



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6433
VESTING TENTATIVE TRACT MAP NO. 54233
ZONE CHANGE CASE NO. 03-367-(5)
CONDITIONAL USE PERMIT CASE NO: 03-367-(5)

HO MEETING DATE	CONTINUE TO
AGENDA ITEM No. 3	
PUBLIC HEARING DATE March 17, 2009	

APPLICANT D. R. Horton		OWNER D.R. Horton		REPRESENTATIVE Sikand Engineering	
REQUEST ZONE CHANGE: To change the zoning on the entire property from RPD-1-3U (Residential Planned Development-One Acre Minimum Required Lot Area-3 Dwelling Units Per Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-4 Dwelling Units Per Acre Maximum Density). VESTING TENTATIVE PARCEL MAP: To create 12 single family lots on 4.9 gross acres CONDITIONAL USE PERMIT: To ensure compliance with the requirements of urban hillside management; and for development in the RPD zone.					
LOCATION/ADDRESS East of Incline Land and north of Copperhill Drive			ZONED DISTRICT Newhall		
ACCESS West Milestone Street and Mikhail Street.			COMMUNITY Santa Clarita Valley		
			EXISTING ZONING RPD-1-3U (Residential Planned Development-One Acre Minimum Required Lot Area-3 Dwelling Units Per Acre Maximum Density)		
SIZE 4.9 acres gross/4.9 net acres		EXISTING LAND USE Vacant		SHAPE Irregular	
				TOPOGRAPHY Sloping	
SURROUNDING LAND USES & ZONING					
North: Single family residences/RPD-1-3U (Residential Planned Development-One Acre Minimum Required Lot Area-Three Dwelling Units Per Acre Maximum Density)			East: Open space/ RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per Acre Maximum Density)		
South: Open space/RPD-5,000-3U (Residential Planned Development—5,000 Square Foot Minimum Required Lot Area—Four Dwelling Units Per Acre Maximum Density)			West: Single family residences/RPD-1-3U (Residential Planned Development—One Acre Minimum Required Lot Area—Four Dwelling Units Per Acre Maximum Density).		
GENERAL PLAN		DESIGNATION		MAXIMUM DENSITY	
Santa Clarita Valley Area Plan		U1 (Urban 1—1.1. to 3.3 Dwelling Units Per Acre Maximum Density)		12 DU	
				Not consistent with plan.	
ENVIRONMENTAL STATUS: Environmental Impact Report. Potentially significant impacts include earthquake-induced landslide, flooding, air quality during construction, traffic, water quality, fire protection, drainage, school capacity, and cultural resources.					
DESCRIPTION OF SITE PLAN The tentative tract map dated July 21, 2005, depicts twelve single-family lots. Access to the property is from Milestone Street, a 60-foot wide public street which terminates in a cul-de-sac, and Mikhail Street, a 20-foot wide access road for the Santa Clarita Water Company. The project site is currently vacant. The project proposes 57,700 cy of cut grading, 1,400 cy of fill grading, and 56,300 cy of export.					
KEY ISSUES This case has been brought to hearing for denial based on: <ul style="list-style-type: none"> inactivity, as there has been action on this case since the Subdivision Committee Meeting ("SCM") of September 26, 2005, and incompatibility with the underlying Tract 51789 ("TR 51789) and Conditional Use Permit ("CUP") 94-021-(5) 					

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON					
RPC HEARING DATE (S)		RPC ACTION DATE		RPC RECOMMENDATION	
MEMBERS VOTING AYE		MEMBERS VOTING NO		MEMBERS ABSTAINING	
STAFF RECOMMENDATION (PRIOR TO HEARING)					
SPEAKERS* (O) _____ (F) _____		PETITIONS (O) _____ (F) _____		LETTERS (O) _____ (F) _____	

*(O) = Opponents (F) = In Favor

COMMITTEE RECOMMENDATION (Subject to revision based on public hearing)

- APPROVAL DENIAL
- No improvements _____ 20 Acre Lots _____ 10 Acre Lots _____ 2½ Acre Lots _____ Sect 191.2
- Street improvements ___ Paving ___ Curbs and Gutters ___ Street Lights
- Street Trees _____ Inverted Shoulder ___ Sidewalks _____ Off Site Paving _____ft.
- Water Mains and Hydrants
- Drainage Facilities
- Sewer Septic Tanks Other _____
- Park Dedication "In-Lieu Fee"

SPECIAL INDIVIDUAL DEPARTMENT CONCERNS

Engineer Department of Public Works did not recommend approval,

Road

Flood

Forester & Fire Warden

Parks & Rec.

Health

Planning did not recommend approval.

ISSUES AND ANALYSIS

Remaining holds from Regional Planning include a revised tentative map, a revised Exhibit "A", a revised slope map, a slope/density analysis, and title report.

Tract Map No. 52433 is a re-subdivision of Lot No. 7 of TR 51780 approved on January 6, 1999. CUP 94-021-(5) was approved at the same time to accompany TR 51789. TR 51789 and CUP 94-021-(5) permitted 194 single family lots on 79 acres. 193 lots have been recorded. Lot No. 7, the subject property, has not been recorded. Vesting Tentative Tract Map No. 52433 proposes an additional 12 single-family lots within Lot No. 7 of TR 51789,, which would exceed the maximum number of single-family lots approved under TR 51789 and CUP 94-021-(5). In addition, the re-subdivision of Lot No. 7 will reduce the amount of open space originally provided and required through CUP 94-021-(5) for TR 51789.

**ZONE CHANGE CASE NO. 03-367-(5)
VESTING TENTATIVE TRACT MAP NO. 54233
CONDITIONAL USE PERMIT CASE NO. 03-367-(5)
STAFF ANALYSIS
FOR MARCH 17, 2009 HEARING OFFICER PUBLIC HEARING**

PROJECT OVERVIEW

The applicant, D.R. Horton, proposes to resubdivide Lot No. 7 of Tract Map No. 51789 ("TR 51789") to create 12 single family lots on approximately 4.9 gross acres. The proposal requires approval of Zone Change Case No. 03-367-(5) to change the zoning on the entire property from the RPD-1-3U zone to the RPD-5,000-4U zone, Vesting Tentative Tract Map No. 54233 ("TR 54233") for the subdivision, and Conditional Use Permit Case ("CUP") No. 03-367-(5) to ensure compliance with urban hillside management and compliance with the RPD zone.

The subject property is located east of Incline Lane and north of Copperhill Drive in the Newhall Zoned District.

The project site is a graded vacant site with topography ranging from flat land to 25% slopes. Grading was completed under an approved grading permit for offsite grading for TR 35783, though this permit was not in conformance with the approved Exhibit "A" for CUP 94-021.

The configuration of Lot No. 7 has changed from its original configuration approved January 6, 1999, through amendments to the tentative tract map approved on April 4, 2000, July 2, 2002, and September 3, 2003. The present configuration of Lot No. 7 was approved by the last of these amendment maps.

PREVIOUS CASES

The RPD-1-3U Zone was applied to this area by Ordinance 99-0074Z, adopted August 3, 1999. TR 51789 was approved on January 6, 1999, for 194 single family lots on 79 gross acres. Accompanying CUP No. 94-021 was approved January 6, 1999, to ensure compliance with hillside management review criteria and compliance with the proposed RPD-1-3U zone.

ENVIRONMENTAL DOCUMENTATION

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

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Staff Report

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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; no further action was taken.

STAFF EVALUATION

Vesting Tentative Tract Map No. 52433 is a re-subdivision of Lot No. 7 of TR 51789, approved on January 6, 1999. TR 51789 permitted 194 single family lots on 79 acres. Vesting Tentative Tract Map No. 52433 proposes 12 single-family lots to be built on Lot No. 7, which would exceed the maximum number of single-family lots approved for TR 51789. In addition, the re-subdivision of Lot No. 7 will reduce the amount of open space originally provided and required through CUP 94-021-(5) for TR 51789.

The case was filed on December 1, 2003. The Subdivision Committee last met on September 26, 2005 to discuss the project. Several holds were placed on the project, including revised tentative map, a revised Exhibit "A", a revised slope map, a slope/density analysis, open space exhibit, and title report. The materials requested to clear these holds were never submitted and the holds never cleared. At that time, the applicant was also informed that this project is recommended for denial as a resubdivision of underlying TR 51789. Condition No. 14 of underlying CUP 94-041-(5) states: "The total number of residential units shall not exceed 194 within the approximately 79 acres of undeveloped land within the boundaries of Vesting Tract Map No. 51789." No activity has occurred on the project since the September 26, 2005 Subdivision Committee meeting.

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"). Additionally, an EIR was recommended for the project on December 5, 2005. 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. The applicant has not established an EIR account and there has been no activity since the environmental determination was made.

The project as designed is in conflict with the approval conditions of TR 51789 and CUP 94-021-(5). At this time, the Subdivision Committee is unable to recommend a final action to the Advisory Agency other than denial.

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VESTING TENTATIVE TRACT MAP NO. 54233
CONDITIONAL USE PERMIT CASE NO. 03-367-(5)
Staff Report**

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Staff sent a letter to the applicant on December 2, 2008 requesting the applicant to formally withdraw the application 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 21.16.160, 21.40.110, and 22.56.060 of the Los Angeles County Code relating to inactivity and failure to submit required application materials. A request to withdraw this project was not received by the abovementioned date.

STAFF RECOMMENDATION

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

Staff recommends that the Hearing Officer close the public hearing and deny Zone Change Case No. 03-367-(5), Vesting Tentative Tract Map No. 54233, and Conditional Use Permit No. 03-367-(5).

Attachments:

- Factual
- Draft Denial Findings
- Vesting Tentative Map and Exhibit "A"
- Zone Change Exhibit

DCK:dck
2/11/09

DRAFT
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. Patricia Hachiya, conducted a public hearing regarding Zone Change Case No. 03-367-(5), Vesting Tentative Tract Map No. 52433, and Conditional Use Permit Case No. 03-367-(5) on March 17, 2009; 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 Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per Acre Maximum Density).
5. Zone Change Case No. 03-367(5) was heard concurrently with Vesting Tentative Tract Map No. 54233 and Conditional Use Permit Case No. 03-367-(5).
6. Vesting Tentative Tract Map No. 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. Vesting Tentative Tract Map No. 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 56,000 cubic yards of export.

9. The property is depicted in the U1 (Urban 1-1.1 to 3.3 Dwelling Units Per 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 Tract Map No. 51789 ("TR 51789") and CUP No. 94-021-(5), approved 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 been recorded.
14. Vesting Tract Map No. 52433 proposes an additional 12 single-family lots within Lot No. 7, which would exceed the maximum number of single-family lots approved under TR 51789.
15. Development of Lot No. 7 will reduce the amount of open space originally required and provided within TR 51789 and conditioned through CUP 94-021-(5).
16. The case was filed on December 1, 2003. The Los Angeles County Subdivision Committee met on January 12, 2004, August 9, 2004, and September 26, 2005, to discuss the project. Holds placed on the project were for a revised tentative map, a revised Exhibit "A" map, a revised slope map, a slope/density analysis, 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. 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.

18. 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 County Code.. Because of this, the Subdivision Committee is unable to recommend a final action to the Advisory Agency.
19. Staff sent a letter to the applicant on December 2, 2008 requesting that the applicant formally withdraw 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 21.16.160, 21.40.110, and 22.56.060 of the County Code relating to inactivity and failure to submit required application materials.
20. SUMMARIZE EVENTS AT THE PUBLIC HEARING.
21. The project as designed is in conflict with the conditions of approval of underlying TR 51789 and CUP No. 94-021-(5) and a request to withdraw this project was not received by the abovementioned date as requested by staff. Pursuant to Sections 21.16.160, 21.40.110, and 22.56.060 of the Los Angeles County Code, this project has been scheduled before a Hearing Officer of Los Angeles County with a recommendation for denial.
22. 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 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 there are no modified conditions that warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
2. Finds that a need for the proposed zone classification does not exist within such area or district; and
3. Finds that the particular property under consideration is not a proper location for said zone classification within such area or district; and
4. Finds that placement of the proposed zone at such location will not be in the interest of public health, safety and general welfare, and not in conformity with good zoning practice; and

5. Finds that the proposed change of zone is inconsistent with the goals, policies and programs of the Santa Clarita Valley Area Plan, a component of the Los Angeles Countywide General Plan; and

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 a Hearing Officer of the County of Los Angeles on March 17, 2009.

Patricia Hachiya, Hearing Officer
County of Los Angeles

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

1. The Hearing Officer of Los Angeles County, Ms. Patricia Hachiya, held a public hearing in the matter of Vesting Tentative Tract Map No. 52433 ("TR 54233") on March 17, 2009. TR 52433 was heard concurrently with Zone Change Case No. 03-367-(5) and Conditional Use Permit Case No. 03-367-(5).
2. TR 52433 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 Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per 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, 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 56,000 cubic yards of export.
6. The property is depicted in the U1 (Urban 1-1.1 to 3.3 Dwelling Units Per 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 Tract Map No. 51789 ("TR 51789") and CUP No. 94-021-(5), approved 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 been recorded.
11. Vesting Tract Map No. 52433 proposes an additional 12 single-family lots within Lot No. 7, which would exceed the maximum number of single-family lots approved under TR 51789.
12. Development of Lot No. 7 will reduce the amount of open space originally required and provided within TR 51789 and conditioned through CUP 94-021-(5).
13. The case was filed on December 1, 2003. The Los Angeles County Subdivision Committee met on January 12, 2004, August 9, 2004, and September 26, 2005, to discuss the project. Holds placed on the project were for a revised tentative map, a revised Exhibit "A", a revised slope map, a slope/density analysis, 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. 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.
15. 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 County Code,. Because of this, the Subdivision Committee is unable to recommend a final action to the Advisory Agency.
16. Staff sent a letter to the applicant on December 2, 2008 requesting that the applicant formally withdraw 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 21.16.160, 21.40.110, and 22.56.060 of the Los County Code relating to inactivity and failure to submit required application materials.
17. SUMMARIZE EVENTS AT THE PUBLIC HEARING.

18. The project as designed is in conflict with the conditions of approval of underlying TR 51789 and CUP No. 94-021-(5) and a request to withdraw this project was not received by the abovementioned date as requested by staff. Pursuant to Sections 21.16.160, 21.40.110, and 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.
19. 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 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.

DRAFT
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. Patricia Hachiya, held a public hearing in the matter of Conditional Use Permit ("CUP") Case No. 03-367-(5) on March 17, 2009. CUP Case No. 03-367-(5) was heard concurrently with Zone Change Case No. 03-367-(5) and Vesting Tentative Tract Map No. 54233 ("TR 54233")
2. 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 Acre Maximum Density) to RPD-5,000-4U (Residential Planned Development-5,000 Square Foot Minimum Required Lot Area-Four Dwelling Units Per 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 56,000 cubic yards of export.
5. The property is depicted in the U1 (Urban 1-1.1 to 3.3 Dwelling Units Per 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 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 been recorded.

10. Vesting Tract Map No. 52433 proposes an additional 12 single-family lots within Lot No. 7, which would exceed the maximum number of single-family lots approved under TR 51789.
11. Development of Lot No. 7 will reduce the amount of open space originally required and provided within TR 51789 and conditioned through CUP 94-021-(5).
12. The case was filed on December 1, 2003. The Los Angeles County Subdivision Committee met on January 12, 2004, August 9, 2004, and September 26, 2005, to discuss the project. Holds placed on the project were for a revised tentative map, a revised exhibit map, a revised slope map, a slope/density analysis, 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. 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.
14. 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 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 applicant on December 2, 2008 requesting that the applicant formally withdraw 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 21.16.160, 21.40.110, and 22.56.060 of the Los County Code relating to inactivity and failure to submit required application materials.
16. SUMMARIZE EVENTS AT THE PUBLIC HEARING.
17. The project as designed is in conflict with the conditions of approval of underlying TR 51789 and CUP No. 94-021-(5) and a request to withdraw this project was not received by the abovementioned date as requested by staff. Pursuant to Sections 21.16.160, 21.40.110, and 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.

18. 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 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 project will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; and
2. Finds that the project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
3. Finds that the project will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; and
4. Finds that the approval of the proposed dwelling units would exceed the maximum number of units approved by CUP 94-021-(5) and would go beyond the ability to mitigate problems of public safety, design, and/or environmental considerations, as provided in this section and the General Plan; and
5. Finds that the project does not comply with the intent of planned residential development, in that it does not promote residential amenities beyond those expected under conventional development, achieve greater flexibility in design, encourage well-planned neighborhoods through creative and imaginative planning as a unit, or provide for appropriate use of land that is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, nor does the proposed project reduce developmental problems in hillside areas or preserve areas of natural scenic beauty through the encouragement of integrated planning, integrated design, and unified control of development.
6. Finds that the proposed CUP will not provide as well or better for light and air, for public safety and convenience, for the protection of property values, and for the preservation of the general welfare of the community.; and
7. Finds that the proposed CUP is inconsistent with the goals, policies and programs of the Santa Clarita Valley Area Plan, a component of the Los Angeles Countywide General Plan.

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

DRAFT