

SUPPLEMENTAL REPORT TO THE HEARING OFFICER

DATE ISSUED: September 5, 2024
HEARING DATE: September 17, 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

Staff has prepared draft findings for approval of the requested one-year time extension (EXHIBIT A-2) pursuant to the request made by the Hearing Officer at the September 3, 2024, public meeting.

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

Report
Reviewed By: *M. Glaser* for Robert Glaser
Robert Glaser, Supervising Regional Planner

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

LIST OF ATTACHED EXHIBITS

EXHIBIT A-2	Approval 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 DATES.** At public meetings on September 3, 2024, and September 17, 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 July 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.
5. **ZONING CODE PROVISIONS.** 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). However, the one-year time extension request was submitted on July 24, 2024, after the May 17, 2024, expiration date.

FINDINGS

1. **EXTRAORDINARY CIRCUMSTANCES.** Due to the continued effects of the COVID-19 pandemic, the Hearing Officer finds that the Permittee was unavoidably delayed in hiring contractors, in initiating the County Building and Safety plan check process, and in the review of the Project by County Building and Safety. The Permittee has been in the process of pursuing grading and building permits since the Project Permits' date of final approval on May 17, 2022. Although the one-year time extension request was submitted after the expiration date of May 17, 2024, and notwithstanding Condition 8 of the Project Permits and County Code Sections 22.222.270.A and 22.222.270.B, the Hearing Officer finds that these extraordinary circumstances warrant the time extension being approved.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. Notwithstanding Condition 8 of the Project Permits and County Code Sections 22.222.270.A and 22.222.270.B, granting the requested one-year time extension is warranted due to extraordinary circumstances regarding unavoidable delays faced by the Permittee.

THEREFORE, THE HEARING OFFICER:

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

ACTION DATE: September 17, 2024

MG:TM
09/05/24

c: Zoning Enforcement, Building and Safety