

**Board of Supervisors Hearing Date: March 24, 2009**

**Case Summary: Project No. TR53653-(5) – Zone Change Case No. 2008-00004-(5),  
Conditional Use Permit Case No. 2005-00088-(5); Oak Tree Permit Case No.  
2005-00039-(5), Housing Permit Case No. 2006-00001-(5), and Vesting Tentative  
Tract Map No. 53653**

**Project Applicant: DR Horton**

**RPC Hearing Date:** November 15, 2006, June 18, 2008, July 30, 2008, August 20, 2008.

**RPC Approval Date:** August 20, 2008

### **Synopsis**

The Regional Planning Commission (“Commission”), by a vote of 5-0 approved Project No. TR53653-(5), with recommendation of approval to the Board of Supervisors for Zone Change Case No. 2008-0004-(5), located approximately 273 feet southwest of Sagecrest Circle, west of I-5 Freeway and The Old Road, between Calgrove Blvd and Sagecrest in the Newhall Zoned District and unincorporated community of Santa Clarita Valley.

The project also included a request to change the zoning on 9.3 acres of the 234.78 acres, over the senior multi-family Lot No. 94, from A-2-1 (Heavy Agriculture-One Acre Minimum Required Lot Area) and A-2-2 (Heavy Agriculture-Two Acre Minimum Required Lot Area) to C-3-DP (Unlimited Commercial-Development Program); the approval of a conditional use permit (“CUP”) to ensure compliance with the requirements of hillside management, density-controlled development, development within an Significant Ecological Area (“SEA”), and onsite project grading; the approval of an oak tree permit to remove 162 oak trees (including 13 heritage oaks) and encroach into the protected zone of 52 oak trees (including six heritage oaks); and the approval of a discretionary housing permit to authorize up to a 50 percent density bonus for a senior citizen housing development, allow buildings up to 50 feet in height, and modified parking so that less than required parking spaces can be provided. A Final Environmental Impact Report (“Final EIR”) and Findings of Fact and Statement of Overriding Considerations (“Findings and SOC”) were also adopted as part of the project, with potentially significant effects of the project on geotechnical, hydrology/water quality, hazards, noise, air quality, biological resources, cultural resources, solid waste, utilities (electricity and natural gas), libraries and parks and recreation; and adverse impacts of the project on aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative) that could not be mitigated to less than significant. A Mitigation Reporting and Monitoring Program (“MMP”) in conjunction with the Final EIR identify compliance with measures adopted to mitigate or avoid potential adverse impacts to the environment.

### **Project Proponents**

The applicant (four speakers) and four speakers testified in favor of the project. A total of four letters in support of the project were received. Testimony included a presentation from the applicant outlining the history of the originally proposed project with the City of Santa Clarita, the proposed market-rate senior housing for active seniors, offsite access, annexation to the Valencia Water District, water analysis within the Draft EIR, 70 percent of the project will be open space dedicated to a public agency including trails, and preservation of the SEA. Testifiers and letters in support of the project noted the project’s provision of

dirt trails, offsite access options, and desire to retain horsekeeping abilities on the proposed single-family lots.

### **Project Opposition**

During the four public hearings held by the Regional Planning Commission, a total of 20 letters in opposition were received and 12 speakers in opposition to the project testified. Concerns raised in testimony included claims for offsite access via prescriptive easements, existing stock of senior citizen housing with specific mention of the number of senior citizen dwelling units approved and pending in the area, availability of amenities for senior citizens in the area, limited road access, fire facility not built, fire hazards, disturbance of ecological resources, removal of oak trees, request for bonding of all conditions by the applicant, slope failure in the Santa Clarita Area, water, availability, limited road access, removal of oak trees, future public services costs to be endured from fire fighting services,

### **Issues**

- Concerns regarding offsite access from neighboring property owners, Kantor and Speer. The applicant, and Kantor and Speer parties discussed various potential access routes, with the ultimate conclusion of three options:
  - Option 1: This access route would be through the subject property in the general vicinity of debris basin Lot No. 96 and through open space Lot No. 104. An access easement could be granted through the subject property, with environmental review, engineering design and ultimate construction the responsibility of the Kantor and Speer parties.
  - Option 2: Access rights may already exist along the northern property line of the subject property. Access rights through prescriptive easements however, would have to be established through legal means by the Kantor and Speer parties, and can be done at any time independent from the subject project.
  - Option 3: This access route would be through the northern Larwin development, and lies outside the boundaries of the subject project. Negotiations on the terms of access easement between Larwin and the Kantor and Speer parties were never finalized, and can be done at any time independent from the subject project. Engineering design and ultimate construction would be the responsibility of the Kantor and Speer properties.
  
- The Commission had raised concerns regarding the project's water source, status of the water report and preliminary annexation. The Commission added a condition to the vesting tentative tract and CUP requiring a current and valid water availability letter at various states of the development including prior to final map recordation and issuance of grading permits and building permits.
  
- At the end of the August 20, 2008 public hearing, the Commission discussed and the applicant agreed to:

- Disclose of future access through the subject property to all future homes buyers.
- Not restrict future horsekeeping activities on the property.
- Provision of transportation options for the senior development to be incorporated into the project.

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