



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

**CERTIFIED-RECEIPT
REQUESTED**

February 22, 2012

Hans Giraud, P.E.
Hans Giraud & Associates
133 Charro Avenue
Thousand Oaks, CA
91320

**SUBJECT: PROJECT NO. 99-239 – (5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
OAK TREE PERMIT NO. 201200001
CONDITIONAL USE PERMIT MODIFICATION NO. 201100160
ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT NO. 99-239
Amendment Map Dated: July 12, 2011**

Dear Mr. Giraud,

The Los Angeles County Hearing Officer (“Hearing Officer”) in her action on February 21, 2012, **denied** the Second Amendment to Tentative Tract Map No. 53138 (“Second Amendment”), Oak Tree Permit (“OTP”) No. 201200001, and Conditional Use Permit Modification (“CUP Mod”) 201100160.

The decision of the Hearing Officer regarding the Second Amendment, OTP 201200001, and CUP Mod 201100160 shall become final and effective on the date of the decision, provided no appeal of the action taken has been filed with the Los Angeles County Regional Planning Commission (“Commission”) within the following time period:

- The Second Amendment, OTP 201200001, and CUP Mod 201100160 may be appealed within 10 days following the decision of the Hearing Officer. **The appeal period for this project will end at 5:00 p.m. on March 5, 2012.**

The applicant or any other interested person may appeal the decision of the Hearing Officer regarding the Second Amendment, OTP 201200001, and CUP Mod 201100160 to the Regional Planning Commission. **If you wish to appeal the decision of the Hearing Officer to the Regional Planning Commission, you must do so in writing and pay the appropriate fee.** The appeal form is available on the Department of Regional Planning website, (<http://planning.lacounty.gov>). The fee for appeal process is \$5,552.00 (\$5,748.00 after February 29, 2012) for the applicant and \$689.00 (\$713.00 after February 29, 2012) for non-applicant(s). If the applicant files an appeal for no more than a total of two conditions on the tentative tract map amendment, the appellant shall pay a processing fee in the amount of \$689.00 (\$713.00 after February 29, 2012).

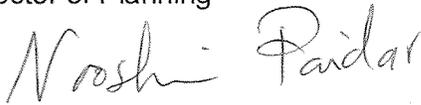
To initiate the appeal, submit your appeal letter and a check made payable to the "County of Los Angeles" to Commission Services, Room 1350, 320 West Temple Street, Los Angeles, California, 90012. Please be advised that your appeal will be rejected if the check is not submitted with the letter.

This denial does not modify the expiration date of the tentative map, **August 10, 2015**.

If you have any questions regarding this matter, please contact Mr. Donald Kress of the Land Divisions Section of the Department of Regional Planning at (213) 974-6433. Our office hours are Monday through Thursday, 7:30am to 5:30pm. Our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning



Nooshin Paidar, AICP
Supervising Regional Planner
Land Divisions Section

NP: dck
2/22/2012

Attachments: Denial Findings

c: Subdivision Committee

**FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 99-239- (5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138**

1. The Los Angeles County Hearing Officer ("Hearing Officer"), Ms. Gina Natoli, conducted a duly noticed public hearing in the matter of the Second Amendment to Vesting Tentative Tract Map No. 53138 ("Second Amendment") on February 21, 2012. TR 53138 was heard concurrently with Oak Tree Permit ("OTP") No. 201200001 and Conditional Use Permit Modification ("CUP Mod") No. 201100160. In her action on February 21, 2012, the Hearing Officer denied these requested entitlements.
2. The Second Amendment proposes the following amendments to Vesting Tentative Tract Map No. 53138 ("TR 53138):
 - Reduction in the overall number of lots from 421 (including 375 single-family lots) to 344 lots (including 314 single-family lots).
 - Modification of road standards for Poema Place from a 55-foot wide collector street to a 36-foot wide private driveway and fire lane;
 - Revised interior street standards from a 51-foot wide residential street to a 36-foot wide private driveway and fire lane;
 - Waiver of street frontage on lots fronting private driveways and fire lanes;
 - Reduction in the volume of project grading from 2.2 million cubic yards to 1.8 million cubic yards;
 - Modification of condition no. 11 to allow 34 lots to have less than the required street frontage; and
 - Modification of the text conditions of approval no. 20, 21, 25, 26, 27, 28, 29, 30, 31, 32 and 36 for the vesting tentative tract map to reflect the approved amendments.
3. OTP No. 201200001 is a request to remove or encroach into the protected zone of certain oak trees identified on the permittee's oak tree location map and oak tree report prepared by L. Newman Design Group, Inc., consulting arborist, dated January 3, 2012.
4. CUP Mod No. 201100160 is a request to modify the text conditions of CUP 99-239 – (5) to reflect the changes in numbers and types of lots, and lot numbers, proposed by the amended tentative tract map, and modification to condition no. 3 of CUP 99-239 – (5) to allow a reduction in the number of horse-keeping lots from 55 to 41.
5. Approval of this request is contingent upon the approval of all the other requests for entitlements included in Project No. 99-239 – (5).
6. If this denial is sustained by the appropriate hearing body, the subdivider may proceed with the development approved under previous approvals once the final map is recorded.
7. Only items proposed for modification can be considered by the Hearing Officer at the public hearing. All other project features and conditions remain as previously approved.

**SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 053138
DENIAL FINDINGS**

8. The subject site is located at the north of California State Route 118 (Ronald Reagan Freeway) between Canoga Avenue and Topanga Canyon Boulevard, within the Chatsworth Zoned District.
9. The irregularly-shaped property is 230.58 gross acres in size with flat to hilly terrain. A large portion of the property is generally a plateau that is bordered to the west and south by Devil's Canyon and to the east by Brown's Canyon. It is generally vacant though five single-family residences are included in Not A Part ("NAP") areas surrounded by the project site
10. The residences will take access from internal private and future streets as well as private driveways and fire lanes, which take access from Poema Place a 64-foot wide dedicated public street, and Canoga Avenue, a variable-width dedicated public street.
11. The subject property is depicted within the Non-Urban (R) and Rural Communities (RC) land use classifications on the Land Use Policy Map of the Los Angeles Countywide General Plan ("General Plan"). The Rural Communities designation permits residential density of one to six dwelling units per acre. The Non-Urban designation permits a maximum density of one dwelling unit per acres. The project's overall proposed density is approximately 1.7 dwelling units per acre.
12. Density transfer of 23 units from the southeasterly portion of the site designated Urban to a portion of the Non-Urban area within the southwesterly portion of the site was included in the original project. However, due to the reduction in overall number of units, this density transfer is not included in the amended project.
13. The project site is currently A-1-1 (Light Agricultural - One Acre Minimum Required Lot Area) and R-1-6,000 (Single-Family Residential - 6,000 Square Feet Minimum Required Lot Area). The zoning was established by Ordinance No. 7505 which became effective on April 14, 1959.
14. The proposed project is required to comply with the development standards of the A-1-1 and R-1-6,000 zones. Detached residences are permitted in the A-1-1 zone pursuant to Section 22.24.070 of the Los Angeles County Code ("County Code") and in the R-1-6,000 zone, pursuant to Section 22.20.070 of the County Code.
15. The amended tentative tract map dated July 12, 2011, depicts 344 lots, including 314 single-family lots (including seven flag lots), one debris basin lot, one heli-spot lot (a flag lot), one sheriff's storefront facility lot, 26 open space lots, one sewer pump station lot, and one remainder lot on 230.58 acres. The single-family lots range in size from approximately 7,500 square feet in area to approximately 55,000 square feet in area. The lots are accessed from public streets and from private driveways and fire lanes that connect with Poema Place and Canoga Avenue. Proposed grading is 1.8 million cubic yards of combined cut and fill total.
16. Staff received one letter from the Deerlake Ranch Construction Committee dated January 12, 2011, supporting the proposed amendments to TR 53138. The letter also requested that the Los Angeles County Department of Parks and Recreation take any

**PROJECT NO. 99-239-(5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 053138
DENIAL FINDINGS**

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necessary steps to ensure that individual lot owners do not impede the use of trails that cross their respective property lines. The Committee was created by Condition No. 48 of CUP 99-239- (5), approved by the Los Angeles County Board of Supervisors ("Board") on August 10, 2004. The Committee, composed of six individuals who shall be property owners, tenants, business owners, and/or other interested persons in the Chatsworth area as appointed by the Supervisor of the Fifth Supervisorial District, is to meet quarterly (or less frequently at the direction of the Committee) with the permittee and his contractor representatives.

Staff received two letters from neighbors to the project site expressing concerns about removal of oak trees; development of the natural area; and access to the trail network that, in part, crosses private property within a gated community. Staff also received six letters of opposition specifically to the proposed CUP modification.

Finally, staff received one letter expressing dissatisfaction concerning the manner in which proposed CUP modifications can be denied.

17. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer heard a presentation from the case planner that summarized the requested entitlements and noted that more than one protest to the CUP modification had been received.
18. During the February 21, 2012 Hearing Officer public hearing, applicant's representatives discussed the procedure for denying the CUP modification. They questioned whether opponents must state a reason for their opposition for that opposition to be valid and whether the nature of the opposition was within the limited scope of the hearing.
19. During the February 21, 2012 Hearing Officer public hearing, one person representing Equestrian Trails Incorporated Corral No. 54 and the Deerlake Ranch Construction Committee testified in support of the project. She indicated support for the proposed modifications; stated that several features in the proposed plan will help insure that the trails will be properly maintained and not a burden to the property owners whose lots the trails cross; and that the Los Angeles County Sheriff's Department would deal with any property owner who impeded access to the trail.
20. During the February 21, 2012 Hearing Officer public hearing, two persons indicated they opposed the project but, due to the fact that the project was to be denied, reserved their remarks on the merits of the project until further proceedings are initiated by the applicant.
21. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer noted that the denial of the project is not a withdrawal of the project; that that basis for the denial was clearly stated in County Code Section 22.56,1630 (A); and that the County Code does not require opponents to explain the nature of their opposition for that opposition to be valid.
22. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer clarified that only the requested modifications are considered during any proceeding on an amendment map and CUP modification, both at the hearing and at the appeal level.

**SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 053138
DENIAL FINDINGS**

23. After all testimony and discussion on February 21, 2012, the Hearing Officer closed the public hearing and denied CUP Mod 201100160, Second Amendment to Vesting Tentative Tract Map No. 53138, and OTP 201200001.
24. 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 Los Angeles Department of Regional Planning ("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 CONCLUDES:

- A. That more than one protest to the CUP modification has been received, and pursuant to Los Angeles County Code (Code) Section 22.56.1630 (A), the Hearing Officer must deny a request for a conditional use permit modification if more than one protest to the granting of the application is received; and
- B. That the approval of each individual entitlement in this project—the second amendment to the tentative map, the oak tree permit, and the CUP Mod—is contingent on the approval of all other requests and entitlements for this project, the Hearing Officer's denial of the CUP modification will result in the denial of all the requested entitlements.

THEREFORE, in view of the findings of fact and conclusions presented above, Second Amendment to Vesting Tentative Tract Map No. 53138 is **DENIED**.

**FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 99-239- (5)
CUP MODIFICATION NO. 201100160**

1. The Los Angeles County Hearing Officer ("Hearing Officer"), Ms. Gina Natoli, conducted a duly noticed public hearing in the matter of Conditional Use Permit Modification ("CUP Mod") No. 201100160 on February 21, 2012. CUP Mod No. 201100160 was heard concurrently with the Second Amendment to Vesting Tentative Tract Map No. 53138 ("Second Amendment") and Oak Tree Permit ("OTP") No. 201200001. In her action on February 21, 2012, the Hearing Officer denied these requested entitlements.
2. CUP Mod No. 201100160 is a request to modify condition no. 3 of CUP 99-239 – (5) to allow a reduction in the number of horse-keeping lots from 55 to 41, and to modify the text of conditions no. 1, 2, 16, 20, 22, 23, 24, 25, 26, 56, 57, 64 and 65 of CUP 99-239 – (5) to reflect the changes in numbers of lots, types of lots, lot numbers, types of streets, and street names approved by the proposed second amendment to TR 53138, as indicated below.

- a. Condition No. 1, as currently approved, read as follows:

The grant authorizes the use of the subject property for a total of 375 single-family residential lots, 14 private and future street lots, four debris basin lots, one helispot lot, one sheriffs storefront facility, 21 open space lots, four "remainder parcels," and project-associated infrastructure to be developed in compliance with hillside management and density-controlled development design review criteria, as depicted on the approved Exhibit "A" (dated March 24, 2004) subject to the following conditions of approval.

With the requested modification, the applicant is revising and adding the following to Condition No. 1 and it would read as follows:

The grant authorizes the use of the subject property for a total of ~~375~~ 314 single-family residential lots, ~~14 private and future street lots~~, ~~four~~ one debris basin lots, one helispot lot, one sheriffs storefront facility, ~~21~~ 25 open space lots, ~~four~~ one "remainder parcels," and project-associated infrastructure to be developed in compliance with hillside management and density-controlled development design review criteria, as depicted on the approved Exhibit "A" (dated March 24, 2004) as amended on September 16, 2008 subject to the following conditions of approval.

- b. Condition No. 2, as currently approved, read as follows:

A minimum of 50 percent of the 375 lots, or 188 lots, shall be 15,000 square feet in size, or larger

With the requested modification, the applicant is revising and adding the following to Condition No. 2 and it would read as follows:

A minimum of 50 percent of the ~~375~~ 314 lots, or ~~188~~ 157 lots, shall be 15,000 square feet in size, or larger.

- c. Condition No. 3, as currently approved, read as follows:

A minimum of 55 lots shall be specifically designated to accommodate horse keeping.

With the requested modification, the applicant is revising and adding the following to Condition No. 3 and it would read as follows:

A minimum of 41 lots shall be specifically designated to accommodate horse keeping.

- d. Condition No. 16, as currently approved, read as follows:

The subject property shall be graded, developed and maintained in substantial compliance with the approved Exhibit "A", which includes the tentative tract map (dated March 24, 2004), Community Character booklet, and exhibit maps. Amended or revised tentative maps approved for Vesting Tentative Tract Map No. 53138 may, at the discretion of the Director, constitute a revised Exhibit "A".

With the requested modification, the applicant is revising and adding the following to Condition No. 16 and it would read as follows:

The subject property shall be graded, developed and maintained in substantial compliance with the approved Exhibit "A", which includes the amended vesting tentative tract map (dated ~~March 24, 2004~~ March 10, 2011), Community Character booklet, and exhibit maps. Amended or revised tentative maps approved for Vesting Tentative Tract Map No. 53138 may, at the discretion of the Director, constitute a revised Exhibit "A".

- e. Condition No. 20, as currently approved, reads as follows:

Any future development of the four lots designated as remainder parcels shall be subject to the regulations in effect at the time of such development, including the provisions of section 66410 et. seq. of the California Government Code (Subdivision Map Act) and the requirements of the Subdivision and Zoning Ordinances.

With the requested modification, the applicant is revising and adding the following to Condition No. 20 and it would read as follows:

Any future development of the one ~~four~~ lots designated as a remainder parcels shall be subject to the regulations in effect at the time of such development, including the provisions of section 66410 et. seq. of the California Government Code (Subdivision Map Act) and the requirements of the Subdivision and Zoning Ordinances.

- f. Condition No. 22, as currently approved, read as follows:

Two private active use areas shall be provided on open space lots 376 and 384 to the satisfaction of the Director. Amenities such as benches, playground equipment or other similar features shall be provided as

depicted on the approved Exhibit "A".

With the requested modification, the applicant is revising and adding the following to Condition No. 22 and it would read as follows:

Two private active use areas shall be provided on open space lots ~~376~~ 315 and ~~384~~ 324 to the satisfaction of the Director. Amenities such as benches, playground equipment or other similar features shall be provided as depicted on the approved Exhibit "A".

- g. Condition No. 23, as currently approved, read as follows:

A natural park shall be provided on a portion of open space lot 416 as shown on the approved Exhibit "A".

With the requested modification, the applicant is revising and adding the following to Condition No. 23 and it would read as follows:

A natural park shall be provided on a portion of open space lot ~~416~~ 343 as shown on the approved Exhibit "A".

- h. Condition No. 24, as currently approved, read as follows:

An equestrian rest area shall be provided and permanently maintained by the Homeowners' Association on the remainder parcel adjacent to Lot 262, as depicted on the approved Exhibit "A". If necessary, an alternative location in the same general vicinity may be considered subject to the approval of a revised Exhibit "A".

With the requested modification, the applicant is revising and adding the following to Condition No. 24 and it would read as follows:

An equestrian rest area shall be provided and permanently maintained by the Homeowners' Association on the ~~remainder~~ parcel adjacent to Lot ~~262~~ 336, as depicted on the approved Exhibit "A". If necessary, an alternative location in the same general vicinity may be considered subject to the approval of a revised Exhibit "A".

- i. Condition No. 25, as currently approved, read as follows:

The permittee shall pay the Quimby in-lieu fee of \$410,040 as required by the Department of Parks and Recreation.

With the requested modification, the applicant is revising and adding the following to Condition No. 25 and it would read as follows:

The permittee shall pay the Quimby in-lieu fee of \$410,040 342,720 as required by the Department of Parks and Recreation.

- j. Condition No. 26, as currently approved, read as follows:

The area of individual lots shall substantially conform to that shown on the

approved Exhibit "A" and shall include at least 55 lots containing a minimum of 15,000 square feet and specifically designed to accommodate horse keeping. Each horse-keeping lot shall include a minimum area of 2,000 square feet designated specifically for horse-keeping. No portion of the designated area shall be close than 35 feet to any habitable structures and shall comply with the requirements of the County Code. Site plans depicting compliance shall be submitted to the Director prior to issuance of building permits.

With the requested modification, the applicant is revising and adding the following to Condition No. 26 and it would read as follows:

The area of individual lots shall substantially conform to that shown on the approved Exhibit "A" and shall include at least 55- 41 lots containing a minimum of 15,000 square feet and specifically designed to accommodate horse keeping. Each horse-keeping lot shall include a minimum area of 2,000 square feet designated specifically for horse-keeping. No portion of the designated area shall be close than 35 feet to any habitable structures and shall comply with the requirements of the County Code. Site plans depicting compliance shall be submitted to the Director prior to issuance of building permits.

k. Condition No. 56, as currently approved, read as follows:

No access of heavy construction equipment or vehicles, or delivery of construction materials, shall be permitted onto the project site via Canoga Avenue prior to 9:00 a.m. and after 2:00 p.m. Mondays through Fridays. No such access or deliveries shall be permitted on weekends or holidays. IN addition, permittee, in consultation with the Los Angeles County Department of Public Works and in a manner consistent with the timing requirements of the construction of the "A" Street Bridge, shall specify authorized routs for construction-related vehicles, including deliver and contractor employee vehicles, consistent with Condition No. 57(d)(ii) of this grant. Permittee will post necessary signs and/or personnel at all entries to Twin Lakes and local streets no permitted as authorized routes to ensure enforcement of these prohibitions.

With the requested modification, the applicant is revising and adding the following to Condition No. 56 and it would read as follows:

No access of heavy construction equipment or vehicles, or delivery of construction materials, shall be permitted onto the project site via Canoga Avenue prior to 9:00 a.m. and after 2:00 p. m. Mondays through Fridays. No such access or deliveries shall be permitted on weekends or holidays. In addition, permittee, in consultation with the Los Angeles County Department of Public Works and in a manner consistent with the timing requirements of the construction of the "~~A~~" Street Poema Place Bridge, shall specify authorized routs for construction-related vehicles, including deliver and contractor employee vehicles, consistent with Condition No. 57(d)(ii) of this grant. Permittee will post necessary signs and/or personnel at all entries to Twin Lakes and local streets no permitted as

authorized routes to ensure enforcement of these prohibitions.

- I. Condition No. 57, as currently approved, read as follows:
 - A. Upon completion of "A" Street and the bridge, as shown on the Tentative Subdivision Map, access to the project via Canoga Avenue by construction equipment or vehicles shall be prohibited, and all construction traffic shall use Topanga Canyon Boulevard. In addition, the following conditions shall apply during the construction of the "A" Street Bridge:
 - B. Upon expiration of all appeal periods, including the statutory time period for legal challenge to the EIR, permittee shall prepare all necessary engineering drawings for the construction of the "A" Street Bridge (aka Topanga Bridge).
 - C. Prior to recordation of the first final unit map, the permittee shall have applied to the Department of Public Works for and received a permit to construct the "A" Street Bridge, or the "A" Street Bridge shall be include in an Improvement Agreement for the first final unit map.
 - D. Prior to the issuance of the first residential building permit, construction shall commence on the "A" Street Bridge.
 - E. Prior to completion of the "A" Street Bridge, construction traffic on Canoga Avenue shall be subject to the following controls:
 1. (iii). Until construction of the "A" Street Bridge has been completed and construction-related traffic is no longer permitted to use Canoga Avenue, the permitted shall have two crossing guards on duty when local schools, day camps, or summer camps are in session: one crossing guard at the intersection of Canoga Avenue with Chatsworth Street and one crossing guard at the intersection of Canoga Avenue with Tulsa Street;
 2. (iv) Until construction of the "A" Street Bridge has been completed and construction-related traffic is no longer permitted to use Canoga Avenue, the permittee shall have one or two flag person, as determined by the Department of Public Works, on south-bound Canoga Avenue to alert motorists to oncoming construction vehicles;
 3. (v) The "A" Street and Canoga Avenue bridges shall be completed and open for construction traffic prior to the issuance of the 130th residential building permit;
 4. (vi) No construction equipment, materials and supply deliveries shall be permitted on Canoga Avenue after the issuance of the 130th residential building permit. Upon completion of the "A"

Street Bridge, construction traffic shall be restricted to travel only from Topanga Canyon Boulevard, to Poema Place, to the site; and

5. (vii) Upon completion of the "A" Street Bridge, the permittee shall post "No Construction Traffic" signs on the Canoga Avenue entrance to the site prohibiting construction traffic to Canoga Avenue and diverting such traffic to Topanga Canyon Boulevard and "A" Street.
- F. The applicant shall ensure that access for existing homeowners and equestrians will not be impeded by traffic to and from the temporary construction trailers site along that portion of existing Canoga Avenue extending between the existing driveway to the temporary construction trailers site and the 118 freeway overpass;
- G. No mass grading shall be permitted on the temporary construction trailers site except that which is necessary to provide a safe transition between the existing driveway and Canoga Avenue, consistent with Exhibit "A" of CUP No. 99-239, and the minor grading required providing an all weather parking lot on the temporary construction trailers site;
- H. All applicable conditions of approval of CUP 99-239, including those pertaining to dust and storm water runoff controls, shall apply to the temporary construction trailers site;
- I. The applicant shall obtain required permits from the Departments of Public Works, Building & Safety Division, and the Department of Health Services, prior to any construction or placements on the temporary construction trailers site;
- J. Fifteen days after the completion of the "A" Street bridge, the temporary construction trailers shall be removed from this site, and no further construction-related traffic shall be permitted to use Canoga Avenue, consistent with Condition No. 57 of CUP No. 99-239;
- K. Relocation of the temporary construction trailers within 15 days of completion of the "A" Street bridge shall be to a location within the Deerlake Ranch project site that provides access to and from Topanga Canyon Boulevard; and
- L. After relocation of the temporary construction trailers, the leased site shall be restored to its existing condition within 30 days.

With the requested modification, the applicant is revising and adding the following to Condition No. 57 and it would read as follows:

- A. Upon completion of "A" Street Poema Place and the bridge, as shown on the Tentative Subdivision Map, access to the project via Canoga Avenue

by construction equipment or vehicles shall be prohibited, and all construction traffic shall use Topanga Canyon Boulevard. In addition, the following conditions shall apply during the construction of the "~~A~~" Street Poema Place Bridge:

- B. Upon expiration of all appeal periods, including the statutory time period for legal challenge to the EIR, permittee shall prepare all necessary engineering drawings for the construction of the "~~A~~" Street Poema Place Bridge (aka Topanga Bridge).
- C. Prior to recordation of the first final unit map, the permittee shall have applied to the Department of Public Works for and received a permit to construct the "~~A~~" Street Poema Place Bridge, or the "~~A~~" Street Poema Place Bridge shall be include in an Improvement Agreement for the first final unit map.
- D. Prior to the issuance of the first residential building permit, construction shall commence on the "~~A~~" Street Poema Place Bridge.
- E. Prior to completion of the "~~A~~" Street Poema Place Bridge, construction traffic on Canoga Avenue shall be subject to the following controls:
 - 1. (iii). Until construction of the "~~A~~" Street Poema Place Bridge has been completed and construction-related traffic is no longer permitted to use Canoga Avenue, the permitted shall have two crossing guards on duty when local schools, day camps, or summer camps are in session: one crossing guard at the intersection of Canoga Avenue with Chatsworth Street and one crossing guard at the intersection of Canoga Avenue with Tulsa Street;
 - 2. (iv) Until construction of the "~~A~~" Street Poema Place Bridge has been completed and construction-related traffic is no longer permitted to use Canoga Avenue, the permittee shall have one or two flag person, as determined by the Department of Public Works, on south-bound Canoga Avenue to alert motorists to oncoming construction vehicles;
 - 3. (v) The "~~A~~" Street Poema Place and Canoga Avenue bridges shall be completed and open for construction traffic prior to the issuance of the 130th residential building permit;
 - 4. (vi) No construction equipment, materials and supply deliveries shall be permitted on Canoga Avenue after the issuance of the 130th residential building permit. Upon completion of the "~~A~~" Street Poema Place Bridge, construction traffic shall be restricted to travel only from Topanga Canyon Boulevard, to Poema Place, to the site; and

5. (vii) Upon completion of the "A" Street Poema Place Bridge, the permittee shall post "No Construction Traffic" signs on the Canoga Avenue entrance to the site prohibiting construction traffic to Canoga Avenue and diverting such traffic to Topanga Canyon Boulevard and "A" Street Poema Place.
 - F. The applicant shall ensure that access for existing homeowners and equestrians will not be impeded by traffic to and from the temporary construction trailers site along that portion of existing Canoga Avenue extending between the existing driveway to the temporary construction trailers site and the 118 freeway overpass;
 - G. No mass grading shall be permitted on the temporary construction trailers site except that which is necessary to provide a safe transition between the existing driveway and Canoga Avenue, consistent with Exhibit "A" of CUP No. 99-239, and the minor grading required providing an all weather parking lot on the temporary construction trailers site;
 - H. All applicable conditions of approval of CUP 99-239, including those pertaining to dust and storm water runoff controls, shall apply to the temporary construction trailers site;
 - I. The applicant shall obtain required permits from the Departments of Public Works, Building & Safety Division, and the Department of Health Services, prior to any construction or placements on the temporary construction trailers site;
 - J. Fifteen days after the completion of the "A" Street Poema Place bridge, the temporary construction trailers shall be removed from this site, and no further construction-related traffic shall be permitted to use Canoga Avenue, consistent with Condition No. 57 of CUP No. 99-239;
 - K. Relocation of the temporary construction trailers within 15 days of completion of the "A" Street Poema Place bridge shall be to a location within the Deerlake Ranch project site that provides access to and from Topanga Canyon Boulevard; and
 - L. After relocation of the temporary construction trailers, the leased site shall be restored to its existing condition within 30 days.
- m. Condition No. 64, as currently approved, read as follows:
Pursuant to Chapter 22.72 of the County Code, pay a fee to the Los Angeles County Librarian prior to issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is \$638 per dwelling unit (\$638 X 375 dwelling units =

\$239,250). The permittee or its successor in interest may contact the County Librarian at (562) 940-8430.

With the requested modification, the applicant is revising and adding the following to Condition No. 64 and it would read as follows:

Pursuant to Chapter 22.72 of the County Code, pay a fee to the Los Angeles County Librarian prior to issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is ~~\$638,829~~ per dwelling unit (~~\$638,829 X 375,314~~ dwelling units = ~~\$239,250,260,306~~). The permittee or its successor in interest may contact the County Librarian at (562) 940-8430.

- n. Condition No. 65, as currently approved, read as follows:

The permittee shall construct a sheriff's storefront sub-station facility, not to exceed 800 square feet in size but not less than 600 square feet, as depicted on the approved Exhibit "A". The facility shall be offered to the Sheriff's Department under appropriate terms and conditions as provided for in an agreement between the County and the permittee. The Sheriff's facility shall be constructed as soon as "A" Street has been completed and Mayan Drive has been relocated, as shown on the approved Exhibit "A", to the satisfaction of the Los Angeles County Department of Public Works. In addition to parking required to serve the Sheriff's facility, an additional four parking spaces, at minimum, shall be provided to trail users.

With the requested modification, the applicant is revising and adding the following to Condition No. 65 and it would read as follows:

The permittee shall construct a sheriff's storefront sub-station facility, not to exceed 800 square feet in size but not less than 600 square feet, as depicted on the approved Exhibit "A". The facility shall be offered to the Sheriff's Department under appropriate terms and conditions as provided for in an agreement between the County and the permittee. The Sheriff's facility shall be constructed as soon as "~~A" Street~~ Poema Place has been completed and Mayan Drive has been relocated, as shown on the approved Exhibit "A", to the satisfaction of the Los Angeles County Department of Public Works. In addition to parking required to serve the Sheriff's facility, an additional four parking spaces, at minimum, shall be provided to trail users.

3. The Second Amendment requests to reduce the overall number of lots from 421 to 344 and the volume of grading from 2.2 million cubic yards to 1.8 million cubic yards; waive street frontage for certain lots; modify road standards; and amend the text of certain map approval conditions.
4. OTP No. 201200001 is a request to remove or encroach into the protected zone of

certain oak trees identified on the permittee's oak tree location map and oak tree report prepared by L. Newman Design Group, Inc., consulting arborist, dated January 3, 2012.

5. Condition No. 16 of CUP 99-239 – (5) states that the Community Character booklet is part of the Exhibit “A” for the CUP. The applicant has amended the Community Character booklet to reflect the changes requested by the Second Amendment and CUP Mod 201100160. Approval of the amended Exhibit “A” map will include approval of the amended Community Character booklet.
6. Approval of this request is contingent upon the approval of all the other requests for entitlements included in Project No. 99-239 – (5).
7. If this denial is sustained by the appropriate hearing body, the subdivider may proceed with the development approved under previous approvals once the final map is recorded.
8. Only items proposed for modification can be considered by the Hearing Officer at the public hearing. All other project features and conditions remain as previously approved.
9. The subject site is located at the north of California State Route 118 (Ronald Reagan Freeway) between Canoga Avenue and Topanga Canyon Boulevard, within the Chatsworth Zoned District.
10. The irregularly-shaped property is 230.58 gross acres in size with flat to hilly terrain. A large portion of the property is generally a plateau that is bordered to the west and south by Devil’s Canyon and to the east by Brown’s Canyon. It is generally vacant though five single-family residences and the foundations of several other residences exist on the site.
11. The residences will take access from internal private and future streets and private driveways and fire lanes, which take from Poema Place a 64-foot wide dedicated public street, and Canoga Avenue, a variable-width dedicated public street.
12. The subject property is depicted within the Non-Urban (R) and Rural Communities (RC) land use classifications on the Land Use Policy Map of the Los Angeles Countywide General Plan (“General Plan”). The Rural Communities designation permits residential density of one to six dwelling units per acre. The Non-Urban designation permits a maximum density of one dwelling unit per acres. The project’s overall proposed density is approximately 1.7 dwelling units per acre.
13. Density transfer of 23 units from the southeasterly portion of the site designated Urban to a portion of the Non-Urban area within the southwesterly portion of the site was included in the original project. However, due to the reduction in overall number of units, this density transfer is not included in the amended project.
14. The project site is currently A-1-1 (Light Agricultural - One Acre Minimum Required Lot Area) and R-1-6,000 (Single-Family Residential - 6,000 Square Feet Minimum Required

Lot Area). The zoning was established by Ordinance No. 7505 which became effective on April 14, 1959.

15. The proposed project is required to comply with the development standards of the A-1-1 and R-1-6,000 zones. Detached residences are permitted in the A-1-1 zone pursuant to Section 22.24.070 of the Los Angeles County Code ("County Code") and in the R-1-6,000 zone, pursuant to Section 22.20.070 of the County Code.
16. The amended tentative tract map dated July 12, 2011, depicts 344 lots, including 314 single-family lots (including seven flag lots), one debris basin lot, one heli-spot lot (a flag lot), one sheriff's storefront facility lot, 26 open space lots, one sewer pump station lot, and one remainder lot on 230.58 acres. The single-family lots range in size from approximately 7,500 square feet in area to approximately 55,000 square feet in area. The lots are accessed from private driveways and fire lanes that connect with Poema Place and Canoga Avenue. Proposed grading is 1.8 million cubic yards of combined cut and fill total.
17. Staff received one letter from the Deerlake Ranch Construction Committee dated January 12, 2011, supporting the proposed amendments to TR 53138. The letter also requested that the Los Angeles County Department of Parks and Recreation take any necessary steps to ensure that individual lot owners do not impede the use of trails that cross their respective property lines.

The Committee was created by Condition No. 48 of CUP 99-239- (5), approved by the Los Angeles County Board of Supervisors ("Board") on August 10, 2004. The Committee, composed of six individuals who shall be property owners, tenants, business owners, and/or other interested persons in the Chatsworth area as appointed by the Supervisor of the Fifth Supervisorial District, is to meet quarterly (or less frequently at the direction of the Committee) with the permittee and his contractor representatives.

Staff received two letters from neighbors to the project site expressing concerns about removal of oak trees; development of the natural area; and access to the trail network that, in part, crosses private property within a gated community Staff also received six letters of opposition specifically to the proposed CUP modification.

Finally, staff received one letter expressing dissatisfaction concerning the manner in which proposed CUP modifications can be denied.

18. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer heard a presentation from the case planner that summarized the requested entitlements and noted that more than one protest to the CUP modification had been received.
19. During the February 21, 2012 Hearing Officer public hearing, applicant's representatives discussed the procedure for denying the CUP modification. They questioned whether opponents must state a reason for their opposition for that opposition to be valid and whether the nature of the opposition was within the limited scope of the hearing.
20. During the February 21, 2012 Hearing Officer public hearing, one person representing

Equestrian Trails Incorporated Corral No. 54 and the Deerlake Ranch Construction Committee testified in support of the project. She indicated support for the proposed modifications; stated that several features in the proposed plan will help insure that the trails will be properly maintained and not a burden to the property owners whose lots the trails cross; expressed confidence that the Los Angeles County Sheriff's Department would deal with any property owner who impeded access to the trail.

21. During the February 21, 2012 Hearing Officer public hearing, two persons indicated they opposed the project but, due to the fact that the project was to be denied, reserved their remarks on the merits of the project until further proceedings are initiated by the applicant.
22. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer noted that the denial of the project is not a withdrawal of the project; that the basis for the denial was clearly stated in County Code Section 22.56,1630 (A); and that the County Code does not require opponents to explain the nature of their opposition for that opposition to be valid.
23. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer clarified that only the requested modifications are considered during any proceeding on an amendment map and CUP modification, both at the hearing and at the appeal level.
24. After all testimony and discussion on February 21, 2012, the Hearing Officer closed the public hearing and denied CUP Mod 201100160, Second Amendment to Vesting Tentative Tract Map No. 53138, and OTP 201200001.
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 Los Angeles Department of Regional Planning ("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 CONCLUDES:

- A. That more than one protest to the CUP modification has been received, and pursuant to Los Angeles County Code (Code) Section 22.56.1630 (A), the Hearing Officer must deny a request for a conditional use permit modification if more than one protest to the granting of the application is received.

THEREFORE, in view of the findings of fact and conclusions presented above, Conditional Use Permit Modification 201100160 is **DENIED**.

**FINDINGS OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 99-239 – (5)
OAK TREE PERMIT NO. 201200001**

1. The Los Angeles County Hearing Officer (“Hearing Officer”), Ms. Gina Natoli, conducted a duly noticed public hearing in the matter of Oak Tree Permit No 201200001 (“OTP 201200001”) on February 21, 2012. OTP 201200001 was heard concurrently with the Second Amendment to Vesting Tentative Tract Map No. 53138 (“Second Amendment”) and Conditional Use Permit Modification (“CUP Mod.”) No. 201100160. In her action on February 21, 2012, the Hearing Officer denied these requested entitlements.
2. OTP 201200001 is a request to allow the removal of 42 and encroachment into the protected zone of 13 trees of the oak genus (*Quercus agrifolia*). None of the trees are heritage oak. These oak trees are identified as tree nos. 1 through 14, 41 through 53, 55, 57 through 60, 64, 66 through 73, 76 (removals) and 21, 23 through 26, 29 through 31, 40, 61 through 63, 65 (encroachments) on the permittee's oak tree location map and oak tree report prepared by L. Newman Design Group, Inc., consulting arborist, dated January 3, 2012 (“Oak Tree Report”).
3. The Second Amendment requests to reduce the overall number of lots from 421 to 344 and the volume of grading from 2.2 million cubic yards to 1.8 million cubic yards; waive street frontage for certain lots; modify road standards; and amend the text of certain map approval conditions
4. CUP Mod Case no. 201100160 is a related request to modify the text conditions of CUP 99-239 – (5) to reflect the changes proposed by the amended tentative tract map and to reduce the number of horse-keeping lots.
5. Approval of this request is contingent upon the approval of all the other requests for entitlements included in Project No. 99-239 – (5).
6. If this denial is sustained by the appropriate hearing body, the subdivider may proceed with the development approved under previous approvals once the final map is recorded.
7. The subject site is located at the north of California State Route 118 (Ronald Reagan Freeway) between Canoga Avenue and Topanga Canyon Boulevard, within the Chatsworth Zoned District.
8. The irregularly-shaped property is 230.58 gross acres in size with flat to hilly terrain. A large portion of the property is generally a plateau that is bordered to the west and south by Devil's Canyon and to the east by Brown's Canyon. It is generally vacant, though five single-family residences are included in “Not A Part” areas surrounded by the project site.
9. The subject property is depicted within the Non-Urban (R) and Rural Communities (RC) land use classifications on the Land Use Policy Map of the Los Angeles Countywide General Plan (“General Plan”). The Rural Communities designation permits residential density of one to six dwelling units per acre. The Non-Urban designation permits a maximum density of one dwelling unit per acre. The project's overall proposed density is approximately 1.7 dwelling units per acre.

The project site is currently A-1-1 (Light Agricultural - One Acre Minimum Required Lot Area) and R-1-6,000 (Single-Family Residential - 6,000 Square Feet Minimum Required Lot Area). The zoning was established by Ordinance No. 7505 which became effective on April 14, 1959.

10. The proposed project is required to comply with the development standards of the A-1-1 and R-1-6,000 zones. Detached residences are permitted in the A-1-1 zone pursuant to Section 22.24.070 of the Los Angeles County Code ("County Code") and in the R-1-10,000 zone, pursuant to Section 22.20.070 of the County Code.
11. The applicant has submitted an Oak Tree Report that identifies and evaluates oak trees on the project site, of which 42 are proposed to be removed and 13 are proposed to be encroached upon. There are 202 total oak trees on the project site.
12. The applicant has submitted an oak tree permit burden of proof to support his request for the oak tree permit. Staff finds the burden of proof satisfactorily supports the applicant's request for oak tree removals and encroachments, as 79 percent (160) of the 202 existing oak trees will remain. The 42 trees to be removed are distributed throughout the project site, not concentrated in one area.
13. The Los Angeles County Forester and Fire Warden, ("Forester"), has reviewed the Oak Tree Report and determined that the document is accurate and complete as to the location, size, condition, and species of the oak trees on the site. The Forester has recommended approval of the requested oak tree encroachments, subject to the Forester's recommended conditions of approval.
14. The locations of the encroached oak trees are identified on an oak tree exhibit map dated January 3, 2012.
15. The proposed construction of the project would impact 55 (42 removals and 13 encroachments) oak trees that are the subject of this approval.
16. The proposed encroachments are necessary in order to provide a safe interior circulation system and allow for a grading plan that supports the proposed residential uses. Encroachment into the protected zone of the oak trees will not harm the oaks, provided the conditions of approval are met, and will allow for development of the property in a manner consistent with the Los Angeles County Code ("County Code"), which allows for development of detached residential units in the R-1-6,000 and A-1-1 zones; therefore, the encroachments will not be contrary to or in conflict with the intent or purpose of the oak tree ordinance.
17. Staff received one letter from the Deerlake Ranch Construction Committee ("Committee") dated January 12, 2011, supporting the proposed amendments to TR 53138. The letter also requested that the Los Angeles County Department of Parks and Recreation take any necessary steps to ensure that individual lot owners do not impede the use of trails that cross their respective property lines. The Committee was created by Condition No. 48 of CUP 99-239- (5), approved by the Los Angeles County Board of Supervisors ("Board") on August 10, 2004. The Committee, composed of six individuals who shall be property owners, tenants, business owners, and/or other interested persons in the Chatsworth area as appointed by the Supervisor of the Fifth Supervisorial

District, is to meet quarterly (or less frequently at the direction of the Committee) with the permittee and his contractor representatives.

Staff received two letters from neighbors to the project site expressing concerns about removal of oak trees; development of the natural area; and access to the trail network that, in part, crosses private property within a gated community. Staff also received six letters of opposition specifically to the proposed CUP modification.

Finally, staff received one letter expressing dissatisfaction concerning the manner in which proposed CUP modifications can be denied.

18. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer heard a presentation from the case planner that summarized the requested entitlements and noted that more than one protest to the CUP modification had been received.
19. During the February 21, 2012 Hearing Officer public hearing, applicant's representatives discussed the procedure for denying the CUP modification. They questioned whether opponents must state a reason for their opposition for that opposition to be valid and whether the nature of the opposition was within the limited scope of the hearing.
20. During the February 21, 2012 Hearing Officer public hearing, one person representing Equestrian Trails Incorporated Corral No. 54 and the Deerlake Ranch Construction Committee testified in support of the project. She indicated support for the proposed modifications; stated that several features in the proposed plan will help insure that the trails will be properly maintained and not a burden to the property owners whose lots the trails cross; and that the Los Angeles County Sheriff's Department would deal with any property owner who impeded access to the trail.
21. During the February 21, 2012 Hearing Officer public hearing, two persons indicated they opposed the project but, due to the fact that the project was to be denied, reserved their remarks on the merits of the project until further proceedings are initiated by the applicant.
22. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer noted that the denial of the project is not a withdrawal of the project; that that basis for the denial was clearly stated in County Code Section 22.56,1630 (A); and that the County Code does not require opponents to explain the nature of their opposition for that opposition to be valid.
23. During the February 21, 2012 Hearing Officer public hearing clarified that only the requested modifications are considered during any proceeding on an amendment map and CUP modification, both at the hearing and at the appeal level.
24. After all testimony and discussion on February 21, 2012, the Hearing Officer closed the public hearing and denied CUP Mod 201100160, Second Amendment to Vesting Tentative Tract Map No. 53138, and OTP 201200001.
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 Los Angeles Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320

PROJECT NO. 99-239 - (5)
OAK TREE PERMIT NO. 201200001
DENIAL FINDINGS

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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 CONCLUDES:

- A. That more than one protest to the CUP modification has been received, and pursuant to Los Angeles County Code (Code) Section 22.56.1630 (A), the Hearing Officer must deny a request for a conditional use permit modification if more than one protest to the granting of the application is received; and
- B. That the approval of each individual entitlement in this project—the second amendment to the tentative map, the oak tree permit, and the CUP Mod—is contingent on the approval of all other requests and entitlements for this project, the Hearing Officer's denial of the CUP modification will result in the denial of all the requested entitlements.

THEREFORE, in view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201200001 is **DENIED**.