

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. Gina Natoli,, conducted a public hearing regarding Zone Change Case No. 03-367-(5), Vesting Tentative Tract Map No. 54233, and Conditional Use Permit Case No. 03-367-(5) on May 5, 2009, which was continued from the March 17, 2009, Hearing Officer meeting without opening the public hearing.; 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. 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.

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. TR 54233 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 and CUP No. 94-081-(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. 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.
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 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.
19. 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 opening of the public hearing. Staff made this recommendation based on insufficient funds in the case account.
20. At the March 17, 2009, Hearing Officer meeting, the Hearing Officer continued the matter as recommended.
21. On April 14, 2009, the Los Angeles County Department of Regional Planning ("Regional Planning") received the required supplemental deposit for the case drawdown account.
22. *SUMMARIZE EVENTS AT THE MAY 5, 2009 HEARING*
23. 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.
24. 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.
25. 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 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 May 5, 2009.

Gina Natoli, 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. Gina Natoli, held a public hearing in the matter of Vesting Tentative Tract Map No. 54233 ("TR 54233") on May 5, 2009. TR 54233 was heard 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 opening the public hearing.
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 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. TR 54233 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 and CUP No. 94-081-(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. 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. 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.
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 County Code relating to inactivity and failure to submit required application materials.
16. 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 opening of the public hearing. Staff made this recommendation based on insufficient funds in the case account.
17. At the March 17, 2009, Hearing Officer meeting, the Hearing Officer continued the matter as recommended.
18. On April 14, 2009, the Los Angeles County Department of Regional Planning ("Regional Planning") received the required supplemental deposit for the case drawdown account.

19. *SUMMARIZE EVENTS AT THE MAY 5, 2009 HEARING*

20. 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.
21. 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.
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 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. Gina Natoli, held a public hearing in the matter of Conditional Use Permit (“CUP”) Case No. 03-367-(5) on May 5, 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”). This case was continued from the March 17, 2009, Hearing Officer meeting without opening the public hearing.
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 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. TR 54233 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 and CUP No. 94-081-(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. 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.
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. 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.
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16. At the March 17, 2009, Hearing Officer meeting, the Hearing Officer continued the matter as recommended.
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18. *SUMMARIZE EVENTS AT THE MAY 5, 2009 HEARING*

19. 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.
20. 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.
21. 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 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 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.