

SUPPLEMENTAL REPORT TO THE HEARING OFFICER

DATE ISSUED: August 29, 2024

HEARING DATE: September 3, 2024 AGENDA ITEM: 3

PROJECT NUMBER: PRJ2020-000848 – (3)

PERMIT NUMBER(S): Minor Conditional Use Permit RPPL2020003011
Oak Tree Permit RPPL2020007766

SUPERVISORIAL DISTRICT: 3

PROJECT LOCATION: Sierra Creek Road, Agoura

OWNER: Kevin Considine

APPLICANT: Kevin Considine

CASE PLANNER: Tyler Montgomery, Principal Planner
Tmontgomery@planning.lacounty.gov

In response to the request included in the Hearing Officer’s Memo to Staff dated August 28, 2024, Staff has prepared draft findings for denial of the requested one-year time extension (EXHIBIT A-1). The action of the Hearing Officer is appealable to the Regional Planning Commission.

For questions or additional information, please contact Tyler Montgomery at tmontgomery@planning.lacounty.gov.

Report
Reviewed By: Rob Glaser
Robert Glaser, Supervising Regional Planner

Report
Approved By: M. Glaser
Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A-1	Denial Findings

**LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. 2020-000848-(3)
MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011
OAK TREE PERMIT NO. RPPL2020007766**

RECITALS

1. **PUBLIC MEETING DATE.** At a public meeting on September 3, 2024, the Los Angeles County (“County”) Hearing Officer considered a one-year time extension request for the use of Project No. 2020-000848-(3), consisting of Minor Conditional Use Permit No. RPPL2020003011 (“Minor CUP”) and Oak Tree Permit No. RPPL2020007766 (“OTP”). The MCUP and OTP are referred to collectively as the “Project Permits.”
2. **PROJECT HISTORY.** The Project Permits authorized the construction of a 1,996-square-foot single-family residence and a 325-square-foot accessory dwelling unit with encroachments into the protected zones of eight oak trees (“Project”) in the R-R-5 (Resort and Recreation — Five Acre Minimum Required Lot Area) Zone within the Santa Monica Mountains North Area Community Standards District. The Project was originally approved by the Hearing Officer at a duly noticed public hearing on May 3, 2022. The Project’s date of final approval was May 17, 2022, when the Project’s appeal period ended, and the Project Permits expired on May 17, 2024.
3. **TIME EXTENSION REQUEST.** The permittee, Kevin Considine (“Permittee”), requests a one-year time extension for the use of the Project Permits. The request states that the Permittee needs additional time to begin construction because they need approval from other County agencies before they can complete the County Building and Safety plan check process. The Permittee initiated the County Building and Safety plan check process on June 15, 2023, approximately 13 months after the Project’s date of final approval.
4. **CONDITION REGARDING EXPIRATION OF PROJECT PERMITS.** Condition 8 of the Project Permits states “This grant shall expire within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee **prior to such expiration date**” (emphasis added). However, the one-year time extension request was submitted on July 24, 2024, after the May 17, 2024, expiration date. Therefore, the one-year time extension request is not consistent with Condition 8 of the Project Permits.
5. **RECORDED AFFIDAVIT.** Pursuant to Condition 2 of the Project Permits, the Permittee signed an Affidavit of Acceptance stating “I am aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s)” on May 9, 2022. The Affidavit of Acceptance was recorded at the County Recorder’s Office on May 10, 2022. Therefore, the Permittee was aware of, and accepted, Condition 8 of the Project

Permits and knew that they had to submit the one-year time extension request prior to May 17, 2024, but they did not submit the request until July 24, 2024.

6. **ZONING CODE CONSISTENCY.** County Code Section 22.222.270.A states, in pertinent part, “If the permit or review is not used within the applicable time limit, the approval shall expire and become null and void.” County Code Section 22.222.270.B states “Except as specified otherwise, where an application requesting an extension is **timely filed prior to the expiration date**, the Hearing Officer may, one time, extend the time limit in Subsection A, above, for a period of not to exceed one year” (emphasis added). The one-year time extension request is not consistent with County Code Section 22.222.270 because it was submitted on July 24, 2024, after the May 17, 2024, expiration date.
7. **STAFF COMMUNICATION WITH PERMITTEE.** County Department of Regional Planning staff (“Staff”) informed the Permittee that Staff would recommend denial of the requested one-year time extension because it is not consistent with Condition 8 of the Project Permits and County Code Section 22.222.270. However, the Permittee chose to submit the one-year time extension request regardless.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The one-year time extension request is not consistent with Condition 8 of the Project Permits and County Code Section 22.222.270.
- B. Pursuant to Condition 2 of the Project Permits, the Permittee signed an Affidavit of Acceptance stating “I am aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s)” on May 9, 2022. The Permittee was aware of, and accepted, Condition 8 of the Project Permits and knew that they had to submit the one-year time extension request prior to May 17, 2024, but they did not submit the request until July 24, 2024.

THEREFORE, THE HEARING OFFICER:

1. Denies the one-year time extension request for the use of **MINOR CONDITIONAL USE PERMIT** **MINOR CONDITIONAL USE PERMIT NO. RPPL2020003011** and **OAK TREE PERMIT NO. RPPL2020007766**.

ACTION DATE: September 3, 2024

MG:RG:TM
08/29/24

c: Zoning Enforcement, Building and Safety