Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

**CERTIFIED-RECEIPT
REQUESTED**

May 5, 2009

Rodney Singh
21300 Victory Boulevard
Woodland Hills, California 91367

Mr. Singh:

**SUBJECT: ZONE CHANGE CASE NO. 03-367-(5)
VESTING TENTATIVE TRACT MAP NO. 54233
CONDITIONAL USE PERMIT CASE NO. 03-367-(5)**

MAP DATE: July 21, 2005

Zone Change Case No.03-367-(5), Vesting Tentative Tract Map No. 54233 ("TR 54233"), and Conditional Use Permit ("CUP") Case No. 03-367-(5) were heard on the consent calendar by the Hearing Officer of Los Angeles County, Ms. Gina Natoli, on May 5, 2009. This case was continued from the March 17, 2009 Hearing Officer meeting.

After considering the evidence presented, the Hearing Officer in her action on May 5, 2009 **denied** the zone change case, vesting tentative tract map and CUP in accordance with Titles 21 (Subdivision Ordinance) and 22 (Zoning Ordinance) of the Los Angeles County Code ("County Code"). A copy of the findings is attached.

The decision of the Hearing Officer regarding the zone change, vesting tentative tract 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 Regional Planning Commission within the following time period:

- In accordance with the requirements of the State Map Act and the County Code, the zone change, vesting tentative tract map and CUP 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 <u>May 18, 2009</u>.**

The decision of the Hearing Officer regarding the zone change, vesting tentative tract map, and CUP may be appealed to the Regional Planning Commission. **If you wish to appeal the decision of the Hearing Officer to the Regional Planning Commission, you must do so in writing and pay the appropriate fee.** The fee for the 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 Commission Secretary, 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 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
Jon Sanabria
Acting Director of Planning

Susan Tae, AICP
Supervising Regional Planner

SMT:dck

Attachments: 1. Findings

c: Subdivision Committee

RESOLUTION OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
RELATING TO ZONE CHANGE CASE NO. 03-367-(5)

WHEREAS, the Hearing Officer of the County of Los Angeles, Ms. Gina Natoli, heard Zone Change Case No. 03-367-(5), Vesting Tentative Tract Map No. 54233, and Conditional Use Permit Case No. 03-367-(5) on consent on May 5, 2009, which was continued from the March 17, 2009 Hearing Officer meeting without public comment; and

WHEREAS, the Hearing Officer finds as follows:

1. The subject site is located east of Incline Lane and north of Copperhill Drive within the Newhall Zoned District of Los Angeles County.

2. The irregularly-shaped property is 4.9 gross acres in size. Most of the property has slopes of less than 25 percent. Approximately an acre of the property has slopes greater than 25 percent but less than 50 percent; approximately less than half an acre has slopes greater than 50 percent.

3. Access to the proposed development is provided from West Milestone Street, a 60-foot wide public street which will terminate in a cul-de-sac.

4. Zone Change Case No. 03-367-(5) is a request to change the zoning on the entire property from RPD-1-3U (Residential Planned Development-One Acre Minimum Required Lot Area-Three Dwelling Units Per Net Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per Net Acre Maximum Density).

5. Zone Change Case No. 03-367-(5) was considered concurrently with Vesting Tentative Tract Map No. 54233 and Conditional Use Permit Case No. 03-367-(5).

6. Vesting Tentative Tract Map No. 54233 ("TR 54233:") is a related request which proposes to create 12 single-family lots on 4.9 gross acres in the Newhall Zoned District.

7. Conditional Use Permit Case ("CUP") No. 03-367-(5) is a related request to ensure compliance with the requirements of urban hillside management, and for development in the RPD zone.

8. TR 54233 is a resubdivision of Lot No. 7 of Tract Map No. 51789 ("TR 51789"), to create a residential development of 12 single-family lots on 4.9 acres. The single-family lots range in size from approximately 6,400 square feet to 26,300 square

feet in size. Grading consists of 57,700 cubic yards of cut, 1,400 cubic yards of fill, and 56,300 cubic yards of export.

9. The property is depicted in the U1 (Urban 1-1.1 to 3.3 Dwelling Units Per Net Acre Maximum Density) land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan").

10. Surrounding uses include single family residences to the north and east and vacant land to the west and south.

11. The project site is currently zoned RPD-1-3U which was established by Ordinance No. 99-0074Z on August 3, 1999. The project proposes a zone change on the entire project site to RPD-5,000-4U.

12. Surrounding zoning includes RPD-1-3U to the north and west, and RPD-5,000-4U to the east and south.

13. The proposed project is in conflict with the approved underlying TR 51789 and CUP No. 94-021-(5), approved on January 6, 1999. TR 51789 permitted 194 single family lots on 79 acres. 193 lots have been recorded. Lot No. 7, the subject property, has not recorded.

14. TR 54233 proposes an additional 11 single-family lots, for a total of 12 single family lots within Lot No. 7, which would exceed the maximum number of single-family lots approved under TR 51789 and CUP No. 94-021-(5).

15. Development of Lot No. 7 will reduce the amount of open space provided that what was originally required and provided within TR 51789 and conditioned through CUP 94-021-(5).

16. Zone Change Case No. 03-367-(5) was filed on December 1, 2003. The Los Angeles County Subdivision Committee "(Subdivision Committee") met on January 12, 2004, August 9, 2004, and September 26, 2005, to discuss the project. The project as designed is in conflict with the conditions of approval of underlying TR 51789 and CUP No. 94-021-(5). Holds placed on the project included a revised tentative map, a revised Exhibit "A", a revised slope map, a slope/density analysis, revised zone change burden of proof, and title report. The requested materials were never submitted and no activity has occurred on the project since the September 26, 2005 Subdivision Committee meeting.

17. Since the applicant failed to provide the requested information and/or materials, there is insufficient information to determine the feasibility of the project design, general plan consistency or whether approval of the map would be in the public interest, pursuant to Section 21.40.160 (Advisory Agency Determination Authority) of the Los Angeles County Code ("County Code"). Because of this,

the Subdivision Committee is unable to recommend a final action to the Advisory Agency.

18. Staff sent a letter to the applicant on December 2, 2008 requesting that the applicant formally withdraw the project before January 6, 2009, or the project would be taken before a Hearing Officer of Los Angeles County with a recommendation for denial, pursuant to Sections 22.16.100 and 22.16.110 of the County Code relating to failure to submit required application materials.

19. A request to withdraw this project was not received by the abovementioned date as requested by staff. Pursuant to Sections 22.16.100 and 22.16.110 of the County Code, this project has been scheduled before a Hearing Officer of Los Angeles County with a recommendation for denial due to inactivity and insufficient information.

20. At the March 17, 2009 Hearing Officer meeting, staff recommended that the matter be continued to the Hearing Officer meeting of May 5, 2009, without public comment. Staff made this recommendation based on insufficient funds in the case account.

21. At the March 17, 2009 Hearing Officer meeting, the Hearing Officer continued the matter as recommended.

22. On April 14, 2009, the Los Angeles County Department of Regional Planning ("Regional Planning") received the required supplemental deposit for the case drawdown account. The account is now up to date.

23. During the May 5, 2009 Hearing Officer public meeting, the Hearing Officer heard a presentation from staff. Staff noted the history of the project and the fact that there had been no activity on the case since the September 26, 2005, Subdivision Committee meeting.

24. During the May 5, 2009 Hearing Officer public meeting, there were no comments in support of or in opposition to the project. The applicant did not attend.

25. During the May 5, 2009 Hearing Officer public meeting, the Hearing Officer denied Zone Change Case No. 03-367-(5), TR 54233, and CUP 03-367-(5) due to inactivity and insufficient information.

26. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 2100 et. Seq. ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles, The Initial Study identified potentially significant impacts including earthquake-induced landslide, flooding, air quality during construction, traffic, water quality, fire protection, drainage, school capacity, and cultural resources. Based on the Initial

Study, an Environmental Impact Report ("EIR") was recommended for the project on December 5, 2005. The applicant did not establish an EIR account and no further action was taken.

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 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 HEARING OFFICER:

1. Finds that the applicant did not provide all the information required by Section 22.16.100 of the County Code; and

2. Finds that the applicant, by failing to submit a revised zone change burden of proof, did not substantiate the facts required by Section 22.16.110 of the County Code.

NOW, THEREFORE BE IT RESOLVED that the Hearing Officer of the County of Los Angeles denies Zone Change Case No. 03-367-(5).

I hereby certify that the foregoing was adopted by the Hearing Officer of the County of Los Angeles on May 5, 2009.

Gina M. Natoli

Gina Natoli, Hearing Officer
County of Los Angeles

FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
VESTING TENTATIVE TRACT MAP NO. 54233

1. The Hearing Officer of Los Angeles County, Ms. Gina Natoli, heard Vesting Tentative Tract Map No. 54233 ("TR 54233") on consent on May 5, 2009. TR 54233 was considered concurrently with Zone Change Case No. 03-367-(5) and Conditional Use Permit Case No. 03-367-(5). This case was continued from the March 17, 2009 Hearing Officer meeting without any public comment.

2. TR 54233 proposes to create 12 single-family lots on 4.9 gross acres in the Newhall Zoned District.

3. Zone Change Case No. 03-367-(5) is a related request to change the zoning on the entire property from RPD-1-3U (Residential Planned Development-One Acre Minimum Required Lot Area-Three Dwelling Units Per Net Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per Net Acre Maximum Density).

4. Conditional Use Permit Case ("CUP") No. 03-367-(5) is a related request to ensure compliance with the requirements of urban hillside management, and for development in the RPD zone.

5. TR 54233 is a resubdivision of Lot No. 7 of Tract Map No. 51789 ("TR 51879"), to create a residential development of 12 single-family lots on 4.9 acres. The single-family lots range in size from approximately 6,400 square feet to 26,300 square feet in size. Grading consists of 57,700 cubic yards of cut, 1,400 cubic yards of fill, and 56,300 cubic yards of export.

6. The property is depicted in the U1 (Urban 1-1.1 to 3.3 Dwelling Units Per Net Acre Maximum Density) land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan").

7. Surrounding uses include single family residences to the north and east and vacant land to the west and south.

8. The project site is currently zoned RPD-1-3U which was established by Ordinance No. 99-0074Z on August 3, 1999. The project proposes a zone change on the entire project site to RPD-5,000-4U.

9. Surrounding zoning includes RPD-1-3U to the north and west, and RPD-5,000-4U to the east and south.

10. The proposed project is in conflict with the approved underlying TR 51789 and CUP No. 94-021-(5), approved on January 6, 1999. TR 51789 permitted 194 single family lots on 79 acres. 193 lots have been recorded. Lot No. 7, the subject property, has not recorded.

11. TR 54233 proposes an additional 11 single-family lots, for a total of 12 single family lots, within Lot No. 7, which would exceed the maximum number of single-family lots approved under TR 51789 and CUP No. 94-021-(5).

12. Development of Lot No. 7 will reduce the amount of open space provided that what was originally required and provided within TR 51789 and conditioned through CUP 94-021-(5).

13. TR 54233 was filed on December 1, 2003. The Los Angeles County Subdivision Committee "(Subdivision Committee") met on January 12, 2004, August 9, 2004, and September 26, 2005, to discuss the project. The project as designed is in conflict with the conditions of approval of underlying TR 51789 and CUP No. 94-021-(5). Holds placed on the project included a revised tentative map, a revised Exhibit "A", a revised slope map, a slope/density analysis, revised zone change burden of proof, and title report. The requested materials were never submitted and no activity has occurred on the project since the September 26, 2005 Subdivision Committee meeting.

14. Since the subdivider failed to provide the requested information and/or materials, there is insufficient information to determine the feasibility of the project design, general plan consistency or whether approval of the map would be in the public interest, pursuant to Section 21.40.110 (Matters Required To Complete Submittal And Filing) and Section 21.40.160 (Advisory Agency Determination Authority) of the Los Angeles County Code ("County Code"). Because of this, the Subdivision Committee is unable to recommend a final action to the Advisory Agency.

15. Staff sent a letter to the subdivider on December 2, 2008 requesting that the applicant formally withdraw the project before January 6, 2009, or the project would be taken before a Hearing Officer of Los Angeles County with a recommendation for denial, pursuant to Sections 21.40.110 and 21.40.160 of the County Code relating to inactivity and failure to submit required application materials.

16. A request to withdraw this project was not received by the abovementioned date as requested by staff. Pursuant to Sections 21.40.110, and 21.40.160 of the County Code, this project has been scheduled before a Hearing Officer of Los Angeles County with a recommendation for denial due to inactivity and insufficient information.

17. At the March 17, 2009 Hearing Officer meeting, staff recommended that the matter be continued to the Hearing Officer meeting of May 5, 2009, without any

public comment. Staff made this recommendation based on insufficient funds in the case account.

18. At the March 17, 2009 Hearing Officer meeting, the Hearing Officer continued the matter as recommended.

19. On April 14, 2009, the Los Angeles County Department of Regional Planning ("Regional Planning") received the required supplemental deposit for the case drawdown account. The account is now up to date.

20. During the May 5, 2009 Hearing Officer public meeting, the Hearing Officer heard a presentation from staff. Staff noted the history of the project and the fact that there had been no activity on the case since the September 26, 2005, Subdivision Committee meeting.

21. During the May 5, 2009 Hearing Officer public meeting, there were no comments in support of or in opposition to the project. The applicant did not attend.

22. During the May 5, 2009 Hearing Officer public meeting, the Hearing Officer denied Zone Change Case No. 03-367-(5), TR 54233, and CUP 03-367-(5) due to inactivity and insufficient information.

23. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 2100 et. Seq. ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles, The Initial Study identified potentially significant impacts including earthquake-induced landslide, flooding, air quality during construction, traffic, water quality, fire protection, drainage, school capacity, and cultural resources. Based on the Initial Study, an Environmental Impact Report ("EIR") was recommended for the project on December 5, 2005. The applicant did not establish an EIR account and no further action was taken.

24. 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 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.

THEREFORE, in view of the findings of fact presented above, **Vesting Tentative Tract Map No. 54233 is DENIED.**

FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT CASE NO. 03-367-(5)

1. The Hearing Officer of Los Angeles County, Ms. Gina Natoli, head Conditional Use Permit ("CUP") Case No. 03-367-(5) on consent on May 5, 2009. CUP Case No. 03-367-(5) was considered concurrently with Zone Change Case No. 03-367-(5) and Vesting Tentative Tract Map No. 54233 ("TR 54233"). This case was continued from the March 17, 2009, Hearing Officer meeting without any public comment.

2. Conditional Use Permit Case ("CUP") No. 03-367-(5) is a request to ensure compliance with the requirements of urban hillside management, and for development in the RPD zone.

3. Zone Change Case No. 03-367-(5) is a related request to change the zoning on the entire property from RPD-1-3U (Residential Planned Development-One Acre Minimum Required Lot Area-Three Dwelling Units Per Net Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per Net Acre Maximum Density).

4. TR 54233 is a resubdivision of Lot No. 7 of Tract Map No. 51789, to create a residential development of 12 single-family lots on 4.9 acres. The single-family lots range in size from approximately 6,400 square feet to 26,300 square feet in size. Grading consists of 57,700 cubic yards of cut, 1,400 cubic yards of fill, and 56,300 cubic yards of export.

5. The property is depicted in the U1 (Urban 1-1.1 to 3.3 Dwelling Units Per Net Acre Maximum Density) land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan").

6. Surrounding uses include single family residences to the north and east and vacant land to the west and south.

7. The project site is currently zoned RPD-1-3U which was established by Ordinance No. 99-0074Z on August 3, 1999. The project proposes a zone change on the entire project site to RPD-5,000-4U.

8. Surrounding zoning includes RPD-1-3U to the north and west, and RPD-5,000-4U to the east and south.

9. The proposed project is in conflict with the approved underlying Tract Map No. 51789 ("TR 51789") and CUP No. 94-021-(5), approved on January 6, 1999. TR

51789 permitted 194 single family lots on 79 acres. 193 lots have been recorded. Lot No. 7, the subject property, has not recorded.

10. TR 54233 proposes an additional 11 single-family lots, for a total of 12 single family lots within Lot No. 7, which would exceed the maximum number of single-family lots approved under TR 51789 and CUP No. 94-021-(5).

11. Development of Lot No. 7 will reduce the amount of open space provided that what was originally required and provided within TR 51789 and conditioned through CUP 94-021-(5).

12. CUP 03-367-(5) was filed on December 1, 2003. The Los Angeles County Subdivision Committee ("Subdivision Committee") met on January 12, 2004, August 9, 2004, and September 26, 2005, to discuss the project. The project as designed is in conflict with the conditions of approval of underlying TR 51789 and CUP No. 94-021-(5). Holds placed on the project included a revised tentative map, a revised Exhibit "A", a revised slope map, a slope/density analysis, revised zone change burden of proof, and title report. The requested materials were never submitted and no activity has occurred on the project since the September 26, 2005 Subdivision Committee meeting.

13. Since the applicant failed to provide the requested information and/or materials, there is insufficient information to determine the feasibility of the project design, general plan consistency or whether approval of the map would be in the public interest, pursuant to Section 21.40.160 (Advisory Agency Determination Authority) of the Los Angeles County Code ("County Code"). Because of this, the Subdivision Committee is unable to recommend a final action to the Advisory Agency.

14. Since the applicant failed to provide the requested information and/or materials, this CUP may be denied pursuant to Section 22.56.060 (Denial For Lack Of Information) of the County Code.

15. Staff sent a letter to the applicant on December 2, 2008 requesting that the applicant formally withdraw the project before January 6, 2009, or the project would be taken before a Hearing Officer of Los Angeles County with a recommendation for denial, pursuant to Section 22.56.060 of the County Code relating to failure to submit required application materials.

16. A request to withdraw this project was not received by the abovementioned date as requested by staff. Pursuant to Section 22.56.060 of the County Code, this project has been scheduled before a Hearing Officer of Los Angeles County with a recommendation for denial due to inactivity and insufficient information.

17. At the March 17, 2009 Hearing Officer meeting, staff recommended that the matter be continued to the Hearing Officer meeting of May 5, 2009, without any

public comment. Staff made this recommendation based on insufficient funds in the case account.

18. At the March 17, 2009, Hearing Officer meeting, the Hearing Officer continued the matter as recommended.

19. On April 14, 2009, the Los Angeles County Department of Regional Planning ("Regional Planning") received the required supplemental deposit for the case drawdown account. The account is now up to date.

20. During the May 5, 2009 Hearing Officer public meeting, the Hearing Officer heard a presentation from staff. Staff noted the history of the project and the fact that there had been no activity on the case since the September 26, 2005, Subdivision Committee meeting.

21. During the May 5, 2009 Hearing Officer public meeting, there were no comments in support of or in opposition to the project. The applicant did not attend.

22. During the May 5, 2009 Hearing Officer public meeting, the Hearing Officer denied Zone Change Case No. 03-367-(5), TR 54233, and CUP 03-367-(5) due to inactivity and insufficient information.

23. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 2100 et. Seq. ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles, The Initial Study identified potentially significant impacts including earthquake-induced landslide, flooding, air quality during construction, traffic, water quality, fire protection, drainage, school capacity, and cultural resources. Based on the Initial Study, an Environmental Impact Report ("EIR") was recommended for the project on December 5, 2005. The applicant did not establish an EIR account and no further action was taken.

24. 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 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 HEARING OFFICER:

finds that the application for the CUP does not contain the information required by Sections 22.56.030 and 22.56.040 of the County Code.

THEREFORE, in view of the findings of fact presented above, **Conditional Use Permit Case No. 03-367-(5) is DENIED.**