



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 5, 2012

TO: Curt Pedersen, Chair
David G. Louie, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM:  Jodie Sackett, AICP
Senior Regional Planning Assistant
Land Divisions Section

**SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION
PROJECT NO. 99-239-(5)
OAK TREE PERMIT NO. 201200001
AMENDED VESTING TENTATIVE TRACT MAP NO. 53138-2
MODIFICATION TO CONDITIONAL USE PERMIT NO. 201100160
ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT NO. 99-239**

AGENDA ITEM NO. 6: JULY 18, 2012

PROJECT BACKGROUND/REQUEST

Presidio Chatsworth Partners, LLC ("applicant") requests minor changes to approved Vesting Tentative Tract Map No. 53138 ("TR 53138"), Conditional Use Permit ("CUP") 99-239-(5), and Final Environmental Impact Report ("FEIR") 99-239, originally approved by the Los Angeles County Board of Supervisors on August 10, 2004. The applicant also requests to replace the previously approved Oak Tree Permit Nos. 99-239 and 200500037 with the new Oak Tree Permit No. 201200001.

Two subsequent amendments to TR53138 were filed. The first amendment was approved in 2008 and the second amendment was denied on February 21, 2012 and appealed to your Commission on February 27, 2012.

First Amendment, TR 53138-1:

The first amendment to TR 53138 was approved by a Los Angeles County Hearing Officer ("Hearing Officer"), Pat Hachiya, on September 16, 2008. TR 53138-1 approved a public trail realignment; several lot line adjustments; reduced lot frontage for several lots; revisions to grading, retaining walls and the gated entryway; removal of one of three sewer pump stations; addition of a sewer mainline; and adjustment of project phasing boundaries.

Second Amendment, TR 53138-1:

The second amendment requests 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.

Oak Tree Permit No. 201200001:

Associated with the second amended map is a new permit request to allow the removal of 42 oak trees and encroachment into the protected zone of 13 oak trees. None of the oaks are of heritage size. The oaks 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 applicant's oak tree location map and oak tree report prepared by L. Newman Design Group, Inc., consulting arborist, dated January 3, 2012.

CUP Modification No. 201100160:

Also associated with the second amended map 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 to reflect the changes in numbers of lots, types of lots, lot numbers, types of streets, as shown on the second amended map.

Condition No. 16 of the CUP states that the Community Character booklet is part of the Exhibit "A" for the CUP. The applicant has amended the 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 (see **Attachment D**).

FEBRUARY 21, 2012 HEARING OFFICER PUBLIC HEARING

During the February 21, 2012 Hearing Officer public hearing, staff made a presentation which summarized the requested entitlements and noted that more than one protest to the CUP modification had been received. At the hearing, the 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.

During the February 21 hearing, one person representing Equestrian Trails Incorporated Corral No. 54 and the Deerlake Ranch Construction Committee testified in support of the project. The proponents 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 expressed confidence that the Los Angeles County Sheriff's Department would deal with any property owner who impeded access to the trail. At the 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.

During the February 21 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. The Hearing Officer also 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.

After considering 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.

APPEAL OF THE HEARING OFFICER'S DECISION

On February 27, 2012, the applicant filed an appeal of the Hearing Officer's decision to your Commission. Since February 27, the applicant has drafted new condition language related to proposed onsite public trails, and has also been working to resolve trails-related concerns with those persons who protested the development.

RECENT CORRESPONDENCE RECEIVED

Since February 21, 2012, staff has received two items of correspondence from the applicant, and no other correspondence. The items received include a minor clarification related to the amount of acreage of impacted Corps of Engineers Waters on Page 7 of the FEIR addendum and on Page 9 of staff's report to the Hearing Officer, and, new condition language suggested by the applicant. The new language reflects changes to the methods of trails installation and enforcement that help satisfy the concerns of protestants.

All correspondence received since February 21, 2012 is included in **Attachment D**. All project materials and any previous correspondence can be viewed on the Regional Planning website at <http://planning.lacounty.gov/case>, then, by typing "53138" into the "Search Case Archive" box and following the link to the project webpage.

STAFF COMMENTS/ANALYSIS

Staff has reviewed the acreage clarification and suggested trails language prepared by the applicants. Staff agrees with the clarifications and believes that the added language will help ensure that the trails are fully installed at an early stage in the project (i.e., prior to the construction of any new homes); are constructed to high design standards; and, as public easements, will not be blocked or otherwise impeded. Staff has incorporated the suggested trails language (bolded) into the revised project conditions of approval (see **Attachment B**).

STAFF RECOMMENDATION

Staff recommends that the Hearing Officer close the public hearing, approve the addendum to the Final Environmental Impact Report, and approve the Second Amendment to Vesting Tentative Tract Map No. 53138, Conditional Use Permit Modification No. 201100160, and Oak Tree Permit No. 201200001 subject to the attached conditions recommended by the Subdivision Committee.

RECOMMENDED MOTION: "I move that the Regional Planning Commission close the public hearing, and, having considered the Addendum along with the Final Environmental Impact Report prepared for the project, approve Addendum 99-239.

RECOMMENDED MOTION: "I move that the Regional Planning Commission reverse the Hearing Officer's decision and approve Oak Tree Permit 201200001, CUP Modification 201100160, and Second Amendment to Vesting Tentative Tract Map 53138, subject to the attached findings and conditions.

NP:jds
7/5/12

- Attachments:
- (A) Factual
 - (B) Revised findings and conditions of approval
 - (C) Addendum to FEIR
 - (D) Recent correspondence received
 - (E) CUP Mod and Oak Tree Permit burdens of proof
 - (F) Hearing Officer staff report
 - (G) Hearing Officer denial letter/findings
 - (H) Amended Community Character booklet
 - (I) Amended map and amended exhibit "A"



PROJECT SUMMARY

Department of Regional Planning

PROJECT NUMBER: 99-239-(5)

HEARING DATE: 7/18/12

APPLICANT / OWNER: Presidio Chatsworth Partners, LLC

MAP/EXHIBIT DATE: 7/12/11

ENTITLEMENT(S):

- Amended Tract Map No. 53138-1
- CUP Modification No. 201100160
- Oak Tree Permit No. 201200001
- Environmental Assessment No. 99-239

LOCATION:

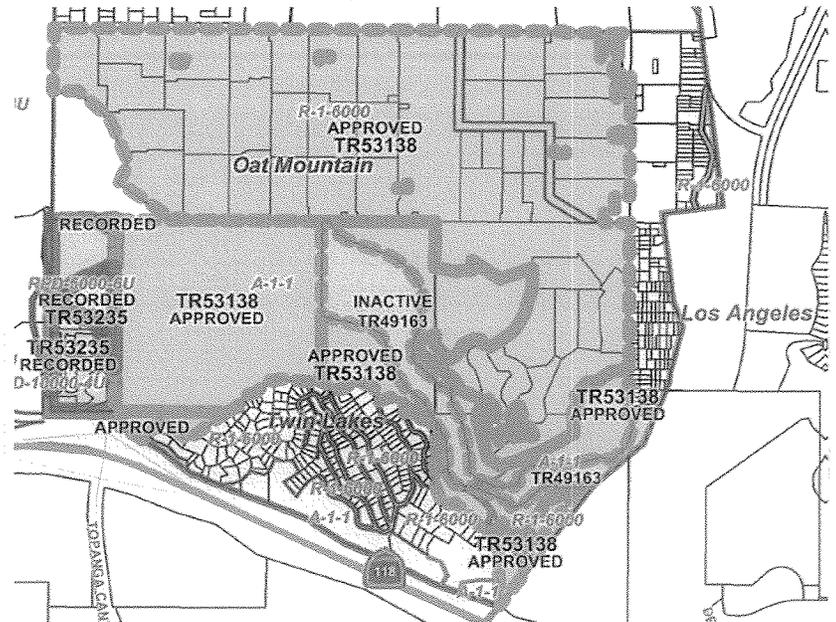
North of California State Route 118 (Ronald Reagan Freeway) between Canoga Avenue and Topanga Canyon Boulevard

APN(s):

59 individual APNs (see staff for APN list).

GENERAL PLAN / COMMUNITY PLAN / CSD:

- Los Angeles Countywide General Plan



LAND USE DESIGNATION	ZONE	PROPOSED UNITS	SITE AREA	MAX UNITS
Non-Urban (R) and Rural Communities (RC)	A-1-1 and R-1-6,000	314	230 gross acres	375

PROJECT OVERVIEW

Requesting minor changes to the approved tentative map and text of the approved CUP conditions, and a new Oak Tree Permit. See staff's memo for further details.

ENVIRONMENTAL DETERMINATION (CEQA)

Addendum to the Final EIR with no increased or additional impacts anticipated.

STAFF RECOMMENDATION

Approval

CASE PLANNER:

Jodie Sackett

PHONE NUMBER:

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ATTACHMENT B

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

1. The Los Angeles County Regional Planning Commission ("Commission") 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, 2011. TR 53138 was heard concurrently with Oak Tree Permit ("OTP") No. 201200001 and Conditional Use Permit Modification ("CUP Mod") No. 201100160.
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 of Condition Nos. 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 42 oak trees and encroach into the protected zones of 13 oak trees (no heritage oaks).
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 amendment map is denied at the public hearing and the denial is sustained by subsequent appeals, 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 Commission at the public hearing. All other project features and conditions remain as previously approved.
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.

PROJECT NO. 99-239-(5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
DRAFT FINDINGS

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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 majority of the subject property was historically known as the Deerlake Highlands Tract, a Record of Survey subdivision of approximately 2,275 lots recorded in the late 1920's. Since their creation in the late 1920's, these substandard lots have occasionally been conveyed, sold, and acquired. These lots have been merged into 624 lots, each with a minimum of 6,000 square feet through the processing and issuing of 624 unconditional certificates of compliance.
11. 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.
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-1-10,000 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 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.

**PROJECT NO. 99-239-(5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
DRAFT FINDINGS**

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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.

18. The subject Second Amendment, and associated oak tree permit and CUP modification were initially heard by a Los Angeles County Hearing Officer, Gina Natoli, on February 21, 2012.

19. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer heard a presentation from staff that summarized the requested entitlements and noted that more than one protest to the CUP modification had been received.

20. During the February 21, 2012 Hearing Officer public hearing, the 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. County Code Section 22.56,1630 (A) does not require opponents to explain the nature of their opposition for that opposition to be valid.

21. 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. They 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.

22. 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.

23. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer noted that the denial of the condition modification request 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.

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SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
DRAFT FINDINGS

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24. During the February 21, 2012 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.
25. 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 because more than two protests had been received.
26. On July 18, 2012, the Commission conducted a duly-noticed public hearing to hear the appeal of the subject project.
27. During the July 18, 2012 Commission public hearing, the Commission heard a presentation from staff and the applicant's representative. No other testimony was heard.
28. During the July 18, 2012 Commission public hearing, the applicant's representative made a presentation and gave testimony regarding the timely installation of trails and enforcement of public trail easements, indicating that both would be provided for the community through project conditions of approval. They also indicated that the nature of the opposition which warranted the applicant's appeal was not within the limited scope of the minor changes being proposed by the applicant.
29. During the July 18, 2012 Commission public hearing, County Counsel explained that the appeal brought forth by the appellants does not substantively relate to the limited scope of the amendments proposed, and thus, the Commission may decide the appeal on the basis of the merits of the proposed amendments.
30. The Commission finds that the requested modification in the overall number of lots as indicated in the chart below is acceptable, as this modification will leave an additional approximately 19 acres of the project site undeveloped and have the additional benefits of reducing greenhouse gas emissions and vehicle traffic to and within the project site during the construction and operations phases of the project, and reducing demand for public utility services during the operations phase of the project.
31. The Commission finds that the following modifications to the approved private and future streets are acceptable as Public Works has determined that the proposed private driveways and fire lanes can adequately serve the expected traffic for the project; the Fire Department has determined that the private driveways and fire lanes will provide adequate access for fire-fighting vehicles; Regional Planning has determined that the four-foot wide sidewalks on either side of the proposed private driveways and fire lanes provide adequate pedestrian access to the project; and these modifications will reduce overall project grading:
 - Poema Place between Topanga Canyon Road to a point approximately 280 feet east of the Poema Place bridge, a 55-foot wide private and future street with a 40-foot wide paved roadway, to become a private driveway and fire lane with a 42-foot wide right of way and a 36-foot wide paved roadway; and
 - Interior private and future streets that have a 51-foot to 58-foot wide right of way and a 34-foot to 36-foot wide paved roadway to become private driveways and

fire lanes with either a 42-foot wide right of way and a 36-foot wide paved roadway or a 38-foot wide right of way and a 34-foot wide paved roadway.

32. The Commission finds that the requested waiver of street frontage to allow private driveways and fire lanes, pursuant to County Code Section 21.24.040 is acceptable as:
- The applicant's goal in proposing private driveways and fire lanes is to reduce the amount of project grading and, thus, reduce alteration of the existing topographic conditions;
 - The parcels are being created originally to be served by private driveways and fire lanes so no existing pattern of ownership is affected; and
 - Public Works and the Fire Department have determined that the proposed private driveways and fire lanes will adequately serve the proposed vehicular traffic and provide satisfactory access for fire-fighting vehicles so the public health, safety, and general welfare will not be adversely affected.
33. The Commission notes that the result of the reduction in the overall number of lots and the modification of private and future streets to private driveways and fire lanes is a reduction in overall project grading from 2.2 million cubic yards combined cut and fill to 1.8 million cubic yards combined cut and fill.
34. The Commission finds that County Code Section 21.24.300(A), which states that, wherever practical, frontage at the right-of-way line for lots on a cul-de-sac knuckle shall be 40 feet or more, and County Code Section 21.24.300 (B), which states that, wherever practical, the frontage at the right of way line shall be equal to or greater than the average lot width for lots not on a turnaround or cul-de-sac knuckle, provides some latitude to the Commission in approving requested modifications of lot frontage. For the R-1-6,000 zone, the required width is 50 feet. For the A-1-1 zone, the required width is 60 feet. The Commission finds that modification of lot frontage to less than the frontage required by County Code Sections 21.24.300 (A) and (B), as requested by the applicant for Lot Nos. 12, 13, 15, 16, 17, 18, 19, 33, 34, 37, 55, 63, 64, 65, 66, 67, 68, 69, 78, 92, 95, 96, 97, 98, 99, 101, 157, 244, 296, 298, 299, 307, 310, 311 is acceptable.
35. The Commission finds that proposed modifications to the text of vesting tentative tract map approval conditions no. 20, 21, 25, 26, 27, 28, 29, 30, 31, 32 and 36 are acceptable as these modifications reflect only changes in the number of lots, type of lots, lot numbers, types of streets, and street names approved by this amendment and do not modify the intent of these conditions.
36. Approval of this amendment map does not change the August 4, 2015 expiration date of Vesting Tentative Tract Map 53138.
37. Future development on the proposed parcels must comply with the Los Angeles County Low Impact Development, Green Building, and Drought-Tolerant Landscaping Ordinances, as applicable, prior to building permit issuance.
38. This tract map was originally approved as a "vesting" tentative map. As such, it is subject to the provisions of Section 21.38.010 of the County Code. The Second Amendment does not

change the “vesting” status.

39. An addendum to the Final Environmental Impact Report has been recommended as the appropriate environmental document for this project pursuant to the California Environmental Quality Act (“CEQA”) and the Los Angeles County Environmental Guidelines. It was determined that, pursuant to CEQA Guidelines Section 15164, some changes to the previously certified FEIR are necessary but none of the conditions described in CEQA Guidelines Section 15162, calling for the preparation of a subsequent EIR, have occurred.
40. After consideration of the addendum to the FEIR and the FEIR itself, together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the proposed amendment will have a significant effect on the environment, finds the addendum reflects the independent judgment and analysis of the Commission, and approves the addendum.
41. Approval of this amendment is conditioned on the subdivider’s compliance with the attached conditions of approval.
42. The location of the documents and other materials constituting the record of proceedings upon which the Commission’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.

THEREFORE, THE COMMISSION:

1. Adopts the addendum to the FEIR and certifies that it has been completed in compliance with CEQA and the State and County guidelines related thereto.
2. Approves the Second Amendment to Vesting Tentative Tract Map No. 53138 subject to the attached conditions and recommendations of the Los Angeles County Subdivision Committee.

PROJECT NO. 99-239- (5)
SECOND AMENDMENT TO TENTATIVE TRACT MAP NO. 53138
DRAFT MODIFIED CONDITIONS

The Second Amendment to Vesting Tentative Tract Map No. 53138 ("Second Amendment") proposes to amend certain conditions of approved Vesting Tentative Map No. 53138 ("TR 53138"), as indicated below.

1. Condition No. 10, as currently approved, reads as follows:

Provide at least 40 feet of frontage at the property line for each lot fronting on a cul-de-sac and knuckle, and at least 50 feet of frontage at the property line for all other lots, except for flag lots. Provide approximately radial lot lines for each lot.

With the requested modification, the applicant is adding the following to Condition No. 10, and it would read as follows:

Provide at least 40 feet of frontage at the property line for each lot fronting on a cul-de-sac and knuckle, and at least 50 feet of frontage at the property line for all other lots, except for Lot Nos. 12, 13, 15, 16, 17, 18, 19, 33, 34, 37, 55, 63, 64, 65, 66, 67, 68, 69, 78, 92, 95, 96, 97, 98, 99, 101, 157, 244, 296, 298, 299, 307, 310, 311, which may have the reduced frontage indicated on the Amended Vesting Tentative Tract Map dated July 12, 2011, and except for flag lots. Provide approximately radial lot lines for each lot

2. Condition No. 20, as currently approved, reads as follows:

Show "A" Street, "D" Street through "K" Street, "B" Street south of "L" Street, and "C" Street north of "N" Street as dedicated streets on the final map.

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

~~Show "A" Street, "D" Street through "K" Street, "B" Street south of "L" Street, and "C" Street north of "N" Street~~ Canoga Avenue and Bullfinch Road, south of the proposed gates, Nogan Drive and Poema Place from Canoga Avenue to cul-de-sac as dedicated streets on the final map.

3. Condition No. 21, as currently approved, reads as follows:

Show "B" Street north of "K" Street, "C" Street north of "K" Street, and "L" Street through "X" Street as private and future streets on the final map

With the requested modification, the applicant is revising and adding the following to Condition No. 21 and it would read as follows:

~~Show "B" Street north of "K" Street, "C" Street north of "K" Street, and "L" Street through "X" Street as private and future streets~~ project access as private driveways and fire lanes on the final map

4. Condition No. 25, as currently approved, reads as follows:

Prior to recordation of any final map unit that includes "T" Street, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project. The easement shall extend through Lot 266 from the northerly tract boundary to private and future "T" Street, continuing to a public road, as shown on Vesting Tentative Tract Map No. 53138, and shall be a minimum of 28 feet, and a maximum of 58 feet in width.

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

Prior to recordation of any final map unit that includes "~~T~~" Street Schindler Way, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project. The easement shall extend ~~through~~ by Lot 266- 255 from the northerly tract boundary to ~~private and future "T" Street private driveway and fire lane Schindler Way~~, continuing to a public road, as shown on Vesting Tentative Tract Map No. 53138, and shall be a minimum of 28 feet, and a maximum of 58 feet in width.

5. Condition No. 26, as currently approved, reads as follows:

Prior to recordation of any final map unit that includes "T" Street, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project, including those commonly referred to as the "Deerlake Addition." The easement shall extend through Lot 266 from the northerly tract boundary to private and future "T" Street, continuing to a public road, as shown on Vesting Tentative Tract Map No. 53138, and shall be a minimum of 36 feet, and a maximum of 58 feet in width.

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

Prior to recordation of any final map unit that includes "~~T~~" Street Schindler Way, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project, including those commonly referred to as the "Deerlake Addition." The easement shall extend ~~through~~ by Lot 266 337 from the northerly tract boundary to ~~private and future driveway and fire lane "T" Street Schindler Way~~, continuing to a public road, as shown on Vesting Tentative Tract Map No. 53138, and shall be a minimum of ~~36~~ 32 feet, and a maximum of ~~58~~ 42 feet in width.

6. Condition No. 27, as currently approved, reads as follows:

Prior to the recordation of any final map unit that includes "X" Street, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project. The easement shall extend from the northerly property line of the project site at Lot 7 of Section 6, through and over "X" Street, across and within those portions of all private and future streets which are northerly of the depicted gate entries on Tract Map No. 53138, to a public road, and shall be 64 feet in width, including slope easements. The easement shall terminate if and when the County of Los Angeles accepts the applicant's offer of dedication of "X" Street.

With the requested modification, the applicant is revising and adding the following to Condition No. 27 and it would read as follows:

Prior to the recordation of any final map unit that includes "X" Street, submit evidence satisfactory to the Director that an easement for ingress, egress, and

underground utility purposes will be recorded for the benefit of properties to the north of the project. The easement shall extend from the northerly property line of the project site at Lot 7 of Section 6, through and over "X" Street, across and within those portions of all private ~~and future streets~~ driveways and fire lanes which are northerly of the depicted gate entries on Tract Map No. 53138, to a public road, and shall be 64 feet in width, including slope easements. The easement shall terminate if and when the County of Los Angeles accepts the applicant's offer of dedication of "X" Street.

7. Condition No. 28, as currently approved, reads as follows:

Grant to all persons holding title to land within the County of Los Angeles and the heirs, successors, and assigns of said persons, as their interest may now or hereafter appear of record, a non-exclusive easement for ingress and egress, road, and utility purposes over the private and future streets within this subdivision to the satisfaction of the Department of Public Works and the Department of Regional Planning.

With the requested modification, the applicant is revising and adding the following to Condition No. 28 and it would read as follows:

Grant to all persons holding title to land within the County of Los Angeles and the heirs, successors, and assigns of said persons, as their interest may now or hereafter appear of record, a non-exclusive easement for ingress and egress, road, and utility purposes over the private ~~and future streets~~ driveways and fire lanes within this subdivision to the satisfaction of the Department of Public Works and the Department of Regional Planning.

8. Condition No. 29, as currently approved, reads as follows

Permission is granted to use the alternate street cross section to the satisfaction of the Department of Regional Planning and Department of Public Works for "R" Street, "S" Street, "T" Street, "U" Street, "V" Street, and "W" Street.

With the requested modification, the applicant is revising and adding the following to Condition No. 29 and it would read as follows:

Permission is granted to use the alternate street cross section to the satisfaction of the Department of Regional Planning and Department of Public Works for "~~R~~" Street, "~~S~~" Street, "~~T~~" Street, "~~U~~" Street, "~~V~~" Street, and "~~W~~" Street all public streets.

9. Condition No. 30, as currently approved, reads as follows:

Convey and easement for construction of a helispot on Lot 399 to the Consolidated Fire Protection District of the County of Los Angeles for use by said Consolidated Fire Protection District and other emergency personnel. Submit evidence of compliance with this condition to the Director prior to recordation of the final map.

With the requested modification, the applicant is revising and adding the following to Condition No. 30 and it would read as follows:

Convey and easement for construction of a helispot on Lot ~~399~~ 341 to the Consolidated Fire Protection District of the County of Los Angeles for use by said

Consolidated Fire Protection District and other emergency personnel. Submit evidence of compliance with this condition to the Director prior to recordation of the final map.

10. Condition No. 31, as currently approved, reads as follows:

Dedicate to the County of Los Angeles on the final map the right to prohibit the construction of residential and accessory structures over the lots designated as remainder parcels. Construction of recreational amenities is permitted. Dedicate on the final map the right to prohibit the construction of residential and accessory structures on the open space lots (Lots 378 through 383, 385 through 393, 398, 400, 401, and 417). Recreational structures may be constructed on portions of Lots 376, 384, and 416 subject to approval of plot plans by the Director.

With the requested modification, the applicant is revising and adding the following to Condition No. 31 and it would read as follows:

Dedicate to the County of Los Angeles on the final map the right to prohibit the construction of residential and accessory structures over the lots designated as open space remainder parcels (Lots 315, 317-336, 338-340, 343, 344. Construction of recreational amenities is permitted. Dedicate on the final the right to prohibit the construction of residential and accessory structures on the open space lots (Lots 378 through 383, 385 through 393, 398, 400, 401, and 417). Recreational structures may be constructed on portions of Lots 376, 384, and 416 subject to approval of plot plans by the Director of Planning. Recreational structures/facilities maybe constructed on portions of lots 315, 324, 336, and 343 subject to approval of plot plans by the Director. Water and Sewer structures/facilities may be constructed on lots 327 and 342. Drainage structures/facilities may be constructed within open space lots as shown on the drainage concept/hydrology study approved by the Department of Public Works.

11. Condition No. 32, as currently approved, reads as follows:

Lot 337 shall be used for a sheriff's storefront sub-station to be constructed by the subdivider to the satisfaction of the Sheriff's Department as provided for in Conditional use Permit Case No. 99-239-(5).

With the requested modification, the applicant is revising and adding the following to Condition No. 32 and it would read as follows:

Lot 337 316 shall be used for a sheriff's storefront sub-station to be constructed by the subdivider to the satisfaction of the Sheriff's Department as provided for in Conditional use Permit Case No. 99-239-(5).

12. Condition No. 33, as currently approved, reads as follows:

Provide for the ownership and maintenance of the open space lots (Lots 378 through 383, 385 through 393, 398, 400, 401, and 417) by a homeowners' association or dedicate the open space lots to a public agency to the satisfaction of the Department of Regional Planning.

With the requested modification, the applicant is revising Condition No. 33 and it would read as follows:

Provide for the ownership and maintenance of the open space lots (~~Lots 378 through 383, 385 through 393, 398, 400, 401, and 417~~ Lots 315, 317 through 336, and 338 through 340, 333, and 334) by the homeowners' association or dedicate the open space lots to a public agency to the satisfaction of the Department of Regional Planning.

13. a) Condition No. 36, as currently approved, reads as follows:

Bond with the Department of Public Works for any recreational structures proposed for Lots 404 and 408 and the equestrian rest area adjacent to Lot 262.

With the requested modification, the applicant is revising and adding the following to Condition No. 36 and it would read as follows:

Bond with the Department of Public Works for any recreational structures proposed for Lots 404 315 and 408 324 and the equestrian rest area adjacent to within Lot 262 336.

- b) Condition No. 38, as currently approved, reads as follows:

Construct and dedicate equestrian and hiking trails to the County of Los Angeles, or other public agency approved by the County of Los Angeles, to the satisfaction of the Department of Parks and Recreation. Submit evidence of satisfaction of this condition to the Director prior to recordation of the final map or unit map, which includes all, or a portion of the trail.

With the requested modification, the applicant is revising Condition No. 38 and it would read as follows:

Construct and dedicate equestrian and hiking trails to the County of Los Angeles, or other public agency approved by the County of Los Angeles, to the satisfaction of the Department of Parks and Recreation. Submit evidence of satisfaction of this condition to the Director of the Department of Regional Planning prior to recordation of the final map or unit map, which includes all, or a portion of the trail. No building permit shall be issued within any final map, or unit map, until the equestrian and hiking trail within that map has been constructed.

14. All other conditions of TR 53138 remain as previously approved.
15. Permission is granted to develop the subdivision in accordance with the amendment map dated July 12, 2011.
16. Permission is granted to make the following changes to the tentative tract map:
- 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;
 - Revision of interior street standards from a 51-foot wide residential street to a 36-foot wide private driveway and fire lane;

**PROJECT NO. 99-239- (5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
AMENDED CONDITIONS**

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- Reduction in the volume of project grading from 2.2 million cubic yards to 1.8 million cubic yards; and
- Allowing Lot Nos. 12, 13, 15,16, 17, 18, 19, 33, 34, 37, 55, 63, 64, 65, 66, 67, 68, 69, 78, 92, 95, 96, 97, 98, 99, 101, 157, 244, 296, 298, 299, 307, 310, 311 to have less than the required street frontage.

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**FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. 99-239-(5)
CUP MODIFICATION NO. 201100160**

1. The Los Angeles County Regional Planning Commission (“Commission”) conducted a duly noticed public hearing in the matter of Conditional Use Permit Modification (“CUP Mod”) No. 201100160 on February 21, 2011. 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.
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 Condition Nos. 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.
3. The Second Amendment requests the following :
 - Reduction in the overall number of lots from 421 (including 375 single-family lots) to 345 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;
 - Reduction in the volume of project grading from 2.2 million cubic yards to 1.8 million cubic yards;
 - Waiver of street frontage on lots fronting private driveways and fire lanes;
 - 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 for the vesting tentative tract map to reflect the approved amendments.
4. OTP No. 201200001 is a request to remove 42 and encroach into the protected zones of 13 oak trees (no heritage oaks).
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 CUP modification is denied at the public hearing and the denial is sustained by any subsequent appeals, 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 Commission 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 majority of the subject property was historically known as the Deerlake Highlands Tract, a Record of Survey subdivision of approximately 2,275 lots recorded in the late 1920's. Since their creation in the late 1920's, these substandard lots have occasionally been conveyed, sold, and acquired. These lots have been merged into 624 lots, each with a minimum of 6,000 square feet through the processing and issuing of 624 unconditional certificates of compliance.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 access 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.

18. 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.

19. The subject CUP modification, and associated oak tree permit and amended map were initially heard by a Los Angeles County Hearing Officer ("Hearing Officer"), Gina Natoli, on February 21, 2012.
20. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer heard a presentation from staff that summarized the requested entitlements and noted that more than one protest to the CUP modification had been received.
21. During the February 21, 2012 Hearing Officer public hearing, the 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. County Code Section 22.56,1630 (A) 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, one person representing Equestrian Trails Incorporated Corral No. 54 and the Deerlake Ranch Construction Committee testified in support of the project. They 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.
23. 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.

24. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer noted that the denial of the condition modification request 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.
25. During the February 21, 2012 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.
26. 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 because more than two protests had been received.
27. On July 18, 2012, the Commission conducted a duly-noticed public hearing to hear the appeal of the subject project.
28. During the July 18, 2012 Commission public hearing, the Commission heard a presentation from staff and the applicant's representative. No other testimony was heard.
29. During the July 18, 2012 Commission public hearing, the applicant's representative made a presentation and gave testimony regarding the timely installation of trails and enforcement of public trail easements, indicating that both would be provided for the community through project conditions of approval. They also indicated that the nature of the opposition which warranted the applicant's appeal was not within the limited scope of the minor changes being proposed by the applicant.
30. During the July 18, 2012 Commission public hearing, County Counsel explained that the appeal brought forth by the appellants does not substantively relate to the limited scope of the amendments proposed, and thus, the Commission may decide the appeal on the basis of the merits of the proposed amendments.
31. The Commission finds that the requested modification to Condition No. 3 of CUP 99-239 – (5), a reduction in the number of horse-keeping lots from 55 lots to 41 lots, is acceptable as this reduction is proportional to the reduction in the number of single-family lots.
32. The Commission finds that modifications to the text of CUP 99-239–(5) approval Condition Nos. 1, 2, 16, 20, 22, 23, 24, 25, 26, 56, 57, 64, and 65 are acceptable as these modifications reflect only changes in the number of lots, type of lots, lot numbers, types of streets, and street names approved by the second amendment to and do not modify the intent of these conditions.
33. The Commission finds that the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040. The burden of proof indicates the effect of the proposed modification proposed by the second amendment to TR 53138.

34. The Commission finds that approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit. Only text changes are proposed to Condition Nos. 1, 2, 16, 20, 22, 23, 24, 25, 26, 56, 57, 64 and 65 of CUP 99-239 – (5). The proposed reduction in the number of horse-keeping lots required by Condition No. 3 of CUP 99-239 – (5) results from the overall reduction in number of lots proposed by the second amendment to TR 53138.
35. The Commission finds that approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit. Regional Planning required the applicant to apply for the CUP modification in order to allow text changes in certain conditions of approved CUP 99-239 – (5) to make the conditions of that CUP consistent with the requested modifications of TR 53138.
36. Future development on the proposed parcels must comply with the Los Angeles County Low Impact Development, Green Building, and Drought-Tolerant Landscaping Ordinances, as applicable, prior to building permit issuance.
37. An addendum to the Final Environmental Impact Report has been recommended as the appropriate environmental document for this project pursuant to the California Environmental Quality Act (“CEQA”) and the Los Angeles County Environmental Guidelines. It was determined that, pursuant to CEQA Guidelines Section 15164, some changes to the previously certified FEIR are necessary but none of the conditions described in CEQA Guidelines Section 15162, calling for the preparation of a subsequent EIR, have occurred.
38. After consideration of the addendum to the FEIR and the FEIR itself, together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the proposed amendment will have a significant effect on the environment, finds the addendum reflects the independent judgment and analysis of the Commission, and approves the addendum.
39. The location of the documents and other materials constituting the record of proceedings upon which the Commission’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 COMMISSION CONCLUDES:

- A. That the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040;
- B. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and
- C. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a condition use permit modification as set forth in Section 22.56.1630 of the Los Angeles County Code (Zoning Ordinance).

THEREFORE, in view of the findings of fact and conclusions presented above, Conditional Use Permit Modification 201100160 is approved subject to the attached conditions.

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PROJECT NO. 99-239- (5)
CONDITIONAL USE PERMIT MODIFICATION NO. 201100160
DRAFT CONDITION MODIFICATIONS

Conditional Use Permit Modification ("CUP Mod") No. 201100160 proposes modifications to certain conditions of approved CUP 99-239 – (5), as indicated below.

1. 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.

2. 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.

3. 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.

4. 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".

5. 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~~ one lot 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.

6. 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".

7. 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".

8. 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".

9. 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.

10. 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.

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 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. In addition, Construct and dedicate equestrian and hiking trails to the County of Los Angeles, or other public agency approved by the County of Los Angeles, to the satisfaction of the Department of Parks and Recreation. Submit evidence of satisfaction of this condition to the Director of the Department of Regional Planning prior to recordation of the final map or unit map, which includes all, or a portion of the trail. No building permit shall be issued within any final map, or unit map, until the equestrian and hiking trail within that map has been constructed.

10. a) Condition No. 28, as currently approved, read as follows:

Prior to the issuance of any grading permit or building permit, site plans covering the applicable development phase as identified on the phasing map for Vesting Tentative Tract Map No. 53138 shall be submitted to and approved by the Director indicating that the proposed grading and/or construction:

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

With the requested modification, the applicant is revising and adding the following to Condition No. 28 and it would read as follows:

Prior to the issuance of any grading permit or building permit, site plans covering the applicable development phase as identified on the phasing map for Vesting Tentative Tract Map No. 53138 shall be submitted to and approved by the Director indicating that the proposed grading and/or construction:

- A. complies with the conditions of this grant and the standards of the zone;
- B. is compatible with hillside resources; and
- C. includes all equestrian and hiking trails within that development phase, including final grading, finished trails surfaces and drainage devices, railing, and other appurtenances required by the Director of Parks & Recreation

10. b) Condition No. 29, as currently approved, read as follows:

Review of the site plan shall emphasize, within the limits established by geologic and engineering constraints, grading amount and technique, preservation of natural features, landscaping of altered open space and graded slopes, and placement of residences onsite. Other features to be indicated on all site plans include walls, landscaping, driveways, and building setbacks.

With the requested modification, the applicant is revising and adding the following to Condition No. 29 and it would read as follows:

Review of the site plan shall emphasize, within the limits established by geologic and engineering constraints, grading amount and technique, preservation of natural features, landscaping of altered open space and graded slopes, and placement of residences onsite. Other features to be indicated on all site plans include walls, landscaping, driveways, building setbacks, and finished grading for all equestrian and hiking trails, finished trails surfaces and drainage devices, railing, and other appurtenances required by the Director of Parks & Recreation.

10. c) Condition No. 32, as currently approved, read as follows:

Prior to recordation of any final map for associated Vesting Tentative Tract Map No. 53138, the permittee shall submit copies of the Covenants, Conditions and Restrictions ("CC&R's") for the project to the Director. The CC&R's shall include a prohibition on the use of water softener units in the single family residences which discharge chemical agents into the public sewer system.

With the requested modification, the applicant is revising and adding the following to Condition No. 32 and it would read as follows:

Prior to recordation of any final map for associated Vesting Tentative Tract Map No. 53138, the permittee shall submit copies of the Covenants, Conditions and Restrictions ("CC&R's") for the project to the Director. The CC&R's shall include a prohibition on the use of water softener units in the single family residences which discharge chemical agents into the public sewer system. In addition, the CC&R's shall advise all residents of the following concerning the equestrian and hiking trails located within the project:

- That the trails are publicly owned by Los Angeles County, and are not private property, regardless of their location relative to

private properties.

- That any private use, damage or blockade of the trails is against the law, and that violators will be prosecuted by Los Angeles County officials.

11. 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 routes 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 routes 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.

12. Condition No. 57, as currently approved, read as follows:

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:

- A. 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).
- B. 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.

- C. Prior to the issuance of the first residential building permit, construction shall commence on the "A" Street Bridge.
- D. 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.
- E. 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;

- F. 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;
- G. 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;
- H. 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;
- I. 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;
- J. 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
- K. 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:

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:

- L. 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).
- M. 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.

- N. Prior to the issuance of the first residential building permit, construction shall commence on the "A" Street Poema Place Bridge.
- O. 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.
- P. 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;
- Q. 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;

- R. 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;
- S. 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;
- T. 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;
- U. 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
- V. After relocation of the temporary construction trailers, the leased site shall be restored to its existing condition within 30 days.

13. 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 ($\638×375 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 (~~$\$638 \times 375$~~ $\$829 \times 314$ dwelling units = ~~\$239,250~~ 260,306). The permittee or its successor in interest may contact the County Librarian at (562) 940-8430.

14. 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 Sheriffs 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 Sheriffs 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 Sheriffs 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 Sheriffs facility, an additional four parking spaces, at minimum, shall be provided to trail users.

15. All other conditions of CUP 99239 remain as previously approved.
16. Prior to the use of this grant, the terms and conditions of the modification shall be recorded in the office of the Los Angeles County Recorder.
17. Permission is granted to develop the subdivision in accordance with the Exhibit "A," including the Community Character booklet, dated July 12, 2011.
18. Permission is granted to make the following changes to the Exhibit "A":
 - 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;
 - Revision of interior street standards from a 51-foot wide residential street to a 36-foot wide private driveway and fire lane;
 - Reduction in the volume of project grading from 2.2 million cubic yards to 1.8 million cubic yards;
 - Allowing Lot Nos. 12, 13, 15, 16, 17, 18, 19, 33, 34, 37, 55, 63, 64, 65, 66, 67, 68, 69, 78, 92, 95, 96, 97, 98, 99, 101, 157, 244, 296, 298, 299, 307, 310, 311 to have less than the required street frontage.

ATTACHMENT C

**ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT
FOR AMENDED VESTING TENTATIVE TRACT MAP NO. 53138
MODIFICATION OF CONDITIONAL USE PERMIT 99-239 (5) and
OAK TREE PERMIT ROAK #201200001**

1. Existing Entitlements

- a. On August 10, 2004, the County Board of Supervisors approved Vesting Tentative Tract Map (VTTM) No. 53138-(5), Conditional Use Permit (CUP) 99-239, Oak Tree Permit (OTP) 99-239, and certified the Final Environmental Impact Report (FEIR). The subject property is situated within the Chatsworth Zoned District of Los Angeles County, and is located north of the 118 Freeway, between Topanga Canyon Boulevard and Canoga Avenue. Subsequently, an Amended Vesting Tentative Tract Map was approved by the County Hearing Officer on September 16, 2008, authorizing certain design modifications.
- b. The approved VTTM and CUP authorizes the creation of 375 single-family residence lots, 21 open space lots, 14 private and future streets, four debris basins, one helispot, one sheriff's storefront facility, four designated remainder parcels on 230.58 acres, and project associated grading and infrastructure to be developed in compliance with hillside management and density controlled development design review criteria that allows clustering of the units into the least environmentally sensitive areas of the site while retaining the remaining portion of the property in permanent open space (See Sec. 2.0, Project Description of FEIR).
- c. The OTP authorized the removal of 61 oak trees, and encroachment into the protective zones of 11 oak trees. The OTP subsequently was revised on September 6, 2005, as OTP #200500037, and authorized the removal of 45 oak trees, and encroachment into the protective zones of 10 oak trees.
- d. Mitigation measures identified in the approved Final Environmental Impact report (FEIR) and Mitigation Monitoring Plan (MMP), and imposed on the project as a condition of approval, including the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hydrology, Noise, Fire Department Services, Police Services, Schools, Libraries, Traffic, Water Services, Wastewater Services, Solid Waste, Electric and Gas Services.

2. Proposed Entitlement Modifications

The proposed project modifications require the following amendments to, or new entitlements: Amended Map for Vesting Tentative Tract Map (VTTM) No. 53138, Modification to CUP 99-239, a new Oak Tree Permit (OTP) ROAK #201200001 and an Addendum to the approved FEIR.

3. Proposed Amended Vesting Tentative Tract Map No. 53138

- a. The Amended VTTM proposes to reduce the number of residential dwelling units from 375 to 314, with corresponding revisions on the map pertaining to lot and internal street configurations, related grading and infrastructure quantities, and lot numbers, consistent with the proposed Modification of the CUP, as described in this document.

- b. The Amended VTTM approved by the Hearing Officer permitted 20 designated lots to have less than 50 feet of frontage at the street right-of-way to accommodate lots located along street curves. Above 20 lots are in addition to the flag lots with 10' or 15' frontage per Section 21.24.320 and lots along cul-de-sac streets with 40' frontage per Section 21.24.300. This Amended VTTM proposes to modify the number of lots that would be permitted to have less than 50 ft. of frontage on the street from 20 to 31 and their designations from lot numbers 12 through 16, 29, 57 through 64, 365, and 370 through 374 to the following: Lot numbers 12, 13, 15 through 19, 33, 34, 37, 55, 63 through 69, 78, 92, 95 through 99, 101, 244, 296, 298, 299, 307, 310 and 311.
- c. In the southwesterly portion of the project, it is proposed to leave the ridgeline and a portion of the southerly slope of Devils Canyon in their natural states by reducing the area of the building envelope and the future street grading in the area (see Sec. 4.1, Aesthetic and Visual resources, of FEIR). This will result in a reduction of approximately 600,000 cubic yards (cy) of grading and related truck hauling to the northerly portion of the project, a reduction of approximately 110,000 sf of retaining wall, and a reduction the number of lots in that area from 48 to 23. To maximize preservation of the ridgeline, it is proposed to modify the road standard for a portion of Poema Place, between Topanga Canyon Blvd. and the westerly end of the proposed bridge Poema Place bridge, from "Collector Street" standards (40 ft. of paved roadway, and 55ft. of right-of- way) to "Private Driveway & Fire Lane" standards (36 ft. of paved roadway, and 42 ft. of roadway easement), as shown on the Amended VTTM. This proposed modification meets both Los Angeles County Fire Department and Department of Public Works standards.
- d. As result of the elimination of approximately 600,000 cy of fill material for the northerly portion of project, three out of the four main north-south drainage courses will be left in their natural state, except for road crossings, as shown on the Amended VTTM (see Sec. 4.3, Biological Resources, of FEIR). Because the three drainage courses will be kept in their natural state, three debris basins will be eliminated, as well as storm drain pipe, and inlet and outlet structures, that were to be constructed within those drainage courses. As a result, the number of lots in the northwesterly portion of the project has been reduced from 91 to 68.
- e. Portions of the internal street system of the north portion of project have been re-oriented, and modified from "Residential" standards (36 ft. paved roadway and 51 ft. right-of-way, and 34 ft. paved roadway and 49 ft. right-of way) to "Private Driveway & Fire Lane" standards (36 ft. paved roadway, 42 ft. of roadway easement and 34 ft paved roadway and 38 ft of roadway easement), as shown on the Amended VTTM. This proposed modification meets both Los Angeles County Fire Department and Department of Public Works standards. These modifications substantially reduce the size and area of required retaining walls in this area by approximately 73,000 sf. As a result, the number of lots in that area has been reduced from 136 to 120, and the lot frontages have been increased from a minimum 50 to 60 feet wide, to a minimum 60 to 70 feet wide.
- f. Configuration of the site plan and lot layout for the central portion of the project has been left essentially unchanged, except that the number of lots has been increased from 100 to 101.
- g. The requested Amendment to VTTM No. 53138 seeks authorization for the following modifications to the VTTM No. 53138 Conditions of Approval. All other Conditions of Approval shall remain in effect for this Amended VTTM.
- Revise Condition #20 to read:

“Show Canoga Ave and Bullfinch Road, South of the proposed gates, Nogan Drive and Poema Place, from Canoga Ave to Cul-de-sac as dedicated streets on the final map.”

h. Revise Condition #21 to read:

“Show project access as Private Driveways and Fire Lanes on the final map.”

• Revise Condition #25 to read:

“Prior to recordation of any final unit map that includes Schindler Way, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project. The easement shall extend by Lot 255 from the northerly tract boundary to Private Driveway and Fire Lane Schindler Way, continuing to a public road, all as shown on Vesting Tentative Tract Map No. 53138, and shall be a minimum of 28 feet, and a maximum of 58 feet in width.”

• Revise Condition #26 to read:

i. “Prior to recordation of any final unit map that includes Schindler Way, submit evidence satisfactory to the Director that an easement for ingress, egress, and underground utility purposes will be recorded for the benefit of properties to the north of the project, including those commonly referred to as the "Deerlake Addition." The easement shall extend by Lot 337 from the northerly tract boundary to Private Driveway and Fire Lane, Schindler Way, continuing to a public road, all as shown on Vesting Tentative Tract Map No. 53138, and shall be a minimum of 36 feet, and a maximum of 58 feet in width.”

• Revise Condition #27 to read:

“Prior to recordation of any final unit map that includes "X" Street, submit evidence satisfactory to the Director that an easement for ingress, egress and underground utility purposes will be recorded for the benefit of properties to the north of the project. The easement shall extend from the northerly property line of the project site at Lot 7 of Section 6, through and over "X" Street, across and within those portions of all Private Driveway and Fire Lanes which are northerly of the depicted gate entries on Tract Map No. 53138, to a public road, and shall be 64 feet in width, including slope easements. The easement shall terminate if and when the County of Los Angeles accepts the applicant's offer of dedication of "X" Street.”

• Revise Condition #28 to read:

“Grant to all persons holding title to land within the County of Los Angeles and the heirs, successors, and assigns of said persons, as their interest may now or hereafter appear of record, a non-exclusive easement for ingress and egress, road, and utility purposes over the private driveways and fire lanes in this subdivision to the satisfaction of the Department of Public Works and the Department of Regional Planning.”

• Revise Condition #29 to read:

“Permission is granted to use the alternate street cross section to the satisfaction of the Department of Regional Planning and Department of Public Works for all public streets”

- Revise Condition #30 as follows:
Revise Helispot lot number from #399 to #341

- Revise Condition #31 to read:
“Dedicate to the County of Los Angeles on the final map the right to prohibit the construction of residential and accessory structures over the lots designated as open space lots (Lots 315, 317-336, 338-340, 343, 344). Construction of recreational amenities is permitted subject to approval of plot plans by the Director of Planning. Recreational structures/facilities maybe constructed on portions of lots 315, 324, 336, and 343 subject to approval of plot plans by the Director. Water and Sewer structures/facilities may be constructed on lots 327 and 342. Drainage structures/facilities may be constructed within open space lots as shown on the drainage concept/hydrology study approved by the Department of Public Works .

- Revise Condition #32 as follows:
Revise Sheriff’s Storefront Station lot number from #377 to #316

- Revise Condition #33 to read:
“Provide for the ownership and maintenance of the open space lots (Lots 315, 317 through 336, 338 through 340, 342 through 344) by the homeowners' association or dedicate the open space lots to a public agency to the satisfaction of the Department of Regional Planning.”

- Revise Condition #36 to read:
“Bond with the Department of Public Works for any recreational structures proposed for Lots 315 and 324 and the equestrian rest area within Lot 336.”

4. Proposed Modification of Conditional Use Permit & Revised Exhibit “A”

The requested Modification to CUP 99-239 (5), and Revised Exhibit “A”, seeks authorization for the following modifications to the CUP 99-239 Conditions of Approval. All other Conditions of Approval shall remain in effect for this CUP Modification.

- Revise Condition #1 to read:
“This grant authorizes the use of the subject property for a total of 314 single-family residential lots, one debris basin lot, one helispot lot, one sheriffs storefront facility lot, one sewer pump station lot, 25 open space lots, 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 Revised Exhibit A, (dated March 24, 2004) as amended on September 16, 2008, and February 21, 2012) subject to the following conditions of approval.”

- Revise Condition #2 to read:
“A minimum of 50 percent of the 314 lots, or 157 lots, shall be 15,000 square feet in size, or larger.”

- Revise Condition #16 to read:
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, revised February 21, 2012), Community Character booklet (revised December 2012), 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.

- Re vise Condition #20 to read:
“Any future development of the lot designated as a remainder parcel shall be subject to the regulations in effect at the time of such development, including the provisions of sections 66410 et seq. of the California Government Code (Subdivision Map Act) and the requirements of the Subdivision and Zoning Ordinances.”
- Revise Conditions #22 to read:
“Two private active use areas shall be provided on open space lots 315 and 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.”
- Revise Conditions #23 to read:
“A natural park area shall be provided on a portion of open space lot 343 as shown on the approved Exhibit A.”
- Revise Conditions #24 to read:
“An equestrian rest area shall be provided and permanently maintained by the Homeowners' Association on the parcel within lot 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.”
- Revise Conditions #25 to read:
“The permittee shall pay the Quimby in-lieu fee of \$ 342,720, as required by the Department of Parks and Recreation”
- Revise Conditions #56, 57 & 65:
Revise all references to “A Street” to read “Poema Place”
- Revise Conditions #64 to read:
“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 314 dwelling units = \$200,332). The permittee or its successor in interest may contact the County Librarian at (562) 940-8430 regarding payment of fees.”
- Revise Conditions #3 & #26:
Revise the number of equestrian lots that are specifically designated to accommodate horse keeping from 55 to 41. This requested reduction corresponds to the pro rata reduction in the number of lots that are suitable for equestrian use within the northwesterly portion of the project from 91 to 68 lots (i.e., 60 % of total lots are to be specifically designated to accommodate horse keeping). The revised conditions are to read as follows:

Condition #3: “A minimum of 41 lots shall be specifically designated to accommodate horse keeping”

Condition #26: “The area of individual lots shall substantially conform to that shown on

the approved Exhibit A and shall include at least 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 closer than 35 feet to any habitable structure 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.”

5. Summary of New Oak Tree Permit ROAK #201200001

- a. A new oak tree permit is required for this Amended VTTM because the limits of grading have been modified from the originally approved VTTM, as described in Paragraph 3, above, and as shown on the Amended VTTM and Revised Exhibit “A”.
- b. This new OTP authorizes the removal of 42 oak trees and encroachment into the protected zone of 13 oak trees, as shown in the Oak Tree Report by L. Newman Design Group, Inc., the consulting arborist, dated January 2012, and subject to all conditions stated in the report, and imposed by the County Forester.
- c. The applicant will not be required to mitigate for removal of trees unless they are of ordinance size upon removal. The project arborist shall notify the County Forester one week prior to scheduled removal so that final measurement of the tree can be made to determine the need to provide additional mitigation trees.
- d. 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.”

6. CEQA Addendum Findings Pertaining to Project Modifications

CEQA Section 15164 authorizes a Lead Agency to prepare an Addendum to a previously certified Environmental Impact Report if changes or additions to the document are necessary, but none of the conditions described in Section 15162 are present, as described below:

- No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects
- No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new potentially significant environmental effects or a substantial increase the severity of previously identified potentially significant effects
- No new information of substantial importance, which was not known, and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
- The project will not have one or more significant effects not discussed in the previous EIR

- Potentially significant effects previously examined will not be substantially more severe than shown in the previous EIR
- No new mitigation measures or alternatives previously found to be infeasible have been found to be feasible but declined by the project proponent to be adopted
- No new mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, and that would substantially reduce one or more potentially significant effects on the environment, have been found and declined by the project proponent to be adopted

The EIR adopted by the Board of Supervisors on August 10, 2004, analyzed the following potential project impacts: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hydrology, Noise, Fire Department Services, Police Services, Schools, Libraries, Traffic, Water Services, Wastewater Services, Solid Waste, Electric and Gas Services. Impacts on all of these elements and/or services were found to be less than significant after appropriate mitigation, as identified in the approved FEIR and the Mitigation Monitoring Plan.

Following are comparisons between the originally approved project and the proposed modified project of the potential impacts identified in the FEIR:

COMPARISON OF IMPACTS

DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Project Description (FEIR Sec. 2.0)	*375	*314	*Reduction of 61 residential units (16.3%)
Aesthetics & Visual Resources (FEIR Sec.4.1)	*71.4 ac. Open space	*90.7 ac. Open space	* Addition of 19.3 ac. natural area (8.4%) *Preservation of portion of ridgeline within southwesterly portion of site
Air Quality (FEIR Sec. 4.2)	*2,505,000 cy grading *375 units *375 units	*1,660,000 cy grading\ *314 units *314 units	* 33.7 % reduction in grading operation emissions * 16.3% reduction in building construction emissions * 16.3% reduction in long term vehicular emissions
Biological Resources (FEIR Sec. 4.3)	*71.4 ac. of open space *0.43 ac. of 404 permit impact	*90.7 ac. open space *0.22 ac. of 404 permit impact	*Addition of 19.3 ac. of natural area (8.4%) *_48.8_% less impact to US waters (404 Permit)
Oak Trees (FEIR Sec. 4.3)	* 45 oak trees removed *10 oak tree encroachments	* 42 oak trees removed *13 oak tree encroachments	*3 less oak tree removals *3 more encroachments
Cultural Resources (FEIR Sec. 4.4)	*71.4 ac open space	*90.7 ac. open space	* Addition of 19.3 ac. of natural area

Geology & Soils (FEIR Sec. 4.5)	*2,240,000 cy mass grading *265,000 cy remedial grading *269,000 sf retaining walls	*1,660,000 cy mass grading *0 cy remedial grading *86,000 sf retaining walls	*Reduction of 580,000 cy in mass grading (25.8%) *Reduction of 265,000 cy remedial grading (100%) *Reduction of 183,000 sf of retaining walls (68%)
Hydrology (FEIR Sec. 4.6)	*4 debris basins	*1 debris basin	*Reduction of 3 debris basins (75%)
Noise (FEIR Sec. 4.7)	*2,505,000 cy grading 375 units	*1,660,000 cy grading 314 units	*33.7% reduction in grading equipment impact *16.3% reduction of bldg. constr. equipment impact
Fire Protection Services (FEIR Sec. 4.8)	*375 units	*314 units	*16.3% reduction in residential structures to serve
DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Police Protection Services (FEIR Sec. 4.9)	*375 units	*314 units	*16.3% reduction in residential houses to serve
Schools (FEIR Sec. 4.10)	*375 units	*314 units	*Approximate 16% reduction in student generation (one student per house, all classes)
Libraries (FEIR Sec. 4.11)	*375 units	*314 units	*16.3% reduction in library demand
Traffic (FEIR Sec. 4.12)	*375 units	*314 units	*Reduction of 610 vehicle trips per day (16.3%) after build-out
Potable Water (FEIR Sec. 4.13)	*375 units	*314 units	*Reduction of 20,880 gal. per day of demand (16.3%)
Wastewater (FEIR Sec.4.14)	*375 units	*314 units	*Reduction of 44,880 gal. day of sewage discharge (16.3%)
Solid Waste (FEIR Sec. 4.15)	*375 units	*314 units	*Reduction of 735 lbs./unit/day of solid waste per day (16.3%)
Electric and Gas (FEIR Sec. 4.16 & 4.17)	*375 units	*314 units	16.3 % reduction of demand for gas and electricity

The Modified Project proposes to implement the same mitigation measures as the previous project where the measures are not related to the number of units, although the potential impacts of the Modified Project will be less. Where mitigation measures are specifically related to the number of units, the Modified Project will implement the same mitigation measures, but on an appropriate pro rata basis.

As shown above, these project modifications will result in the reduction of each potential impact identified in the original FEIR, and, therefore, will not cross the thresholds identified in Section 15162 of the California Environmental Quality Act (CEQA) that would require a subsequent EIR.

Therefore, this Project Amendment qualifies for an Addendum to the previously approved EIR, as authorized under CEQA Section 15164.

By: _____

Date: _____

ATTACHMENT D

Sackett, Jodie

From: Moore, Charles J. [cmoore@coxcastle.com]
Sent: Thursday, July 05, 2012 7:57 AM
To: Sackett, Jodie
Cc: Child, Mark; Paidar, Nooshin
Subject: Special Trails Condition for Deerlake Ranch: Final Version
Attachments: CCNDOCS-#4171680-v13-Special_Trails_Condition.DOC

We have worked successfully with counsel for the equestrians who originally protested the modification case, now scheduled for hearing by the planning commission on July 18. I understand that the attached, suggested special condition will enable the protestants to appear at the hearing and withdraw their opposition.

Special Trails Condition for Use Permit and Tentative Tract Map

The equestrian and hiking trails are an important component of this development; they are a public benefit and enhance the community. Therefore, these conditions are added to help enforce the design, completion and control of the public trails depicted in the various county approvals.

1. The permittee shall make an irrevocable offer of dedication of all trails shown on Exhibit "A" to the County of Los Angeles on the final tract map(s) which includes any portion of the trails.
2. The permittee shall construct all equestrian and hiking trails as depicted on Exhibit "A" to the satisfaction of the Department of Public Works and the Department of Parks and Recreation.
3. The permittee shall complete the trail grading prior to rough grading certification, and the completion of this trail grading work shall be confirmed by the appropriate County staff in connection with the inspection and issuance of rough grading certification. Posting of security in lieu of such actual completion of trails shall not be permitted.
4. The permittee shall post temporary signs sufficient in size and number so as to be visible and legible from every home site whose lot is traversed by a trail. Each sign shall give notice that a Los Angeles County equestrian trail, open to the public, is located in the area. The Department of Public Works shall not sign off on permittee's completion of rough grading until the Department has confirmed that the signs have been posted.

The temporary signs shall be continually maintained until the residences are constructed and occupied.

5. These conditions may be satisfied incrementally within each project phase so long as the trails are complete prior to any rough grading certification which includes any portion of the trails.

From: [Ramy Awad](#)
To: [Sackett, Jodie](#)
Cc: "[Hans Giraud](#)"
Subject: RE: Project No. 99-239-(5) Deerlake Ranch Public Hearing, July 18, 2012
Date: Monday, June 18, 2012 9:11:10 AM
Attachments: [ACOE Impact Map 0.35 AC.pdf](#)
[Page 7 Add to FEIR.pdf](#)
[Page 9 of 11 Staff Rpt.pdf](#)

Good Morning Jodie-

As mentioned in our previous meeting; please add a note in the Hearing Office Package to update the impact on the Biological Recourses (page 9 of 11 of the Staff Report) and (page 7 of the Final EIR) to reflect the current impact area of 0.35 acres. I have attached copies of above pages and of the impact map for your reference.

Thanks and Regards,

Ramy



Ramy F. Awad, P.E. | President | B&E Engineers

20 East Foothill Blvd., Suite 230, Arcadia, CA 91006 | Tel. (626) 446-4449 | Fax (626) 446-6566 | www.beeng.com

From: Sackett, Jodie [<mailto:jsackett@planning.lacounty.gov>]
Sent: Thursday, June 14, 2012 5:58 PM
To: Hans Giraud; Ramy Awad ; Moore, Charles J.; pjhess@earthlink.net; charlottebeast@msn.com; mwatters525@sbcglobal.net
Subject: Project No. 99-239-(5) Deerlake Ranch Public Hearing, July 18, 2012

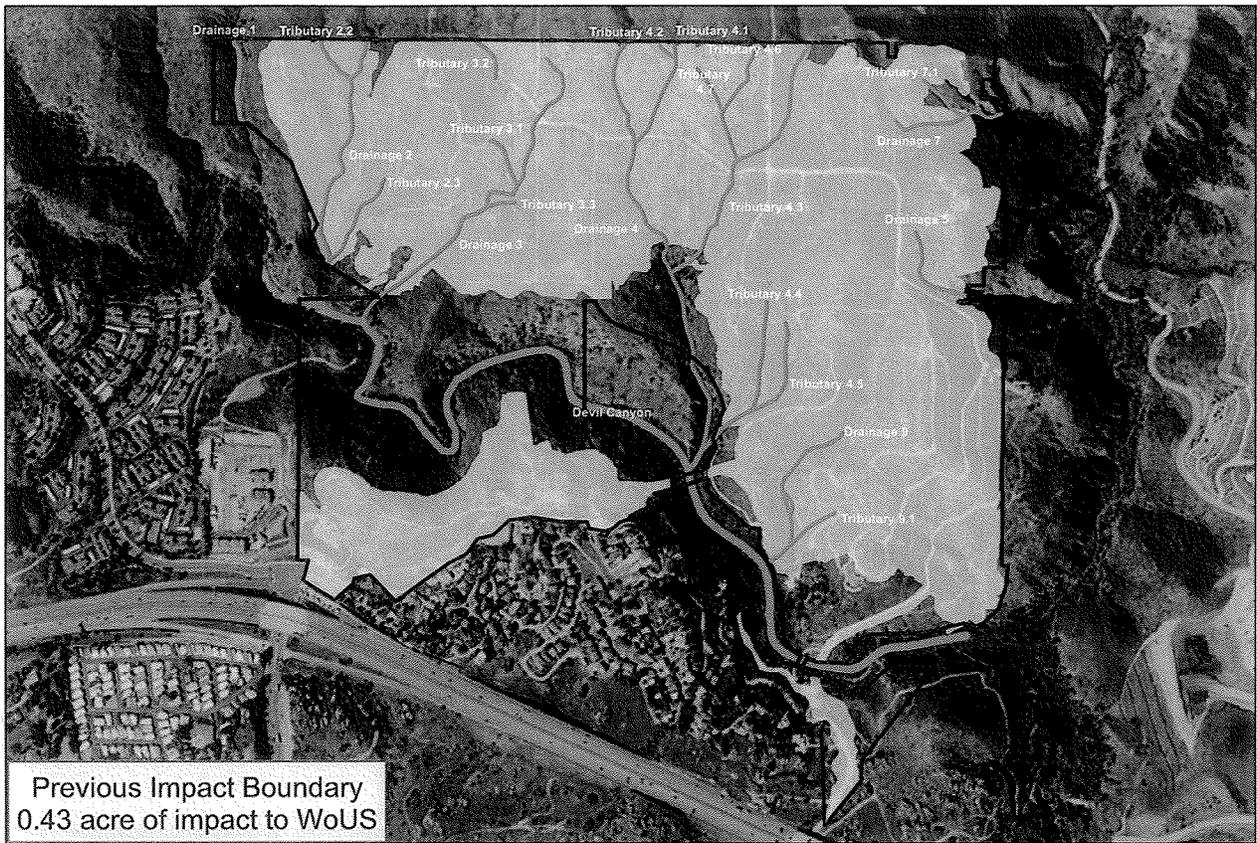
**RE: APPEAL OF THE HEARING OFFICER'S DECISION
JULY 18, 2012 REGIONAL PLANNING COMMISSION PUBLIC HEARING**

Please see the attached hearing notice.

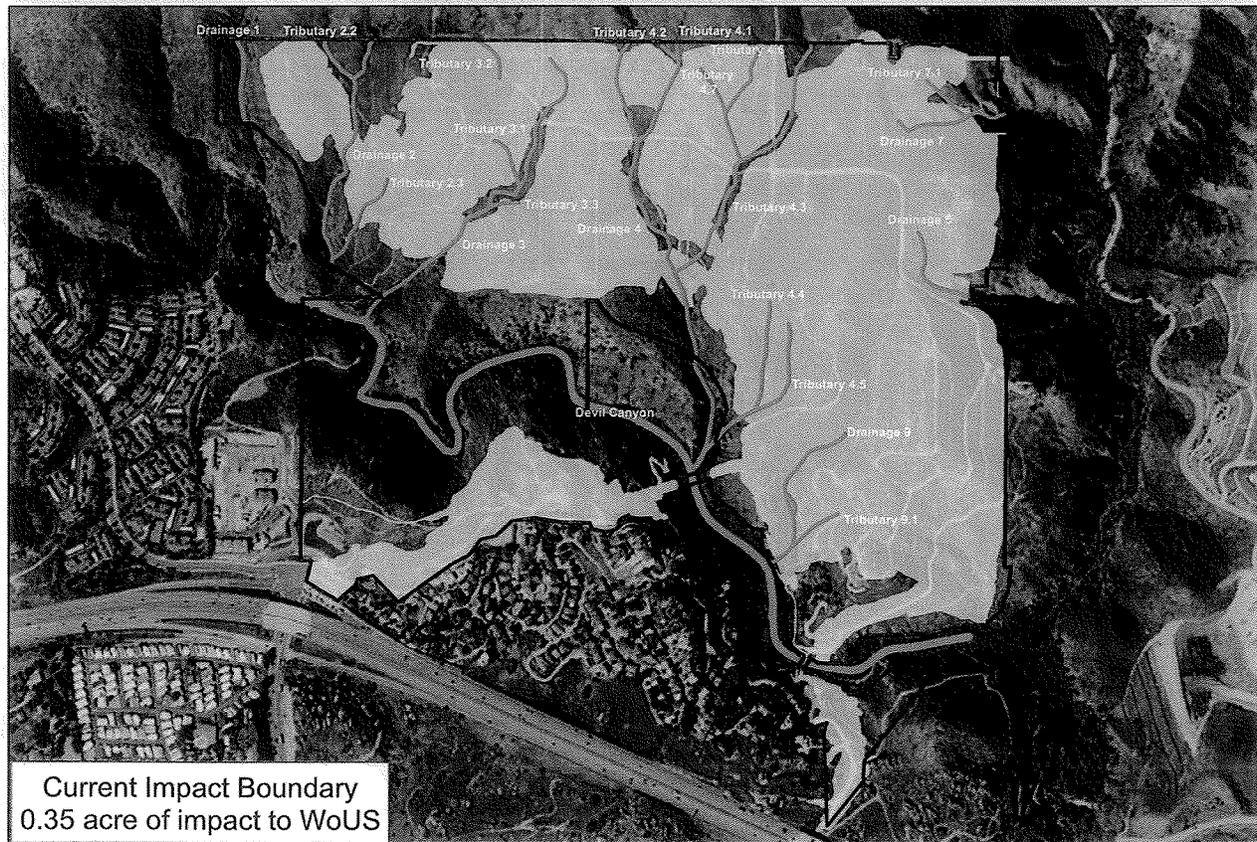
Thank you.

Jodie Sackett, AICP
Senior Planner
Land Divisions Section
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
<http://planning.lacounty.gov>
213-974-6433





Previous Impact Boundary
0.43 acre of impact to WoUS



Current Impact Boundary
0.35 acre of impact to WoUS

Legend

-  Project Boundary
-  Impact Boundary
-  Corps Waters of the U.S.

DEERLAKE RANCH

Impact Comparison Map

GLENN LUKOS ASSOCIATES

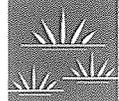


Exhibit 1

- Addendum to FEIR p. 7 -

- Potentially significant effects previously examined will not be substantially more severe than shown in the previous EIR
- No new mitigation measures or alternatives previously found to be infeasible have been found to be feasible but declined by the project proponent to be adopted
- No new mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, and that would substantially reduce one or more potentially significant effects on the environment, have been found and declined by the project proponent to be adopted

The EIR adopted by the Board of Supervisors on August 10, 2004, analyzed the following potential project impacts: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hydrology, Noise, Fire Department Services, Police Services, Schools, Libraries, Traffic, Water Services, Wastewater Services, Solid Waste, Electric and Gas Services. Impacts on all of these elements and/or services were found to be less than significant after appropriate mitigation, as identified in the approved FEIR and the Mitigation Monitoring Plan.

Following are comparisons between the originally approved project and the proposed modified project of the potential impacts identified in the FEIR:

COMPARISON OF IMPACTS

DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Project Description (FEIR Sec. 2.0)	*375	*314	*Reduction of 61 residential units (16.3%)
Aesthetics & Visual Resources (FEIR Sec.4.1)	*71.4 ac. Open space	*90.7 ac. Open space	* Addition of 19.3 ac. natural area (8.4%) *Preservation of portion of ridgeline within southwesterly portion of site
Air Quality (FEIR Sec. 4.2)	*2,505,000 cy grading *375 units *375 units	*1,660,000 cy grading\ *314 units *314 units	* 33.7 % reduction in grading operation emissions * 16.3% reduction in building construction emissions * 16.3% reduction in long term vehicular emissions
Biological Resources (FEIR Sec. 4.3)	*71.4 ac. of open space *0.43 ac. of 404 permit impact	*90.7 ac. open space *0.22 ac. of 404 permit impact	*Addition of 19.3 ac. of natural area (8.4%) * 48.8 % less impact to US waters (404 Permit)
Oak Trees (FEIR Sec. 4.3)	* 45 oak trees removed *10 oak tree encroachments	* 42 oak trees removed *13 oak tree encroachments	*3 less oak tree removals *3 more encroachments
Cultural Resources (FEIR Sec. 4.4)	*71.4 ac open space	*90.7 ac. open space	* Addition of 19.3 ac. of natural area

Please revise to 0.35 acres

**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 RERPORT NO. 99239
 Staff Report**

and requested modifications of particular conditions. Modifications to the TR 53138 approval conditions are included as part of the amendment map process. The applicant has submitted CUP Mod. No. 201100160 for modifications to the CUP.

COMMUNITY CHARACTER BOOKLET

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 by the Second Amendment and CUP Mod No. 201100160. Approval of the amended Exhibit "A" map will include approval of the amended Community Character booklet.

ADDENDUM TO THE FEIR

The applicant has provided an addendum to the FEIR for the project that indicates that, due to the reduced number of lots and reduced amount of grading, impacts to areas considered by the original EIR will be reduced. The addendum indicates the following reductions in impacts:

DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Project Description (FEIR Sec. 2.0)	*375	*314	*Reduction of 61 residential units (16.3%)
Aesthetics & Visual Resources (FEIR Sec.4.1)	*71.4 ac. Open space	*90.7 ac. Open space	* Addition of 19.3 ac. natural area (8.4%) *Preservation of portion of ridgeline within southwesterly portion of site
DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Air Quality (FEIR Sec. 4.2)	*2,505,000 cy grading *375 units *375 units	*1,660,000 cy grading\ *314 units *314 units	* 33.7 % reduction in grading operation emissions * 16.3% reduction in building construction emissions * 16.3% reduction in long term vehicular emissions
Biological Resources (FEIR Sec. 4.3)	*71.4 ac. of open space *0.43 ac. of 404 permit impact	*90.7 ac. open space *0.22_ ac. of 404 permit impact	*Addition of 19.3 ac. of natural area (8.4%) *_48.8_% less impact to US waters (404 Permit)

Please revise to 0.35 acres

ATTACHMENT E



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 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.
<p>This location (site) was previously approved for 375 residential units, and was found to not adversely affect the health, peace, comfort of residents within the surrounding area, nor detrimentally affect the valuation of their properties, nor jeopardize the public health and safety. This Conditional Use Permit proposes to reduce the number of units to 314, a 16% reduction. This will result in corresponding reductions of the following potential impacts: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hydrology, Noise, Fire Department Services, Police Services, Schools, Libraries, Traffic, Water Services, Wastewater Services, Solid Waste, Electric and Gas Services. In addition, grading will be reduced by 580,000 cubic yards, resulting in a 25% reduction in construction equipment noise and exhaust emissions. Therefore, this modified project also will not create adverse impacts on those residents and surrounding areas described above.</p>
<p>B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.</p>
<p>The site was found to be adequate to accommodate the previously approved project, consistent with the requirements of Title 22. Since this modified project will require 19.3 acres less for its building envelope, the site also will be adequate to accommodate all development features prescribed in Title 22.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 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.
<p>The previous project was found to be adequately served by streets and other public facilities. Since the modified project will have 16% less residential units, the resultant impacts on streets and public facilities will also be 16% less. For example, traffic will be reduced by 610 vehicle trips per day, and water demand will be reduced by 20,880 gallons per day. Therefore, the modified project also will be adequately served by streets and public facilities.</p>
<p> </p>
<p> </p>
<p> </p>



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

42 Removal 13 Encroachment 160 To Remain 202 Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.

In accordance with the proposed site design for the project, the saved on-site native Oak trees shall not be endangered from the proposed construction. Protective measures such as pre-construction fencing and post-construction care information letter shall be provided. All saved Oak trees within 50' of any proposed construction, shall be fenced with temporary fencing, which shall not be removed without final approval from this project's OAK TREE CONSULTANT and/or LOS ANGELES COUNTY FORESTER. The owner shall receive Los Angeles County approved "Oak Care Information Packets" as to how best care for their native Oak trees

B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

The proposed removal of the 42 oak tree(s) will not create additional soil erosion through the diversion or increase flow of surface waters. All areas that are disturbed will be graded and revegetated in compliance with the current grading and landscape ordinances. In addition, erosion control measures and permanent drainage devices will be constructed to ensure satisfactory mitigation.

C. That in addition to the above facts, at least one of the following findings must apply:

1. That the removal of oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - a. Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
2. That the oak tree(s) proposed for removal or relocation interfere with utility service or streets and highways either within or outside of the subject property and no reasonable alternative to such interference exists other than removal of the tree(s), or
3. That the oak tree(s) proposed for removal, with reference to seriously debilitating disease or other danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.
4. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

C. 1.:

This project currently has an approved Oak Tree Permit, OTP #2005000037, for the removal of 45 oak trees, and encroachment into the protective zone of 10 oak trees. However, the project is being modified to reduce the number of units from 375 to 314, with corresponding modifications of project grading limits. As a result, different oak trees will be impacted by the modified plan as compared to the existing plan. This application is to request approval to remove a total of 42 oak trees, and to encroach into the protective zones of 13 oak trees, so that implementation of the modified project plan is not frustrated.

ATTACHMENT F

**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
STAFF ANALYSIS
FOR FEBRUARY 21, 2012 HEARING OFFICER PUBLIC HEARING**

PROJECT OVERVIEW

The applicant, Presidio Chatsworth Partners, LLC, requests to modify certain aspects of approved Vesting Tentative Tract Map No. 53138 ("TR 53138") and associated Conditional Use Permit ("CUP") 99-239 – (5), and Final Environmental Impact Report ("FEIR") 99239, originally approved by the Los Angeles County Board of Supervisors on August 10, 2004, and replace approved Oak Tree Permits ("OTP's") 99-239 and 200500037 with new OTP 201200001.

Second Amendment to Vesting Tentative Tract Map No. 53138 ("Second Amendment") and Exhibit "A" Map dated July 12, 2011, requests the following amendments to 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;
- Reduction in the volume of project grading from 2.2 million cubic yards to 1.8 million cubic yards;
- Waiver of street frontage on lots fronting private driveways and fire lanes;
- Request to allow 34 lots to have less than the required street frontage;
- Reduction in the number of horse-keeping lots from 55 to 41; and
- Reduction in the number of oak trees to be removed from 61 to 42 and increase in the number of encroachments from 11 to 13.
- Modification of the text of map approval conditions no. 10, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 36 to reflect the amendments proposed by the amended tentative tract map.

Conditional Use Permit Modification No. 201100160 ("CUP Mod 201100160") proposes modification of the text of conditions no. 1, 2, 3, 16, 20, 22, 23, 24, 25, 26, 56, 57, 64, and 65 of CUP 99239 to reflect the changes proposed by TR 53138. All other conditions of CUP 99-239 – (5) remain.

OTP 201200001 proposes the removal of 42 oak trees and encroachment into the protected zone of 13 oak trees. This oak tree permit supersedes previously approved OTP's 99-239 and 200500037.

Addendum to the FEIR indicates that the impacts of the amendments proposed by TR 53138 are less than the impacts of the original project, and no new impacts are anticipated.

Approval of each entitlement is contingent on the approval of all other entitlements in Project No. 99-239 – (5).

EXISTING CONDITIONS OF SUBJECT PROPERTY

Physical Features: The project site is located north of California State Route 118 (Ronald Reagan Freeway) between Canoga Avenue and Topanga Canyon Road. 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.

Access: The project will take access from Canoga Avenue, a variable width dedicated public street, and Poema Place, a 64-foot wide dedicated public street. Internal access will be provided by 36-foot wide private driveways and fire lanes and the portions of Nogan Drive and Bullfinch Road that are dedicated public streets.

Services: Domestic water service will be provided by Las Virgenes Municipal Water District ("LVMWD"). Domestic sewer service will also be provided by the LVMWD. The project is within the boundaries of the Los Angeles Unified School District.

Land Use: The project site is vacant. However, three single-family residences are included in Not A Part ("NAP") areas surrounded by the project site.

Zoning:

The project site is currently zoned 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).

PREVIOUS LAND USE AND ZONING APPROVALS:

The majority of the subject property was historically known as the Deerlake Highlands Tract, a Record of Survey subdivision of approximately 2,275 lots recorded in the late 1920's. Since their creation in the late 1920's, these substandard lots have occasionally been conveyed, sold, and acquired. These lots have been merged into 624 lots, each with a minimum lot area of 6,000 square feet through the processing and issuing of 624 unconditional certificates of compliance.

TR 53138 was approved by the Los Angeles County Board of Supervisors on August 4, 2004 to authorize the creation of 375 single-family lots, 21 open space lots, 14 private and future street lots, four debris basin lots, one helispot lot, one sheriff's storefront facility, and four designated remainder parcels, on approximately 230.58 acres. Grading consisted of 2.2 million cubic yards of cut and fill.

Approved along with this tentative map were Conditional Use Permit Case No. 99-239-(5), to authorize a density controlled residential development in a non-urban hillside management area and Oak Tree Permit Case No. 99-239-(5) to permit the removal of 61 oak trees and encroachment into the protected zone of 11 oak trees.

Since the approval of TR 53138 on August 10, 2004, the following applications have been approved:

**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 RERPORT NO. 99239
 Staff Report**

Oak Tree Permit No. 200500037 was approved by the Los Angeles County Hearing Officer ("Hearing Officer") on September 6, 2005, to permit the removal of three oak trees and encroachment into the protected zones of two oak trees.

Conditional Use Permit Modification No. 99-239 was approved by the Hearing Officer on September 19, 2006, to modify CUP condition no. 57 to allow the placement of construction trailers for the construction of the "A" Street (Poema Place) bridge.

First amendment to TR 53138 was approved by the Hearing Officer on September 16, 2008, to realign a portion of Canoga Avenue to accommodate a public trail; revise phasing boundaries between Tentative Tract Map Nos. 53138-01 and 53138-03; revise phasing sequence number of unit maps; adjust lot lines; eliminate one of three sewer pump stations; depict final design of the two entry gates to be consistent with the conceptual designs of the Deerlake Ranch Community Character Statement; revise retaining walls in Neighborhood II; revise grading amount and grading footprint; eliminate all split-level building pads; allow less than the required 50 feet of frontage for Lot Nos. 12 through 16, Lot No. 29, Lot Nos.57 through 64, Lot No. 365, and Lot Nos. 370 through 374; and construct a mainline sanitary sewer system for the adjoining Twin Lakes community to be accepted by the Los Angeles County Department of Public Works prior to the issuance of a building permit for the 190th home, and other minor changes.

SURROUNDING ZONING AND LAND USES

	ZONING	LAND USE
NORTH	A-2-2 (Heavy Agricultural—Two Acre Minimum Required Lot Area)	Vacant land
EAST	R-1-6,000	Single-family residence
SOUTH	A-1-1 (Light Agricultural—One Acre Minimum Required Lot Area); R-1-6,000	Single-family residence; vacant land
WEST	RPD-10,000-4U (Residential Planned Development—10,000 Square Feet Minimum Required Lot Area—Four Dwelling Units Per Acre Maximum Density); RPD-10,000-5U Residential Planned Development—10,000 Square Feet Minimum Required Lot Area—Five Dwelling Units Per Acre Maximum Density)	Single-family residence; vacant land

GENERAL PLAN CONSISTENCY

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 1.3 dwelling units per acre.

OAK TREE PERMIT 201200001

The project proposes the removal of 42 oak trees and encroachment into the protected zone of 13 oak trees. As the individual oak trees impacted by this project are different from the oak trees impacted by the previously approved oak tree permits (OAK 99-239 and OAK 200500037), and as there is no procedure to modify an existing oak tree permit, a new oak tree permit is required. The applicant's arborist has provided a new oak tree report that has been reviewed by the Los Angeles County Forester, who has recommended conditions of approval for the oak tree permit.

CORRESPONDENCE RECEIVED BEFORE PUBLIC HEARING

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 is composed of six individuals who shall be property owners, tenants, business owners, and/or other interested persons in the Chatsworth area, appointed by the Supervisor of the Fifth Supervisorial District. The Committee 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

All correspondence is attached.

COUNTY DEPARTMENTS AND AGENCY COMMENTS AND RECOMMENDATIONS

The Los Angeles County Subdivision Committee ("Subdivision Committee") consists of the Departments of Regional Planning, Public Works, Fire, Parks and Recreation, and Public Health. The Subdivision Committee has reviewed the proposed amended tentative tract map dated July 12, 2011 and recommends the following revised conditions:

Department of Public Works -	Land Development Division - Subdivision	(08-10-11)
	Land Development Division - Drainage Unit	(08-29-11)
	Land Development Division - Grading Unit	(08-02-11)
	Geotechnical and Materials Engineering Division - Geology	(10-05-11)
	Geotechnical and Materials Engineering Division - Soils	(10-03-11)
	Land Development Division - Road	(08-09-11)
	Land Development Division - Sewer	(08-10-11)

PROJECT NO. 99-239- (5)
SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
OAK TREE PERMIT NO. 201200001
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Staff Report

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Land Development Division - Water	(08-10-11)
Fire Department	(08-10-11)
Department of Parks and Recreation - Park Obligation Report	(08-09-11)
Trails Report	(08-11-11)
Department of Public Health	(08-09-11)

ENVIRONMENTAL DOCUMENTATION

An addendum to the FEIR has been recommended as the appropriate environmental document for this project pursuant to the California Environmental Quality Act ("CEQA") and the Los Angeles County Environmental Guidelines. It was determined that, pursuant to CEQA Guidelines Section 15164, some changes to the previously certified FEIR are necessary but none of the conditions described in CEQA Guidelines Section 15162, calling for the preparation of a subsequent EIR, have occurred. A copy of the addendum is attached.

LEGAL NOTIFICATION REQUIREMENTS AND COMMUNITY OUTREACH

On January 26, 2012, approximately 390 notices of public hearing were mailed to property owners within a 1,000-foot radius of the subject property and those on the courtesy mailing list. The public hearing notice was published in the Los Angeles Daily News on February 1, 2012 and La Opinion on February 1, 2012. Project materials, including amended tentative tract map, land use map and recommended conditions were sent to the Chatsworth Branch Library, 21052 Devonshire Street, Chatsworth, CA 91311. Public hearing notices were posted on the subject property fronting Canoga Avenue and Poema Place on February 1, 2012. Public hearing materials were also posted on the Department of Regional Planning's website.

STAFF EVALUATION

Staff reviewed the applicant's request for the proposed project revisions prior to submittal, and determined that an amended tentative map was appropriate for these revisions, as the revisions propose fewer units and less project grading than in the originally approved project, and the street design and basic circulation will remain essentially the same as in the originally approved project.

Only the amendments proposed by TR 53138 and CUP Mod 201100160 may be considered by the Hearing Officer. No additional modifications to TR 53138 or CUP 99-239 – (5) may be considered by the Hearing Officer. The Hearing Officer will also consider the new oak tree permit, OTP 201200001 and the addendum to FEIR 99-239.

Unless specifically modified, conditions approved by the original approval of TR 53138 and the First Amendment to TR 53138 and their associated entitlements shall remain as approved. Also, the current expiration date of August 10, 2015 for the approved vesting tentative map will remain

unchanged.

If the Second Amendment to TR 53138, CUP Mod 201100160, and OTP 201200001 are denied, the previously approved entitlements remain in effect. The applicant may develop the property under these previous entitlements as long as the final map is recorded prior to the expiration date of the tentative map. The tentative map's current expiration date is August 10, 2015. The applicant has one more one-year time extension available after that date.

REDUCTION IN THE OVERALL NUMBER OF LOTS

The project requests to reduce the overall number of lots from the original approval, as depicted on the table below:

	Single family lots	Private and future street lots	Debris Basin Lots	Heli-spot	Sheriff's Station Facility	Open Space Lots	Sewer Pump Station Lots	Remainder Lots
Project as approved	375	14	4	1	1	21	1	4
Second Amendment as proposed	314	0	1	1	1	26	1	1

This overall reduction in the number of lots reduces project grading and leaves an additional approximately 19 acres of the project site undeveloped, and will result in reduced demand for public utility services, reduced greenhouse gas emissions, and less vehicle traffic. Most of this undeveloped 19 acres will become part of open space lots no. 317, 318, and 319.

MODIFICATION OF PRIVATE AND FUTURE STREETS TO PRIVATE DRIVEWAYS AND FIRE LANES:

The project proposes modifying the approved interior private and future streets that have a 51-foot to 58-foot wide right of way and a 34-foot to 36-foot wide paved roadway to become private driveways and fire lanes with either a 42-foot wide right of way and a 36-foot wide paved roadway or a 38-foot wide right of way and a 34-foot wide paved roadway. The project also proposes modifying Poema Place between Topanga Canyon Road to a point approximately 280 feet east of the Poema Place bridge from a 55-foot wide private and future street with a 40-foot wide paved roadway to a private driveway and fire lane with a 42-foot wide right of way and a 36-foot wide paved roadway. These modifications will reduce project grading.

The Los Angeles County Department of Public Works ("Public Works") has determined that the proposed private driveways and fire lanes can adequately serve the expected traffic for the project. The Los Angeles County Fire Department ("Fire Department") has determined that the private driveways and fire lanes will provide adequate access for fire-fighting vehicles. The Los Angeles County Department of Regional Planning ("Regional Planning") has determined that the four-foot wide sidewalks on either side of the proposed private driveways and fire lanes provide adequate

pedestrian access to the project. The private driveways and fire lanes and the sidewalks will be maintained by the homeowners association.

REDUCTION IN THE VOLUME OF PROJECT GRADING

The combined result of the reduction of the number of lots and the modification of private and future streets to private driveways and fire lanes will be to reduce overall project grading from 2.2 million cubic yards combined cut and fill to 1.8 million cubic yards combined cut and fill, a reduction of approximately 19 percent. The area in the northwest portion of the project site that was previously proposed to be graded for residential lots will become part of open spaces Lots 317, 318, and 319.

WAIVER OF STREET FRONTAGE FOR PRIVATE DRIVEWAYS AND FIRE LANES

Pursuant to County Code Section 21.24.010 (A), each street providing access to lots within a division of land shall connect directly or through one or more other streets to a highway which is shown on the Highways Plan and which is maintained and open to public travel. As the private and future streets originally approved for this project are being proposed to be replaced by private driveways and fire lanes, the applicant has requested a waiver of street frontage for all lots served by private driveways and fire lanes.

Pursuant to County Code Section 21.24.040, the advisory agency may modify the requirements of Sections 21.24.010 where it finds that topographic conditions, title limitations, or the pattern of ownership or the state of development of parcels in the immediate vicinity of a division of land make the strict application of the provisions of these sections impossible or impractical and that the public health, safety and general welfare will not be adversely affected thereby.

Staff recommends the Hearing Officer grant the proposed waiver of street frontage for the private driveways and fire lanes as:

- The applicant's goal in proposing private driveways and fire lanes is to reduce the amount of project grading and, thus, reduce alteration of the existing topographic conditions;
- The parcels are being created originally to be served by private driveways and fire lanes so no existing pattern of ownership is affected; and
- Public Works and the Fire Department have determined that the proposed private driveways and fire lanes will adequately serve the proposed vehicular traffic and provide satisfactory access for fire-fighting vehicles so the public health, safety, and general welfare will not be adversely affected.

REQUEST FOR REDUCED STREET FRONTAGE

The Second Amendment proposes 34 lots with reduced street frontage, as indicated in the chart below. County Code Section 21.24.300(A), states that, wherever practical, frontage at the right-of-way line for lots on a cul-de-sac knuckle shall be 40 feet or more. County Code Section 21.24.300 (B) states that, wherever practical, the frontage at the right of way line shall be equal to or greater than the average lot width for lots not on a turnaround or cul-de-sac knuckle. For the R-1-6,000 zone, the required width is 50 feet. For the A-1-1 zone, the required width is 60 feet. The applicant bases this request for reduced street frontage on the fact that the original project approval and the First Amendment to the tentative tract map also allowed a certain number of lots with reduced

street frontage. Additionally, the reduced lot frontage contributes to the overall decrease in project grading. The applicant requests that approval condition no. 11 of TR 53138 be amended to allow this request for reduced street frontage. Lots proposed to have reduced street frontage will still be consistent with the required lot area.

PROPOSED STREET FRONTAGE REDUCTIONS

LOT	ZONE	REQUIRED FRONTAGE (FEET)	PROPOSED FRONTAGE (FEET)	LOT	ZONE	REQUIRE FRONTAGE (FEET)	PROPOSED FRONTAGE (FEET)
12	R-1	40	34	69	R-1	50	48
13	R-1	50	48	78	R-1	50	46
15	R-1	50	48	92	R-1	50	49
16	R-1	50	48	95	R-1	50	49
17	R-1	50	48	96	R-1	50	49
18	R-1	50	48	97	R-1	50	49
19	R-1	50	48	98	R-1	50	49
33	R-1	50	34	99	R-1	50	48
34	R-1	40	39	101	R-1	50	48
37	R-1	40	26	157	R-1	50	45
55	R-1	50	39	244	R-1	40	38
63	R-1	50	49	296	A-1	40	37
64	R-1	50	49	298	A-1	40	29
65	R-1	50	48	299	A-1	40	20
66	R-1	50	47	307	A-1	60	46
67	R-1	50	48	310	A-1	40	36
68	R-1	50	48	311	A-1	40	36

REDUCTION IN THE NUMBER OF HORSE-KEEPING LOTS

As the project proposes a reduction of approximately 16 percent in the overall number of single-family lots, the project also proposes a reduction in the number of horse-keeping lots by approximately 16 percent, from 55 lots to 41 lots. Modification of the number of horse-keeping lots requires modification of condition no. 3 of CUP No. 99-239 – (5).

REDUCTION IN THE NUMBER OF OAK TREE REMOVALS

The project proposes reducing the number of oak tree removals from 61 to 42 and increasing the number of encroachments into the protected zone from 10 to 13. Despite the overall reduction of removals, different oak trees are proposed to be affected by this project than were previously approved. The applicant was required to submit a new oak tree permit, OTP 201200001, including an arborist's report and burden of proof. 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 not be impacted. The 42 trees to be removed are distributed throughout the project site, not concentrated in one area.

MODIFICATION OF THE TEXT CONDITIONS OF APPROVAL

The amendments proposed by the project will require modification of the text of conditions of approval for TR 53138 and CUP 99-239 – (5), to adjust the numbers and types of lots, lot numbers,

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. 99239
 Staff Report

and requested modifications of particular conditions. Modifications to the TR 53138 approval conditions are included as part of the amendment map process. The applicant has submitted CUP Mod. No. 201100160 for modifications to the CUP.

COMMUNITY CHARACTER BOOKLET

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 by the Second Amendment and CUP Mod No. 201100160. Approval of the amended Exhibit “A” map will include approval of the amended Community Character booklet.

ADDENDUM TO THE FEIR

The applicant has provided an addendum to the FEIR for the project that indicates that, due to the reduced number of lots and reduced amount of grading, impacts to areas considered by the original EIR will be reduced. The addendum indicates the following reductions in impacts:

DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Project Description (FEIR Sec. 2.0)	*375	*314	*Reduction of 61 residential units (16.3%)
Aesthetics & Visual Resources (FEIR Sec.4.1)	*71.4 ac. Open space	*90.7 ac. Open space	* Addition of 19.3 ac. natural area (8.4%) *Preservation of portion of ridgeline within southwesterly portion of site
DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Air Quality (FEIR Sec. 4.2)	*2,505,000 cy grading *375 units *375 units	*1,660,000 cy grading\ *314 units *314 units	* 33.7 % reduction in grading operation emissions * 16.3% reduction in building construction emissions * 16.3% reduction in long term vehicular emissions
Biological Resources (FEIR Sec. 4.3)	*71.4 ac. of open space *0.43 ac. of 404 permit impact	*90.7 ac. open space *0.22_ ac. of 404 permit impact	*Addition of 19.3 ac. of natural area (8.4%) *_48.8_% less impact to US waters (404 Permit)

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 RERPORT NO. 99239
 Staff Report

Oak Trees (FEIR Sec. 4.3)	* 45 oak trees removed *10 oak tree encroachments	* 42 oak trees removed *13 oak tree encroachments	*3 less oak tree removals *3 more encroachments
Cultural Resources (FEIR Sec. 4.4)	*71.4 ac open space	*90.7 ac. open space	* Addition of 19.3 ac. of natural area
Geology & Soils (FEIR Sec. 4.5)	*2,240,000 cy mass grading *265,000 cy remedial grading *269,000 sf retaining walls	*1,660,000 cy mass grading *0 cy remedial grading *86,000 sf retaining walls	*Reduction of 580,000 cy in mass grading (25.8%) *Reduction of 265,000 cy remedial grading (100%) *Reduction of 183,000 sf of retaining walls (68%)
Hydrology (FEIR Sec. 4.6)	*4 debris basins	*1 debris basin	*Reduction of 3 debris basins (75%)
Noise (FEIR Sec. 4.7)	*2,505,000 cy grading 375 units	*1,660,000 cy grading 314 units	*33.7% reduction in grading equipment impact *16.3% reduction of bldg. constr. equipment impact
DESCRIPTION OF POTENTIAL IMPACTS	EXISTING 375-UNIT PROJECT	MODIFIED 314-UNIT PROJECT	DESCRIPTION OF MODIFICATIONS
Fire Protection Services (FEIR Sec. 4.8)	*375 units	*314 units	*16.3% reduction in residential structures to serve
Police Protection Services (FEIR Sec. 4.9)	*375 units	*314 units	*16.3% reduction in residential houses to serve
Schools (FEIR Sec. 4.10)	*375 units	*314 units	*Approximate 16% reduction in student generation (one student per house, all classes)
Libraries (FEIR Sec. 4.11)	*375 units	*314 units	*16.3% reduction in library demand

PROJECT NO. 99-239- (5)
 SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 53138
 OAK TREE PERMIT NO. 201200001
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 ADDENDUM TO FINAL ENVIRONMENTAL IMPACT RERPORT NO. 99239
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Traffic (FEIR Sec. 4.12)	*375 units	*314 units	*Reduction of 610 vehicle trips per day (16.3%) after build-out
Potable Water (FEIR Sec. 4.13)	*375 units	*314 units	*Reduction of 20,880 gal. per day of demand (16.3%)
Wastewater (FEIR Sec.4.14)	*375 units	*314 units	*Reduction of 44,880 gal. day of sewage discharge (16.3%)
Solid Waste (FEIR Sec. 4.15)	*375 units	*314 units	*Reduction of 735 lbs./unit/day of solid waste per day (16.3%)
Electric and Gas (FEIR Sec. 4.16 & 4.17)	*375 units	*314 units	16.3 % reduction of demand for gas and electricity

STAFF RECOMMENDATION

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

Staff recommends that the Hearing Officer close the public hearing, approve the addendum to the Final Environmental Impact Report, and approve the Second Amendment to Vesting Tentative Tract Map No. 53138, Conditional Use Permit Modification No. 201100160, and Oak Tree Permit No. 201200001 subject to the attached recommended conditions of the Subdivision Committee.

Attachments:

- Factual
- Aerial Photograph
- Draft Findings
- Draft Conditions
- Environmental Documentation
- Oak Tree Permit Burden of Proof
- CUP Modification Burden of Proof
- Correspondence

NP:dck
 2/9//2012

ATTACHMENT G



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

SECOND AMENDMENT TO VESTING TENTATIVE TRACT MAP NO. 053138

DENIAL FINDINGS

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 = 241,550~~ 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**.

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. 99-239-(5)
OAK TREE PERMIT NO. 201200001**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Oak Tree Permit No 201200001 ("OTP 201200001") on July 18, 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.
2. OTP 201200001 is a request to allow the removal of 42 oak trees and encroachment into the protected zone of 13 oak trees). None of the trees is a heritage oak. The oaks 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 the following amendments to TR 53138:
 - Reduction in the overall number of lots from 421 (including 375 single-family lots) to 345 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;
 - Reduction in the volume of project grading from 2.2 million cubic yards to 1.8 million cubic yards;
 - Waiver of street frontage on lots fronting private driveways and fire lanes;
 - Modification of condition no. 11 to allow 34 lots to have less than the required street frontage ;
 - Reduction in the number of horse-keeping lots from 55 to 41;
 - Reduction in the number of oak trees to be removed from 61 to 42 and increase in the number of encroachments from 10 to 13; and
 - Modification of the text conditions of approval for the vesting tentative tract map and CUP to reflect the changes proposed by the amendment.
4. CUP Mod 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 oak tree permit is denied at the public hearing and the denial is sustained by subsequent appeals, 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 majority of the subject property was historically known as the Deerlake Highlands Tract, a Record of Survey subdivision of approximately 2,275 lots recorded in the late 1920's. Since their creation in the late 1920's, these substandard lots have occasionally been conveyed, sold, and acquired. These lots have been merged into 624 lots, each with a minimum of 6,000 square feet through the processing and issuing of 624 unconditional certificates of compliance.
10. The residences will take access from internal private and future streets and private driveways and fire lanes, which take from Poema Place a 64' 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 acre. 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-1-10,000 zone, pursuant to Section 22.20.070 of the County Code.
15. 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.

16. 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.
17. 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.
18. The locations of the encroached oak trees are identified on an oak tree exhibit map.
19. The proposed construction of the project would impact 55 (42 removals and 13 encroachments) oak trees that are the subject of this approval.
20. 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.
21. 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.
22. The subject oak tree permit, and associated CUP modification and amended map were initially heard by a Los Angeles County Hearing Officer ("Hearing Officer"), Gina Natoli, on February 21, 2012.
23. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer heard a presentation from staff that summarized the requested entitlements and noted that more than one protest to the CUP modification had been received.

24. During the February 21, 2012 Hearing Officer public hearing, the 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. County Code Section 22.56,1630 (A) does not require opponents to explain the nature of their opposition for that opposition to be valid.
25. 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. They 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.
26. 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.
27. During the February 21, 2012 Hearing Officer public hearing, the Hearing Officer noted that the denial of the condition modification request 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.
28. During the February 21, 2012 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.
29. 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 because more than two protests had been received.
30. On July 18, 2012, the Commission conducted a duly-noticed public hearing to hear the appeal of the subject project.
31. During the July 18, 2012 Commission public hearing, the Commission heard a presentation from staff and the applicant's representative. No other testimony was heard.
32. During the July 18, 2012 Commission public hearing, the applicant's representative made a presentation and gave testimony regarding the timely installation of trails and enforcement of public trail easements, indicating that both would be provided for the community through project conditions of approval. They also indicated that the nature of the opposition which warranted the applicant's appeal was not within the limited scope of the minor changes being proposed by the applicant.
33. During the July 18, 2012 Commission public hearing, County Counsel explained that the

appeal brought forth by the appellants does not substantively relate to the limited scope of the amendments proposed, and thus, the Commission may decide the appeal on the basis of the merits of the proposed amendments.

34. After hearing all testimony and discussing the matters at hand, the Commission finds that construction of the proposed land use will be accomplished without endangering the health of any remaining trees on the property that are subject to Chapter 22.56, Part 16, of the Los Angeles County Code.
35. The Commission finds that the removal of 42 and encroachment within the protected zone of 13 oak trees are necessary for development reasons as the location of the trees at the present location frustrates the planned improvements and/or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density.
36. The Commission finds that the removal of 42 and encroachment into the protected zones of 13 oak trees proposed will not be contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure. The oak tree permit procedure is used to allow street improvement required by Public Works.
37. An addendum to the Final Environmental Impact Report has been recommended as the appropriate environmental document for this project pursuant to the California Environmental Quality Act ("CEQA") and the Los Angeles County Environmental Guidelines. It was determined that, pursuant to CEQA Guidelines Section 15164, some changes to the previously certified FEIR are necessary but none of the conditions described in CEQA Guidelines Section 15162, calling for the preparation of a subsequent EIR, have occurred.
38. After consideration of the addendum to the FEIR and the FEIR itself, together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the proposed amendment will have a significant effect on the environment, finds the addendum reflects the independent judgment and analysis of the Commission, and approves the addendum.
39. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the 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 COMMISSION CONCLUDES:

- A. That construction of the proposed land use will be accomplished without endangering the health of any remaining trees on the property that are subject to Chapter 22.56, Part 16, of the Los Angeles County Code;
- B. That the removal of 42 and encroachment within the protected zone of 13 oak trees is necessary for development reasons as continued existence of the trees at the present location frustrates the planned improvements and/or proposed use

of the subject property to such an extent that alternative development plans cannot achieve the same permitted density; and

- C. That the removal and encroachment into the protected zones of the oak trees proposed will not be contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure;

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for an oak tree permit as set forth in Section 22.56.2100 of the Los Angeles County Code (Zoning Ordinance).

THEREFORE, in view of the findings of fact and conclusions presented above, Oak Tree Permit No. 201200001 is approved subject to the attached conditions.

DRAFT

**DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 99-239-(5)
OAK TREE PERMIT NO. 201200001
CONDITIONS**

(Questions relating to these conditions should be addressed to the Forestry Division, Prevention Bureau of the Los Angeles County Forester and Fire Warden ("Forester") at either 818-890-5719 or 323-881-2481).

1. This grant allows the removal of 42 trees and encroachment within the protected zone of 13 trees (no heritage oaks) of the oak genus (*Quercus agrifolia*) identified as trees numbered 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"). This grant also allows structural pruning of remaining oak trees to provide clearance and ensure the continued health of trees, including prunes greater than two inches in diameter.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective until the permittee and the owner of the property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions have been recorded as required by Condition No. 4 and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this condition No. 3 and Condition Nos. 32, 33, 34 and 35 shall be effective immediately upon final approval of this grant by the County.
4. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of this grant in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the property owner if other than the permittee, shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. 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 such full compliance shall be a violation of these conditions.

7. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
8. No oak tree shall be encroached upon until the permittee has obtained all permits and approvals required for the work which necessitates such encroachment.
9. The permittee shall comply with the requirements of the Forester's letter dated January 24, 2012, which is incorporated by reference as if set forth fully herein.
10. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department the sum of \$500.00. These fees will be used to compensate the Forester for the review of the new/revised Oak Tree report. The Director of Regional Planning ("Director of Planning") and the Forester shall retain the right to make regular and unannounced site inspections.
11. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning and the 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 Planning and the Forester any failure to fully comply with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. This report shall include a diagram showing the exact number and location of all mitigation trees planted, if mitigation trees are required, as well as planting dates.
12. The permittee shall arrange for the consulting arborist or similarly qualified person to maintain any remaining oak trees on the subject property that are within the zone of impact as determined by the Forester for the life of the Oak Tree Permit or Conditional Use Permit.
13. The permittee shall install temporary chain-link fencing, not less than four feet in height, to secure the protected zone of all remaining oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the Forester. The term "protected zone" refers to the area extending five feet beyond the dripline of the oak tree (before pruning) or fifteen feet from the trunk, whichever is greater. Specifically, tree nos. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32-39, 40, 56, 61, 62, 65, 65, 74, 75, 77 identified in the Oak Tree Report shall be fenced.
14. The permittee shall keep copies of the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan (if required) and Conditions of Approval on the project site and available for review. All Individuals associated with the project as it relates to the oak resource shall be provided with a copy or otherwise made familiar with the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan (if required) and Conditions of Approval.
15. 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.

16. In addition to 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 include 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 Forester. In no case shall more than 20 percent of the tree canopy of any one tree be removed.
17. Except as otherwise expressly authorized by this grant, the Oak trees shall be maintained in accordance with the principles set forth in the publication "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.
18. The permittee shall provide mitigation trees of the oak genus at a rate of two to one (2:1) for each tree removed for a total of 84 trees.
19. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one inch or more in diameter at one foot above the base. Free form trees with multiple stems are permissible provided that the combined diameter of the two largest stems of such trees measures a minimum of one inch in diameter one foot above the base.
20. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia* grown from a local seed source.
21. Mitigation tree shall be planted within one year of the permitted oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the Forester according to the most current edition of the International Society for Arboriculture's "Guide for Plant Appraisal."
22. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Planning and the Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two years will start anew with new replacement trees. Subsequently, additional monitoring fees shall be required.
23. All mitigation oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

24. Encroachment within the protected zone of any additional trees of the Oak genus on the project site is prohibited.
25. Should encroachment within the protected zone of any additional trees of the oak genus on the project site not permitted by this grant result in its injury or death within two years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal".
26. No planting or irrigation system shall be installed within the drip line of any oak tree that will be retained.
27. Utility trenches shall not be routed within the protected zone of an oak tree unless the serving utility requires such locations.
28. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any oak.
29. Any violation of the conditions of this grant shall result in immediate work stoppage or in a Notice of Correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the Notice of Correction.
30. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the Forester for all enforcement efforts necessary to bring the subject property into compliance.
31. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer 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 as to be a nuisance.
32. 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, 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 such claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the local agency fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the local agency.

33. 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 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 the 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 by the department reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient 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 in accordance with Section 2.170.010 of the Los Angeles County Code.

34. This grant shall expire unless used within two years after the recordation of a final map for TR 53138. In the event that TR 53138 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
35. This grant shall terminate upon the completion of the authorized oak tree encroachments and the completion of all required mitigation and monitoring to the satisfaction of the Forester and Regional Planning.