

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

[TR51644]

CONDITIONAL USE PERMIT NUMBER 92-074(5)

OAK TREE PERMIT NUMBER 92-074(5)

FIFTH SUPERVISORIAL DISTRICT/ 3-VOTE MATTER

Your Board recently conducted a hearing on the Planning Commission's approval of the above permits which seek to authorize development of a large scale mixed use project known as Tesoro Del Valle in the Bouquet Canyon Zoned District.

At the conclusion of the hearing your Board indicated an intent to approve the permits with revised conditions and instructed us to prepare the appropriate documents for your final approval. Attached are the necessary findings and conditions to implement your intended approval.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

By

RICHARD D. WEISS
Principal Deputy County Counsel

APPROVED AND RELEASED:

LLOYD W. PELLMAN
County Counsel

RDW/
Attachments

A:\CUP92074.LTR

FINDINGS OF THE BOARD OF SUPERVISORS

AND ORDER

CONDITIONAL USE PERMIT NO. 92-074(5)

OAK TREE PERMIT NO. 92-074(5)

1. The permittee proposes to create 898 single-family lots, 8 multi-family lots for development with 893 residential condominium units, 1 commercial lot, 1 school site, 2 park sites, 6 recreation lots, 1 fire station lot, 1 clubhouse site, 2 swim/racquet club lots, 1 interpretive center site, 1 sewer lift station lot, 5 water quality basin lots, 4 water tank sites, 46 landscape lots, 5 open space lots and 2 equestrian/rest area lots on 1,795 acres. The permittee further proposes to remove 34 qualifying oak trees and to encroach within the protected zones of 60 additional qualifying oak trees.
2. The subject property is located in San Francisquito Canyon and the adjacent hillsides and smaller canyons to the west, approximately ½ mile south of the Angeles National Forest, 2 miles east of Interstate 5 (Golden State Freeway) and 1 mile north of the City of Santa Clarita in the Bouquet Canyon Zoned District. San Francisquito Road runs along the eastern boundary of the site. Copper Hill Drive will be extended westerly from Seco Canyon Road across the southerly portion of the site.
3. The topography on the site varies from the relatively level area of the bottom of San Francisquito Canyon along the easterly project boundary to major and minor ridgelines with moderate to steep hillsides and small canyons in the central and western portions of the site. A high plateau exists on the westerly half of the northerly most planning area - Area C. Differences in elevation of 470 to 670 feet exist between San Francisquito Creek and the building pads in the central and northerly areas of the site.
4. The dominant vegetation is Chamise Chaparral, which covers approximately 1,250 acres of the subject property. Other sensitive plant communities and habitats on-site include Coastal Sage Scrub, Mainland Cherry Forest, Oak Woodland, Cottonwood Riparian and Mulefat Scrub. Various wildlife corridors, running north-south and east-west, both primary and secondary, cover the site.
5. The project site is primarily undeveloped. Rural dirt roads and fire roads exist on the site. Historically, portions of the site have been utilized for agricultural and ranch uses, mainly concentrated in the southeasterly portion of the property. Currently, about 110 acres of the site are used for agricultural purposes, mainly being dry farmed with barley crops. The remainder of the site has been predominantly undisturbed by urban uses. However, from time to time the Fire Department has implemented controlled burns for fuel reduction over this area.
6. Several structures and associated improvements currently exist on the site, including a ranch house, swimming pool, tennis courts, horse corrals, equipment storage sheds and a caretaker's residence adjacent to San Francisquito Canyon Road. The ranch house complex is determined to have potential for being a significant historical resource and will be preserved.
7. Approximately one-half mile from the project site is the Angeles National Forest. Land uses within the National Forest consist primarily of natural open space. South of the National Forest along San Francisquito Canyon are numerous residential properties and ranches, including horse stables and corrals. Vacant hillside land and the Wayside Honor Rancho are to the west and various urban projects under development are located to the south and southeast. The two closest projects are approved for a total of 1,402 single-family units, 577 multi-family units and 300,000 square feet of commercial. In addition, a Lockheed Aerospace facility is located approximately 1 mile south of the western edge of the project site which has been approved for an additional 3.5 million square feet of industrial development.
8. Vehicular access to the project site will be from San Francisquito Canyon Road and from the

proposed westerly and southerly extension of Copper Hill Drive currently under construction. A street system designed to serve the proposed development will be offered for dedication to the County.

9. The project has been designed to be constructed in four phases which coincide with four planning areas: A, B, C and D. The proposed phases will be based on the provision of infrastructure and upon market conditions. The permittee estimates that complete build-out will take 6 to 10 years.

10. The project proposes a total of 1,791 residential dwelling units. Residential development is proposed in each planning area as follows:

- Planning Area A (443.4 acres) - 659 single-family units and 893 multi-family units;
- Planning Area B (595.5 acres) - 122 single-family units;
- Planning Area C (668.7 acres) - 115 single-family units; and
- Planning Area D (87.4 acres) - 2 single-family units (estate lots).

11. Approximately one-half (898 dwelling units) of the proposed residences are located on single-family lots situated on 806.8 acres. Except for 5 estate lots and 237 custom lots in areas "B" and "C", the single-family lots range in size from 5,000 square feet to 7,000 square feet. The estate lots are 0.9, 1.2, 1.4, 5.0 and 20.7 acres in size. The custom lots in areas "B" and "C" range in size between 1.0 and 5.0 acres.

12. The remaining one-half (893 dwelling units) of the residential units are new condominiums located in three multi-family projects covering 42.6 acres in the southerly portion of the site. These projects are:

- a project for 159 dwelling units on 11.6 acres;
- a project for 380 dwelling units on 16.1 acres; and
- a project for 354 dwelling units on 14.9 acres.

13. A neighborhood commercial site of 6.2 acres located southerly of Copper Hill Road is proposed. The project will consist of a service station, a supermarket and retail shops. The total area of the proposed buildings is 40,000 square feet.

14. A swim and racquet club is proposed on 13.9 acres located in the northeast quarter of Area A. The club will consist of a clubhouse, tennis, volleyball and basketball courts and a swimming pool.

15. An interpretive center is proposed on 1.1 acres located adjacent to the swim and racquet club. This center converts an existing ranch house to a museum/interpretive facility to show cultural artifacts from the area. The permittee indicates that this center could be operated and maintained by the homeowners' association, a non-profit historical organization or the developer.

16. A future fire station is proposed on 4.3 acres located in the northerly portion of Area B. This site will be offered to the Fire Department to mitigate the fire hazards to the project.

17. An elementary school site is proposed on 10.8 acres located in the center of Area A. A second possible junior high school site is proposed on 14.4 acres located in the most southerly point of Area A. This second school site is an alternative to the 89 single-family lots currently shown for this area on the tentative tract map as detailed on the second sheet of the related Vesting Tentative Tract Map No. 51644. The project conditions require the permittee to offer this site to the appropriate school district. The site may only be developed for single-family lots if the school district determines that it is not interested in acquiring the site for a school.

18. Four water tank sites are proposed at various locations throughout the development.

19. Equestrian trails and rest areas are proposed throughout the development. These areas will be offered to the County Department of Parks and Recreation as public riding trails.

20. A 27.2-acre site within Planning Area D is proposed for development with soccer fields, baseball diamonds and other sports uses. This site is an elevated terrace surrounded by the floodplain of San Francisquito Creek. The permittee proposes to transfer control of the area to the Santa Clarita Youth Sports Association.

21. Approximately 621.5 acres, or 35 percent of the site will be left in substantially undeveloped natural open space. These areas will be owned and maintained by the homeowners' association. This excludes non-graded natural areas shown within lots in Areas B and C.

22. An additional 197.1 acres of the site will be developed as active parks, recreational areas, passive parks, landscaping, water quality basins, and manufactured slopes. The parks will be dedicated to the homeowners' association as private parks. All other areas will be owned and maintained by a homeowners' association, landscape maintenance district, public agency or non-profit organization.

23. A total of 16.6 million cubic yards of grading, including cut and fill slopes up to 140 feet in height, is proposed on approximately 1,023 acres of the 1,795 acre site.

24. The pre-existing zoning on the subject property is A-2-2 (Heavy Agriculture). This zone permits agricultural and other rural uses, including residential, with a minimum lot area of 2 acres. Based on the pre-existing zoning, the maximum allowable build out of the project site would be fewer than 900 dwelling units. Surrounding zoning is A-2-2, RPD-5,000-5U and A-2-5. A request to re-zone the abutting property to the southwest from A-2-5 to RPD has been filed with the Department of Regional Planning.

25. The Board of Supervisors concurrently considered a change of zone on 475.3 acres of the 1,795 acre project site as follows:

- RPD-20,000-2.8U (Residential Planned Development - 20,000 square feet minimum lot area - 2.8 dwelling units per acre);
- RPD-12,000-3.7U (Residential Planned Development - 12,000 square feet minimum lot area - 3.7 dwelling units per acre);
- R-3-14U-DP (Limited Multiple Residence - 14 dwelling units per acre-Development Program);

- R-3-24U-DP (Limited Multiple Residence - 24 dwelling units per acre-Development Program);
- C-2-DP (Neighborhood Business - Development Program); and
- OS (Open Space).

The remaining 1,319.7 acres will retain the current A-2-2 zoning.

26. This conditional use permit is required:

- to ensure compliance with hillside management and Significant Ecological Area design review criteria;
- to allow residential planned development for 658 single-family lots on the 394.1 acres of the site proposed to be zoned RPD;
- to allow a density controlled development for 240 single family lots on the 1,319.7 acres of the site zoned A-2-2;
- to allow the development of 3 new condominium developments containing 893 multi-family dwelling units on the 45.4 acres of the site proposed to be zoned R-3-DP;
- to allow the development of a neighborhood commercial center on the 6.2 acres of the site proposed to be zoned C-2-DP;
- to allow athletic fields and other related sports activities on 29.6 acres of the site proposed to be zoned OS (Open Space);
- to allow one, and a possible second, school site in the proposed RPD Zone;
- to allow a fire station and water tanks in the A-2-2 Zone;
- to allow a swim and racquet club, an interpretive center and equestrian uses in the proposed RPD Zone.

27. Tentative Tract Map No. 51644 has been concurrently approved to allow for the creation of 898 single-family lots, 8 multi-family lots for development with 893 residential condominium units, 1 commercial lot, 1 school site, 2 park sites, 6 recreation lots, 1 fire station lot, 1 clubhouse site, 2 swim/racquet club lots, 1 interpretive center site, 1 sewer lift station lot, 5 water quality basin lots, 4 water tank sites, 46 landscape lots, 5 open space lots and 2 equestrian / rest area lots on the subject property.

28. The findings of the Board of Supervisors with respect to Vesting Tentative Tract Map No. 51644 are incorporated herein by this reference and made a part hereof as if set forth in full.

29. The project design, as modified by this conditional use permit, complies with the standard requirements of the proposed zones.

30. The subject property was previously depicted within the Non-urban (hillside management), Low Density Residential (1-6 du/ac) and Significant Ecological Area categories of the Countywide General Plan; and within the Urban 1 (up to 3.3 du/ac), Non-urban 1 (0.5 du/ac), Hillside Management and SEA/Floodway categories of the Santa Clarita Valley Areawide Plan.

31. On December 21, 1998, the Board of Supervisors approved Sub-Plan Amendment No. 92-074 to amend the land use policy maps of the Countywide General Plan and the Santa Clarita Valley Areawide Plan to change the pre-existing land use designations of the site as follows:

Countywide General Plan - on approximately 329.4 acres of the site from Low Density Residential (1-6 du/ac) to Medium Density Residential (12 to 22 du/ac); from Rural (up to 1 du/ac) to Low Density Residential and Medium Density Residential; and from SEA to Open Space.

Santa Clarita Valley Areawide Plan - on approximately 447.7 acres from U1 (1.1 to 3.3 du/ac) to commercial and open space; from U1 to U2 (3.4 to 6.6 du/ac), U3 (6.7 to 15 du/ac) and Open Space; from Hillside Management and N1 (max. of .5 du/ac) to U1, U2, U3 and U4 (15.1 to 40 du/ac); and from SEA/Floodplain Management to Open Space.

32. Approximately 103 acres of the site lie within the floodplain of San Francisquito Creek and are designated by the General Plan as Significant Ecological Area (SEA) No. 19. This SEA was established to preserve San Francisquito Canyon as a movement corridor for the unarmored threespine stickleback, a state and federally listed endangered species. The related plan amendment, as approved by the Board of Supervisors on December 21, 1998, redesignated 29.6 acres of the SEA as Open Space. A conditional use permit is required to ensure compliance with SEA design review criteria.

33. This is a hillside project since the subject property exhibits natural slopes of 25 percent or greater. A conditional use permit to ensure compliance with hillside management design review criteria is required since the 240 dwelling units proposed in the non-urban hillside portion of the project exceeds the low density threshold of 107 dwelling units. Although residential development in the urban hillside portion of the site does not exceed the mid-point threshold, the conditional use permit also covers the urban hillsides.

34. It is the intent of the Conditional Use Permit to protect the resources in the hillside management areas as specified in the County General Plan from incompatible development, which may result in or have the potential for environmental degradation and/or destruction of life and property. It is not the purpose of the hillside management conditional use permit to preclude development within hillside areas but to ensure, to the extent possible, that such development maintains and where possible enhances the natural topography, resources and amenities of the hillside management areas while allowing for limited controlled development therein.

35. The proposed project and the provision for its design and improvements are consistent with the goals and policies of the General Plan, since it is in substantial compliance with the general conditions for development in hillside areas, including hillside performance review criteria, and for development in Significant Ecological Areas in that:

A. Hillside Management areas.

- (1) The proposed project is located and designed so as to protect the safety of current

and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, or erosion hazard;

(2) The proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;

(3) The proposed project is compatible with the natural biotic, cultural and scenic resources of the area;

(4) The proposed project design adequately mitigates problems of public safety, design and environmental considerations as provided in the General Plan for proposed developments in urban and non-urban hillsides;

(5) The proposed project is conveniently served by neighborhood shopping, and community facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan; and

(6) The proposed project has the necessary provision for open space areas since a minimum of 70 percent of the area within the non-urban portion of the site and 25 percent of the area within the urban portion of the site will be retained in a natural or open condition.

B. Significant Ecological Areas.

(1) The proposed project will not have the potential for, nor result in the degradation of the biotic resources present in the affected ecological area;

(2) The requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state;

(2) The design of the project will permit the movement/migration of wildlife, where applicable, in an undisturbed and natural state;

(3) Sufficient natural vegetation and open space will be retained to effectively buffer critical resource areas from said requested development;

(4) Where necessary, fences or walls are to be provided to buffer important habitat areas from development; and

(5) Roads and utilities serving the project will be designed so as not to conflict with critical resources, habitat areas or migratory paths of wildlife within the affected Significant Ecological Area.

36. The proposed project is consistent with the economic portion (Urban Services Analysis) of the Development Monitoring System, since adequate water service is assured following the completion of capital improvements and acquisition of full entitlements due the Water Company serving the site. Sewage discharge will not exceed the Sanitation District's future planned capacity.

Cumulative impacts on school and fire services were identified during processing. The applicant has agreed to participate in school and fire station financing, thus providing the necessary mitigation measures to reduce impacts on school and fire services. In addition, a 4.3 acre site has been reserved within the project for a future fire station. These services and necessary mitigation measures were evaluated as part of the environmental analysis and the resultant environmental document.

37. The proposed project is consistent with the social portion of the Development Monitoring System because adequate road service will be available and commercial and employment facilities are, or will be located in close proximity. Although cumulative impacts on road service were identified during initial processing, the applicant has agreed to participate in appropriate road improvements thus providing the necessary mitigation measures to reduce road service impacts. The road service was evaluated as part of the environmental analysis and the resultant environmental document, and the proximity to commercial and employment facilities was evaluated as part of the field investigation and/or general plan evaluation.

38. The proposed project is consistent with the environmental portion of the Development Monitoring System since there are no significant geotechnical, flood hazard, or fire impacts and the project does not affect publicly held or privately dedicated open space, as shown in the County General Plan. Natural resource impacts (biota) were identified during processing. Mitigation measures were evaluated and proposed as part of the environmental analysis and the resultant environmental document.

39. The proposed development, in summary:

- avoids premature conversion of undeveloped land to urban use;
- promotes a distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;
- directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslide areas and fire hazard areas;
- encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
- ensures that new development in urban expansion areas will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates; and
- focuses intensive urban uses in an inter-dependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities.

40. This is a density controlled development in that the required lot areas within the A-2-2 zone are averaged over the entire zone. In this case, the permittee proposes 240 single-family lots on 1,319.7 acres, or a average of 5.50 acres per residential lot. This average exceeds the 2 acres of gross area required by the A-2-2 Zone.

41. The proposed development within the A-2-2 zone conforms to the design criteria established

for density controlled developments, in that:

- a. the open space lots will either be held in common by all lot owners and will be maintained by the homeowners' association or dedicated to an appropriate public agency;
- b. all dwelling units will be single-family residences;
- c. the location, separation and height of the proposed residences are compatible with development in the surrounding areas; and
- d. a landscaping plan is required prior to the issuance of any building permits.

42. The Board of Supervisors has reviewed the general burden of proof submitted by the applicant for a conditional use permit, and the special burdens of proof for hillside, SEA and density controlled developments.

43. The site is physically suitable for the type of development and the density being proposed, since the property has adequate building sites, to be developed in accordance with the Grading Ordinance; has access to a County-maintained street; shall be served by sanitary sewers and septic systems (for 3 estate lots), to be installed in accordance with the requirements of the Department of Health Services; shall be provided with water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs; and shall have flood hazard and geologic hazards mitigated in accordance with the requirements of the Department of Public Works.

44. The access to this project is adequate for the needs of the future residents and for the deployment of fire fighting and other emergency equipment in emergency situations.

45. A traffic study analyzing the potential traffic impacts of this project was prepared by the applicant and approved by the Department of Public Works. Mitigation measures are incorporated into the conditions of approval for this project.

46. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Forester and Fire Warden, Parks and Recreation, Health Services and Regional Planning.

47. The Oak Tree Report prepared for the project by Sapphos Environmental identifies and evaluates a total of 230 mature oak trees measuring greater than 6 inches in diameter on-site. Among the mature oak trees are 14 heritage oaks. Heritage oak trees are those with trunk diameters greater than 36 inches, measured 4 ½ feet above the ground.

48. The Forester and Fire Warden reviewed the oak tree report and provided his recommendations. As approved, this oak tree permit authorizes the removal of 34 trees provided replacement trees are provided on a two to one basis. The grant also allows encroachment within the protected zone of 60 oak trees.

49. The removal of the 34 oak trees and encroachment into the protected zone of 60 other oak trees is necessary to allow for the construction of proposed streets, building pads and other related improvements.

50. The proposed construction or use will be accomplished without endangering the health of the remaining trees on the property.
51. The necessary drainage improvements for soil erosion control will be designed in accordance with the standards of the Department of Public Works as conditioned for tract map approval.
52. The permittee has been conditioned to comply with all general and special mitigation measures outlined in the oak tree report.
53. The trees to be removed shall be replaced with 15-gallon or larger oak trees on a 2:1 ratio.
54. Approval of these permits is conditioned upon the permittee's compliance with the attached conditions of approval, and compliance with the conditions of Vesting Tentative Tract Map No. 51644. The mitigation measures contained in the Final Environmental Impact Report are incorporated into the conditions of approval for these permits. The Mitigation Monitoring Plan adopted in connection with the Final Environmental Impact Report identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.
55. An Environmental Impact Report for the project has been prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles (County CEQA Guidelines). The Final Environmental Impact Report consists of the Draft Environmental Impact Report (DEIR) dated October, 1995, the Technical Appendices to the DEIR dated October, 1995, the Final Environmental Impact Report dated December, 1996, and the Additional Environmental Information For Inclusion In Final EIR For Revised Tesoro del Valle Project dated October 1998 (collectively referred to as the "FEIR"). The report contains a conceptual description of the project, documents the project's potential impacts, and identified mitigation measures which will be implemented as a part of the project. A Mitigation Monitoring Plan consistent with the conclusions and recommendations of the FEIR has been prepared and its requirements have been incorporated into the conditions of approval for this project.
56. The Board of Supervisors has independently reviewed and considered the FEIR and it reflects the independent judgment of the County. As stated in the FEIR and the Findings of Fact and Statement of Overriding Considerations Regarding the Final Environmental Impact Report, implementation of the project will result in specifically identified significant effects upon the environment. However, except for adverse effects upon air quality, biota, traffic, the aesthetic/visual character of the project site and police services which cannot be found to be completely mitigated, such specifically identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the FEIR and incorporated as conditions for these permits and the related vesting tentative tract map.
57. With respect to the adverse effects upon air quality, biota, traffic, the aesthetic/visual character of the project site and the potential impact on police services which cannot or may not be adequately mitigated, the Board of Supervisors determines that the substantial benefits resulting from implementation of the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings of Fact and Statement of Overriding Considerations, which findings and statement of overriding considerations are incorporated herein by reference, as if set forth in full.

58. The Mitigation Monitoring Plan prepared in connection with the FEIR identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project to the environment is ensured.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

A. The proposed uses will not be in substantial conflict with the adopted General Plan for the area.

B. The requested uses at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, other development features prescribed in the ordinance, or as otherwise required in order to integrate said uses with the uses in the surrounding areas.

D. The proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and
2. By other public or private service facilities as are required.

E. The proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, and open space resources of the area.

F. The proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area.

G. The proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan, as amended.

H. The proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents.

I. The proposed development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.

J. The requested development is designed to maintain water bodies, watercourses and their tributaries in a natural state.

K. The proposed development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

L. The proposed development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.

M. Where necessary, fences or walls are provided to buffer important habitat areas from development.

N. Roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

O. The removal of the 34 oak trees is necessary for development reasons as continued existence of the trees at their present location frustrates the planned improvements or proposed use of the subject property;

P. The possible encroachment upon the protected zone of 60 other oak trees is necessary since they are within the path or alignment of certain improvements proposed for the development of the project;

Q. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive;

R. The removal of the 34 oak trees and possible encroachment upon the protected zone of the 60 oak trees will not result in soil erosion through the diversion of increased flow of surface waters which cannot be satisfactorily mitigated; and

S. The removal of the oak trees and encroachment into the protected zone of other oak trees will not be contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Approves the FEIR for the project, certifies that it has reviewed and considered the environmental information contained in the document, certifies that the FEIR has been completed in compliance with the California Environmental Quality Act and the State and County Guidelines relating thereto and reflects the independent judgment of the Board of Supervisors as to the environmental consequences of the project, determines that the conditions of approval and mitigation measures discussed in the FEIR and the conditions of project approval are the only mitigation measures for the project which are feasible, determines that the remaining unavoidable environmental effects of the project have been reduced to the extent possible and to an acceptable level and are outweighed by specific social, economic and environmental benefits of the project, adopts the statement of overriding considerations and environmental findings as set forth in the Findings of Fact and Statement of Overriding Considerations prepared for the project;

2. Approves and adopts the Mitigation Monitoring Plan for the proposed project, incorporated in the FEIR, and pursuant to Section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation; and

3. Approves Conditional Use Permit and Oak Tree Permit No. 92-074, subject to the attached

conditions.

CUP92074.LTR

CONDITIONS FOR APPROVAL

CONDITIONAL USE PERMIT NO. 92- 074(5)

OAK TRE PERMIT NO. 92-074(5)

A. GENERAL CONDITIONS (These conditions are applicable throughout the entire project unless otherwise specified.)

1. This grant authorizes the development of the 1,795 acres project site with 898 single-family lots, 3 multi-family development projects containing a total of 893 residential condominium units, neighborhood commercial development, school sites, 2 park sites, a fire station, a clubhouse, a swim and racquet club, an interpretive center, a sewer lift station, water quality/retention basins, 4 water tank sites, equestrian rest areas, equestrian trails, athletic fields, recreational sites, landscape/paseo lots and open space lots. This grant further authorizes the removal of 34 oak trees and encroachment into the protected zones of an additional 60 oak trees.
2. This permit shall not be effective for any purpose until a duly authorized representative of the property involved has filed at the office of the Department of Regional Planning his affidavit stating that he is aware of, and accepts all the conditions of this permit.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
4. If any provision of this permit is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this permit that if any condition hereof is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
7. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant, and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
8. If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee may be required to reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, or related discretionary project approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

10. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall, within ten days of the filing, pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by permittee according to Los Angeles County Code Section 2.170.010.

11. Unless this grant is used within the time specified, the grant will expire. The time limit for use of this grant shall be the same and concurrent with the time limit for related Vesting Tentative Tract Map No. 51644.

12. This grant shall not be effective until the adoption and effectiveness of an ordinance changing the zoning of a portion of the property from A-2-2 to RPD-20000-2.8U, RPD-12000-3.7U, R-3-14U-DP, R-3-24U-DP, C-2-DP and OS as recommended under Zone Change No. 92-074.

13. The subject property shall be developed and maintained in substantial compliance with the exhibit map on file with the Department of Regional Planning marked Exhibit "A." Amended or revised tentative tract maps approved for Tract Map No. 51644 shall be deemed to establish lot lines for a revised Exhibit "A" and, may at the discretion of the Director of Planning, constitute a revised Exhibit "A." In the event that subsequent revised plans are submitted, the written authorization of the property owner is required.

14. The total number of residential units shall not exceed 1,791.

15. All development shall comply with the requirements of the Zoning Ordinance and the specific zoning of the subject property except as specifically set forth in this permit, including the approved Exhibit "A", or as otherwise authorized by a plot plan or revised Exhibit "A" approved by the Director of Planning.

16. The project and the related infrastructure shall be developed in compliance with the conditions of related Vesting Tentative Tract Map No. 51644.

17. This project may be developed in phases. Prior to the issuance of grading or building permits, submit a phasing plan indicating the sequence of grading and the construction of the infrastructure and buildings to the department for review and approval.

18. Prior to the issuance of building permits for a specific phase of this development, a final grading plan covering the subject area shall be submitted to the Department of Public Works for approval and a copy sent to the Director of Regional Planning.

19. Prior to the issuance of a grading permit or building permits for a phase of this development, site plans covering the subject area shall be submitted to and approved by the Planning Director indicating that the proposed construction and grading:

- a. complies with the conditions of this grant and the standards of the zone; and
- b. is compatible with hillside resources.

In hillside areas the site plan shall emphasize grading amount and technique, preservation of natural features, landscaping of altered open space and graded slopes, and the placement of buildings and structures on-site. Other features to be indicated on all site plans include, but are not limited to, fencing, walls, landscaping, parking, driveways, building setbacks and building elevations.

20. All graded slopes (cut and fill) shall be revegetated. Three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Planning Director before issuance of a building permit. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

In addition to the review and approval by the Director of Planning, the landscaping plans will be reviewed by the staff biologist of the Department of Regional Planning and the Los Angeles County Fire Department. Their review will include an evaluation of the balance of structural diversity (e.g. trees, shrubs and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements. The landscaping plan shall show size, type and location of all plants, trees and watering facilities. The landscaping shall be maintained in compliance with the approved plans.

The landscaping plan must show that at least 50 percent of the area covered by landscaping will be native vegetation, including not only trees, but shrubs and ground covering as well. However, if the applicant can prove to the satisfaction of staff that a 50 percent or more native planting is not possible due to County fire safety requirements, then staff may determine that a lower percentage of native planting is required. In those areas where staff approves a reduction to less than 50 percent native vegetation, the amount of native planting required shall be at least 30 percent. The landscaping will include trees, shrubs and ground covering at a mixture and density determined by staff and the fire department. Fire resistant plants should be given first consideration.

Permitted Plantings Trees, shrubs and ground coverings native to the region may be used for the required 50 percent native landscaping. Fire resistant and native plants that may also be used for the required 50 percent native landscaping can be found on the list

compiled by the Los Angeles County Fire Department, on file at the Department of Regional Planning, marked Exhibit "C". This list may be amended as approved by staff.

Timing of Planting. Prior to the issuance of building permits for any construction the applicant shall submit a landscaping and phasing plan for the landscaping associated with that construction to be approved by the Director of Planning. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin at the time of occupancy of each building. The required planting of new trees, shrubs and ground coverings shall be completed within six months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within eighteen months following completion of the required planting. The applicant shall supply information for staff review of the completed landscaping at such time to confirm completion in accordance with the approved landscaping plan. In the event that some plants have not flourished, at the time of review, staff may require replacement planting as necessary to assure completion in accordance with such plan.

21. Open space shall comprise not less than 70 percent of the net area of the residential development in the non-urban hillside management area of the project, and not less than 25 percent of the net area of the residential development in the urban hillside management area of the project. Such open space may include undisturbed natural areas; open space for passive recreation; the portions of private yards outside the building pads as depicted on the Exhibit "A;" parks and open recreational areas; riding, hiking and bicycle trails; landscaped areas adjacent to streets and highways; greenbelts; and areas graded for the rounding of slopes to contour appearance.

22. Any adjustment to lot lines shall be to the satisfaction of the Department of Regional Planning.

23. No structure shall exceed a height of 35 feet above finished grade, except for chimneys and rooftop antennas, as defined by Section 22.08.080 of the Los Angeles County Code (Zoning Ordinance)

24. The distance between buildings shall not be less than ten (10) feet.

25. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

26. The location, size, number, and copy of all signs on the subject property shall be subject to the approval of the Director of Planning. In addition, temporary advertising signs shall be permitted as provided by the Los Angeles County Code.

27. Provisions shall be made for all natural drainage to the satisfaction of the Director of Public Works. Drainage and grading plans shall be submitted to the Director of Public Works for approval prior to grading. A final approved grading plan which conforms to the approved Exhibit "A" shall be submitted to the Department of Regional Planning prior to grading.

28. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m. No Saturday, Sunday or holiday operations are permitted.

29. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Planning and the Director of Public Works.
30. On-site grading shall be limited to that which is necessary to construct roads and building pads as shown on the approved Exhibit "A."
31. The applicant or his successor shall, upon commencement of any activity allowed by this permit, diligently pursue all grading to completion.
32. Detonation of explosives or any other blasting device or material shall be prohibited unless required permits have been obtained.
33. All vehicles shall be maintained in compliance with the requirements of the South Coast Air Quality Board for vehicle emissions.
34. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
35. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this permit. Additionally, any flagmen requested by said department shall be provided and any other recommendations of said department shall be strictly complied with.
38. Complete or guarantee completion of all street improvement requirements to the satisfaction of the Department of Public Works before obtaining building permits.
39. All construction and development within the subject property shall comply with applicable provisions of the County Building Code, including its grading and excavation provisions, and the various related Mechanical, Electrical, Plumbing Fire Codes and the Subdivision Code as currently adopted by the County of Los Angeles.
40. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
41. In the event of such extraneous markings occurring, the permittee is to remove or cover said markings, drawings, or signage no later than 72 hours after occurring. The only exception shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
42. The applicant shall utilize water-saving devices and technology in the construction of this project to the extent feasible and consistent with Los Angeles County Building and Plumbing Code.
43. All new utilities (electric and telephone) shall be placed underground, except where otherwise required by the utility purveyor.
44. The permittee shall secure any necessary permits from the South Coast Air Quality Management District.
45. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be

provided to the satisfaction of said departments.

46. The applicant shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine facilities that may be necessary to protect the property from fire hazard. Water mains, fire hydrants, and fire flow shall be provided as may be required.

47. The permittee shall participate in an appropriate financing mechanism to provide funds for fire protection facilities required by new residential development in an amount proportionate to the demand created by this project.

48. Building permits shall not be issued until the subject property has been annexed to the appropriate sanitation district or districts and adequate sewage treatment capacity is available to serve this project as determined by the urban service analysis ("DMS") for this project, or alternative sewage disposal facilities acceptable to the Department of Health Services and the Department of Public Works are available to serve the project.

49. The covenants, conditions and restrictions governing the common areas and their administration shall be in compliance with all applicable statutes, and subject to the approval of the Director of Planning.

50. In conformance with the tract conditions, the permittee shall dedicate any necessary right-of-way for abutting streets and street extensions through the subject property, and shall install all street and lighting improvements to the satisfaction of the Department of Public Works.

51. The permittee shall, prior to commencement of the non-residential uses authorized by this grant, deposit with the County of Los Angeles the sum of \$1,500.00. Such fees shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine permittee's compliance with the conditions of approval. The above fees provide for biennial inspections covering the life of the grant.

52. In order to mitigate library impacts, the permittee or his successor in interest, shall contribute \$ 569.87 per dwelling unit to the County Librarian, prior to issuance of building permits.

53. In order to mitigate school impacts, the permittee or his successor in interest, shall comply with the terms and conditions of the School Facilities Funding Agreements between the permittee and the William S. Hart Union High School District and the Saugus Union School District.

54. The permittee shall develop and implement a Regional Water Quality Control Board approved Storm Water Pollution Prevention Plan during the site development. Best Management Practices ("BMP"s) are to be utilized, as required, to facilitate the removal of pollutants from storm runoff prior to discharge into San Francisquito Creek, and to meet the water quality management requirements of the General Permit (NPDES). This plan shall include the construction of on-site water quality filters and or basins. Once constructed, the water filters and or basins shall be turned over to the Department of Public Works for the operation, maintenance and monitoring of such facilities.

55. The applicant shall provide a statement from the water purveyor indicating that it will provide water service for the land division prior to the issuance of grading permits or final map recordation, whichever occurs first.

56. Prior to the issuance of building permits in each phase of development, the permittee shall comply

with the traffic mitigation measures indicated in the attached memorandum dated October 1, 1998, from the Traffic and Lighting Division of the Department of Public Works to the satisfaction of the Department of Public Works. Those requirements are incorporated herein.

B. SINGLE-FAMILY LOTS (The following additional conditions relate to the single-family lots only unless otherwise specified.)

57. Except for the estate lots, the minimum net area of all single-family lots shall be that shown in the lot summary tables on the approved Exhibit "A." The area of the individual lots may be adjusted provided the minimum net area and the average net lot area for each group is maintained at 95 percent of that specified.

58. The minimum gross area of all estate lots shall be 1 acre. The area of individual lots shall be approximately that shown on the lot summary tables.

59. The single-family lots located in the A-2-2 Zone are approved as a density controlled project in which lot area may be averaged over the entire zone. The associated tract map, Vesting Tentative Tract Map No. 51644, may record in phases as separate final maps, provided that each final map by itself, or in conjunction with previously recorded final maps, has incorporated sufficient open space, park area or large residential lots so that the average gross area of all recorded lots in the A-2-2 Zone equals or exceeds 2 acres.

60. The single-family lots located in the RPD zones are approved pursuant to Section 22.20.460 of the Zoning Ordinance. Associated Vesting Tentative Tract Map No. 51644 may record in phases as separate final maps, provided that each final map by itself, or in conjunction with previously recorded final maps, has incorporated sufficient open space to comprise not less than 30 percent of the net area of all recorded lots in the RPD zones.

C. EQUESTRIAN AREAS AND RIDING AND HIKING TRAILS (The following additional conditions relate to the hiking and equestrian trails and to the equestrian rest area in Area A only.)

61. The public hiking and equestrian trail and the equestrian rest area required to be dedicated to the County on Vesting Tentative Tract Map No. 51644 shall be improved to the satisfaction of the Department of Parks and Recreation.

62. All other trails developed on the subject property shall be owned and continuously maintained in good condition by the homeowners' association or a landscape maintenance district.

63. The equestrian rest area in Area A (Lot 1715) shall contain only those facilities for the temporary resting and watering of horses. Horses shall not be permitted to remain in this rest area overnight. Provide for the continued enforcement of this restriction by the homeowners' association.

D. OPEN SPACE LOTS, LANDSCAPED LOTS, PARK SITES, WATER TANK SITES, WATER QUALITY BASINS, FIRE STATION SITE, SCHOOL SITE(S) AND SEWER LIFT STATION (The following additional conditions relate to these areas/uses only unless otherwise specified.)

64. Provide for the ownership and maintenance of open space lots, landscaped lots, park sites, water tank sites, water quality basins and the sewer lift station by:

- a. a homeowners' association;

b. a landscape maintenance district;

c. dedication/conveyance to a public agency; or

d. conveyance or lease to a non-profit organization for recreational purposes (Lots 1712 and 1713 only). In the event of a default on the lease, the property shall be conveyed to the California State Trust (administered by the Attorney General) for reappointment of a replacement organization.

65. The open space lots shall remain in a natural and undisturbed condition, except as required by the Fire Department.

66. Offer the area shown as lots 1 through 89 to the William S. Hart Union High School District for a junior high school site. Submit documentation from the Hart School District indicating it is not interested in acquiring the site prior to recording a final tract map creating the single-family lots. If appropriate, the development of this area as a school site is authorized by this permit.

67. The development of Lots 1712 and 1713 for athletic fields, including related structures and buildings, as depicted on the approved Exhibit "A," is subject to the submittal and approval by the Planning Director of a detailed site plan.

E. SWIM AND RACQUET CLUB (INCLUDING CLUBHOUSE) AND INTERPRETIVE CENTER (The following additional conditions relate to the swim and racquet club and the interpretive center only.)

68. The swim and racquet club, including the associated facilities and grounds, shall be owned and maintained by the homeowners' association.

69. The swim and racquet club shall service the residents of the project only and shall not be operated as a commercial business.

70. Outside acoustical devices or amplified sound shall not be allowed between the hours of 11 p.m. and 8 a.m.

71. Outdoor lighting for the racquet and tennis courts shall not operate later than

11 p.m.

72. The sale or consumption of alcoholic beverages on-site will require the separate application for, and approval of, a conditional use permit authorizing such use.

73. The interpretative center, consisting of an adobe house, three other adobe structures and one wood-frame structure, is authorized as a non-profit enterprise only, with any fees collected to be used for the development and maintenance of the facility.

74. As provided in that certain Memorandum of Understanding between the applicant, the Santa Clarita Valley Historical Society and the William S. Hart Union School High School District ("MOU"), which agreement is attached hereto and incorporated herein by this reference:

a. Lot 672, containing the interpretative center, shall be conveyed to the Historical Society;

b. the interpretative center shall be jointly maintained and administered by the Historical Society and the School District in accordance with a preservation plan approved by the State Preservation Office; and

c. if the Historical Society is unable to continue ownership of the center, ownership shall be conveyed to the School District, the City of Santa Clarita, or the State of California Trust (administered by the Attorney General).

No building permits shall be issued until all of the "Definitive Agreements" as defined in the MOU have been executed by all required parties.

75. Prior to the issuance of building or grading permits, submit a parking plan, or incorporate parking information into the required site plan, showing the correct number of parking spaces for the proposed facilities as required by Chapter 22.52, Part 11 of the Zoning Ordinance.

76. The required parking for the interpretative center shall be contained on-site (within the boundary of Lot 672) or obtain the required parking permit.

77. Prior to the issuance of building permits or the conversion of the existing building to the proposed use, submit a sign program, or incorporate sign information into the required site plan, showing that the proposed signage for the facilities comply with Chapter 22.52, Part 10 of the Zoning Ordinance.

F. COMMERCIAL PROJECT (The following additional conditions relate to the commercial project (Lot 669) only.)

78. This permit authorizes the development of Lot 669 for development with a service station, market and retail stores in accordance with the site plan on file with the Department of Regional Planning.

79. Prior to the issuance of building or grading permits, submit a parking plan, or incorporate parking information into the required site plan, showing the correct number of parking spaces for the proposed commercial use as required by Chapter 22.52, Part 11 of the Zoning Ordinance.

80. Prior to the issuance of building permits, submit a sign program, or incorporate sign information into the required site plan, showing that the proposed signage for the retail uses comply with Chapter 22.52, Part 10 of the Zoning Ordinance.

81. The sale or consumption of alcoholic beverages on-site will require the separate application for, and approval of, a conditional use permit authorizing such use.

G. NEW RESIDENTIAL CONDOMINIUM PROJECTS - LOTS 659-664, 696, AND 713 (The following additional conditions relate to the new residential condominium projects only unless otherwise specified.)

82. A maximum of 159 residential units is allowed for the multi-family project on Lots 659-664.

83. A maximum of 380 residential units is allowed for the multi-family project on Lot 696.

84. A maximum of 354 residential units is allowed for the multi-family project on Lot 713.

85. The driveway paving in each project shall be maintained at 36 feet in width on the main driveways and 26 feet (or greater) on all other driveways.

86. All driveways which are less than 36 feet in width shall be posted with "No Parking - Fire Lane" signs. The parking restriction shall be actively enforced by the homeowners' association.

87. The homeowners' association shall actively maintain in good condition all common areas, including the driveways and all lighting along walkways.

H. OAK TREE REMOVAL/ENCROACHMENT (The following additional conditions relate to the removal and/or encroachment into the protected zones of oak trees)

88. The term "Oak Tree Report" refers to the document on file at the Department of Regional Planning, by Marie Campbell, the consulting arborist, dated October 25, 1994, and bearing Job Number 2.0 1004-003.

89. The term "protected zone" refers to the area extending five-feet beyond the dripline of the oak tree (before pruning) or 15 feet from the trunk, whichever is greater.

90. This grant allows the removal of 34 trees of the Oak genus identified as Tree Numbers 7, 9, 10, 11, 13, 15, 17, 21, 23, 25, 27, 29, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, and 213 on the permittee's Site Plan and Oak Tree Report.

91. The permittee shall provide replacement trees of the Oak genus at the rate of two trees for each tree removed.

92. Each replacement tree shall be at least 15-gallon specimen in size, and measure one inch or more in diameter one foot above the base.

93. Where feasible, replacement trees shall consist of indigenous varieties grown from a local seed source.

94. Replacement trees shall be planted within one year of removal in the locations indicated in the Replacement Planting Plan approved by the County Forester.

95. The permittee shall properly maintain each replacement tree and shall replace any such tree failing to survive in perpetuity with a tree meeting the specifications set forth above.

96. This grant allows encroachment within the protected zone of 60 trees of the Oak genus identified as Tree Numbers 11, 12, 14, 16, 18, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 59, 73, 75, 77, 79, 81, 83, 87, 89, 91, 98, 99, 100, 102, 104, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 147, 157, 159, 161, 163, 165, 167, 169, A1, A2, A3, and A4 on the permittee's Site Plan Map and Oak Tree Report.

97. Should work on or within the protected zone result in the death of any oak tree within two years of completion of work, the tree shall be replaced and maintained as set forth in the conditions of this grant regarding replacement trees.

98. All work on or within the protected zone of an oak tree shall be performed by or under the supervision of the consulting arborist.

99. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining oak trees on the subject property for a period of two years following completion of the work authorized by this grant.

100. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning and County Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of the replacement trees planted as well as planting dates.

101. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall be limited to the removal of deadwood and stubs, and medium pruning of branches two inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forestry Division of the Los Angeles County Fire Department.

102. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of an oak tree.

103. No temporary structures shall be placed within the protected zone of any oak tree.

104. Trenching, excavation, or clearance of vegetation within the protected zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.

105. Utility trenches shall not be routed within the protected zone of an oak tree unless such locations are required by the serving utility.

106. No planting or irrigation system shall be installed within the dripline of an oak tree that shall be retained.

107. The permittee shall install temporary fencing, not less than four feet in height, to secure the protected zone of all remaining oak trees during construction as recommended by the County Forester. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester or the Director of Regional Planning.

108. Except as otherwise expressly authorized by this grant, the remaining oak trees shall be maintained in accord with the principles set forth in the publication "Oak Trees: Care and Maintenance" prepared by the Forestry Division of the Los Angeles County Fire Department.

109. Copies of the Oak Tree Report, Oak Tree Map, Replacement Plan, and Conditions of Approval shall be kept on the project site and available for review.

110. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspection.

111. The permittee shall, prior to commencement of the use authorized by this grant, deposit with

County of Los Angeles a sum of \$1,000.00. (This sum is in addition to the sum required by condition No. 51, above). Such sum shall be used to compensate the County Forester \$100.00 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the Conditions of Approval. The above fees provide for 10 biannual inspections until the Conditions of Approval have been completed.

112. Violations of the conditions of this grant shall result in a notice to correct deficiency within a given time frame indicated on the notice or immediate work stoppage depending on the nature of the violation.

113. If future inspections disclose violation of the Conditions of Approval of this grant, the permittee shall be financially responsible and shall reimburse the County Fire Department for all enforcement efforts necessary to bring the subject property into compliance.

114. Acceptance of the conditions of this grant shall be recorded with the County Recorder.

For any additional questions, please contact the Forestry Division, Prevention Bureau of the County Forester and Fire Warden at (213) 881-2481.

I. ENVIRONMENTAL MITIGATION (The following additional conditions relate to the environmental mitigation measures established for this project.)

115. The environmental mitigation measures set forth in the Mitigation Monitoring Plan, on file at the Department of Regional Planning, are herewith incorporated into and made conditions of this conditional use permit and oak tree permit.

116. As a means of ensuring the effectiveness of the mitigation measures set forth in the mitigation monitoring program, the permittee shall submit mitigation monitoring reports to the Department of Regional Planning. The reports shall describe the status of compliance within the mitigation measures adopted as conditions of grant.

The reports shall be submitted in the following sequence:

- a. Prior to or concurrent with submittal of the revised Exhibit "A" to be approved by the Department prior to issuance of grading permits.
- b. At the time of building permit issuance, including verification or payment of applicable fees. If the project is phased, a report shall be submitted at each successive phase.
- c. Prior to occupancy clearances by the Department of Public Works.
- d. Additional reports as deemed necessary by the Department of Regional Planning.

117. An Environmental Documentation Deposit Account shall be established and maintained pursuant to Section 12.040.020 of the Los Angeles County Code to defray the costs of reviewing and verifying the information contained in the reports required by Condition No. 116, above.

118. All mitigation measures listed in the Final Environmental Impact Report shall be implemented in a timely manner and in accordance with the monitoring program.

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