to move forward with approval of the Revised Map, Modification to CUP and revised Exhibit "A" grading consistency plan.

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

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Staff recommends that the Hearing Officer close the public meeting, and approve the Addendum to the Negative Declaration. Staff also recommends that the Hearing Officer approve Modification to Conditional Use Permit Case No. 01-157.

Suggested Motion: "I close the public meeting and approve the Addendum to Negative Declaration and approve Modification to Conditional Use Permit Case No. 01-157."

SMT:REC

1/7/10

Attachments:

Revised draft findings for Modification to Conditional Use Permit Case No. 01-157



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Jon Sanabria
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January 7, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kevin Kelley
Day One Development Corporation
P O Box 3486
Newport Beach, California 92659

Dear Mr. Kelley:

**SUBJECT: PROJECT NO. 01-157-(4)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO.
01-157**

In my capacity as Hearing Officer for the Los Angeles County Department of Regional Planning ("Regional Planning"), I held a discussion meeting on a minor modification to the conditions of approval for Conditional Use Permit Case No. 01-157 on January 5, 2010 and January 19, 2010, and subsequently made requisite findings of approval for the minor modification.

Pursuant to Section 22.56.1630 of the Los Angeles County Code ("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 any opposition to the request within the comment period.

This approval action authorizes the modification of Condition No. 13 of the previously approved Conditional Use Permit Case No. 01-157. The condition, as currently approved, 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 discretion of the Director of Regional Planning, constitute a revised Exhibit "A". All revised plans shall require the written authorization of the property owner".

**APPROVAL LETTER
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO. 01-157**

An addendum specifying the modification of Condition No. 13 will be attached to the original conditions of approval for Conditional Use Permit Case No. 01-157. You are advised that all other conditions of the original grant remain in effect, unchanged.

During the 14-day period following the date of action taken, the subject approval action regarding the minor modification to Conditional Use Permit Case No. 01-157 may be appealed to the Regional Planning Commission. The minor modification will not become effective until and unless the appeal period has passed without the filing of an appeal. The appeal must be postmarked or delivered in person within 14 days of the date of receipt of this letter which is by 5 pm on February 2, 2010. The fee for appeal process is \$1,352.00 for the applicant and \$677.00 for non-applicant(s). To initiate the appeal, submit your appeal letter and a check made payable to the County of Los Angeles to the Secretary of the Los Angeles County Regional Planning Commission, Room 1350, Hall of Records, 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 no appeal is made during the 14-day period, the subject approval action is final on the minor modification to the conditional use permit. Upon completion of the 14-day period, the applicant can submit for approval to the Regional Planning staff any plans or other materials required to implement the subject minor modification to the conditional use permit. If you have any questions regarding this matter, please contact Ramon Cordova of the Land Divisions Section at (213) 974-6433.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST:

Minor modification to conditions of approval to previously approved Conditional Use Permit Case No. 01-157. The requested modification is the modification of Condition No. 13.

FACTUAL SUMMARY:

The subject minor modification to Conditional Use Permit Case No. 01-157 was approved at the January 19, 2010 Hearing Officer meeting, with the following findings:

Findings

1. Conditional Use Permit Case ("CUP") No. 01-157, Vesting Tentative Tract Map No. 53605 and Parking Permit Case No. 200600018 were approved by the Los Angeles County Hearing Officer on December 19, 2006. CUP was approved to ensure compliance with the existing Development Program Zone and authorized

modification to the proposed project for the minimum distance of 10 feet between buildings to allow a distance of eight feet between buildings.

2. The associated vesting tentative tract map authorized a condominium development of one multi-family lot with six new detached condominium units on 0.52 gross acres.
3. The associated parking permit allowed less than required guest parking from two spaces to no guest spaces.
4. The Los Angeles County Hearing Officer approved Revised Vesting Tentative Tract Map No. 53605 and the associated Modification to Conditional Use Permit No. 01-157 on January 19, 2010. This approval allowed the addition of grading consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill on the project site.
5. The applicant is requesting a Minor Modification to Conditional Use Permit Case No. 01-157 for the addition of grading consisting of 98 cubic yards of cut and 198 cubic yards of fill with an additional 100 cubic yards of imported fill, 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.
6. The subject property is located at the southeast corner of Clark Avenue and Kinbrae Avenue in the Hacienda Heights Zoned District of Los Angeles County. Access is provided from Kinbrae Avenue, a 60-foot wide public street.
7. Zoning on the site is R-3-21U-DP.
8. Zoning on the surrounding properties includes A-1-6,000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area) to the south, C-1 (Restricted Business) to the west and east, and the City of Industry to the north.
9. The subject site is currently unimproved. Surrounding land uses consist of industrial properties (City of Industry) to the north, commercial properties to the east and west, and single-family residences to the south.
10. 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 multiple - family residences.

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

11. The modification request has been noticed in accordance with the requirements specified in Section 22.56.1620 of the Los Angeles County Code ("County Code").
12. Pursuant to Section 22.56.1630 of the County Code, if more than one protest to the request for a minor modification to a conditional use permit is not received during the comment period the Hearing Officer shall approve the request.
13. During the 15-day comment period, staff received no correspondence in opposition from adjoining property owners to the proposed modification request.
14. At the January 5, 2010 public hearing, the Hearing Officer heard staff presentation and oral testimony from the applicant regarding the revised vesting tentative tract map.
15. During the January 5, 2010 public hearing, staff provided comments that Rev TR 53605 and Modification to Conditional Use Permit Case ("CUP") No. 01-157 were required for proposed grading amounts not depicted on the approved vesting tentative tract map. Staff also stated that no correspondence in opposition to Rev TR 53605 was received and no letters of opposition to CUP modification was received during the 15-day appeal period.
16. During the January 5, 2010 public hearing, the Hearing Officer requested revisions to draft findings of approval for CUP modification. Staff also stated that draft findings of approval for Rev TR 53605 needed to be reviewed by the Hearing Officer.
17. After hearing all testimony on January 5, 2010, the Hearing Officer continued the public hearing to January 19, 2010 to allow time for staff to distribute the necessary draft findings of approval for Rev TR 53605 and CUP modification.
18. 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. A grading permit will be required for this project; therefore, grading will be properly conditioned.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE MINOR MODIFICATION OF THE CONDITIONAL USE PERMIT:

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

- A. That not more than one protest to the granting of the application was received within the specified protest period;
- B. That the burden of proof for the conditional use permit as modified has been satisfied as required by County Code Section 22.56.040;
- C. 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; and
- D. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

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

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that the project is categorically exempt under Class 1 from the provisions of the California Environmental Quality Act.
- 2. In view of the findings of fact presented above, the requested minor modification to Conditional Use Permit Case No. 01-157 is **approved** subject to the attached addendum.

BY: _____ **DATE:** _____

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

Attachments: Addendum

c: Building and Safety
Zoning Enforcement

SMT:rec