



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6433

RPC/HO MEETING DATE 4-11-07	CONTINUE TO
AGENDA ITEM(S) 6 a, b, c, d	
PUBLIC HEARING DATE March 21, 2007	

PROJECT NO. TR50385-(5)
REVISED VESTING TRACT MAP NO. 50385
CONDITIONAL USE PERMIT NO. 200500171-(5)
OAK TREE PERMIT NO. 200500062-(5)

APPLICANT B & C Land and Water LLC	OWNER B & C Land and Water LLC	REPRESENTATIVE Sikand Engineering Associates
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REQUEST
Revised Tentative Tract Map: To create 247 single family lots, four (4) open space lots, four (4) debris basin lots and one (1) water reclamation plant lot on 742 gross acres.
Conditional Use Permit: To ensure compliance with hillside management design review criteria and onsite project grading as well as permit a water reclamation plant in the A-2-1 zone.
Oak Tree Permit: To authorize the removal of two (2) oak trees.

LOCATION/ADDRESS North of 14 Freeway and Valley Sage Rd. and south of Sierra Highway, Agua Dulce	ZONED DISTRICT Soledad
	COMMUNITY Agua Dulce
	EXISTING ZONING A-2-1 (Heavy Agricultural-One Acre Minimum Required Lot Area)
ACCESS "H" Street (primary), "A" Street (secondary)	
SIZE 742 gross acres	EXISTING LAND USE Vacant/Agricultural (see below)
SHAPE Irregular	TOPOGRAPHY Variable (flat to steeply-sloping)

SURROUNDING LAND USES & ZONING

North: Sierra Highway and Single-Family Residences, Vacant Lots/A-2-1, A-1-1 (Light Agricultural-One Acre Minimum Required Lot Area)	East: Single-Family Residences and Vacant Lots/A-2-1, A-1-1
South: Antelope Valley Freeway (14), Single-Family Residences and Vacant Lots/A-1-1	West: Single-Family Residences and Vacant Lots/A-2-1

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Santa Clarita Valley Area Plan	N1: Non-Urban 1 (1DU/5ac – 1DU/2ac) HM: Hillside Management (1DU/5ac – 1DU/2ac)	321 DU	Yes

ENVIRONMENTAL STATUS
Supplemental Environmental Impact Report (SEIR)—The SEIR will address Revised Vesting Tentative Tract Map No. 50385, which alters the previously approved but unrecorded portion of the project. A new initial study has determined potential environmental impacts as the following: 1) Water Quality (onsite water reclamation facility and proposed recycled irrigation water usage), 2) Air Quality (construction emissions based on the revised project), 3) Biota (updated survey of sensitive species), 4) Sewage Disposal (update sewage treatment information, and 5) Mandatory Findings of Significance (updated impact findings for the items listed above). Of the impacts listed above, only the Air Quality impacts will remain significant after project mitigation.

DESCRIPTION OF SITE PLAN
 The proposed Revised Vesting Tentative Tract Map, dated November 21, 2006, alters the previously approved but unrecorded portion of Vesting Tentative Tract Map No. 50385 (TR50385) in order to subdivide currently undeveloped land into 247 single family lots, four open space lots, four debris basin lots, one water reclamation lot and plant, and multiuse trails. All residential lots will be at least two net acres in size. The previously recorded 68 residential lots of the first phase of TR50385-01 on the east end of the project site will not be revised.

KEY ISSUES
 Additional information to be provided to the RPC regarding the following issues:

- Agua Dulce Community Standards District minimum lot area requirements
- That rural street standards (no curbs, gutters, or sidewalks) are used
- Shielded street lighting for the development
- That at least 20 percent of the homes to be constructed will meet "green building" design standards
- That staff incorporate "sustainability" measures as a condition of project approval
- That the applicant determine if "reverse osmosis" as the best available technology for the water reclamation facility
- That the applicant and Public Works look into the hauling of reclamation plant debris to a closer landfill facility
- That the project's water system be expanded to meet future water needs of nearby offsite landowners
- That oak acorns be planted as a condition of the oak tree permit
- That the rear yards of properties abutting the "gas line" trail easement be protected from trail users
- That staff reexamine local school impact figures
- Require the applicant to disclose in CC&Rs "fly over zones" and airport-related to noise impacts

COMMITTEE RECOMMENDATION (Subject to revision based on public hearing)

- APPROVAL
 DENIAL
- No improvements
 ___ 20 Acre Lots
___ 10 Acre Lots
___ 2½ Acre Lots
___ Sect 191.2
- Street improvements
 X Paving
___ Curbs and Gutters
___ Street Lights
- ___ Street Trees
X Inverted Shoulder
___ Sidewalks
X Off Site Paving
- Water Mains and Hydrants
- Drainage Facilities
 Water Reclamation and Sewage Treatment Facility
- Sewer
 Septic Tanks
 Other: Underground service and utility lines, postal delivery receptacles, street name signs, road striping and a traffic signal
- Park Dedication "In-Lieu Fee"
 Multiuse Trails
 Offsite Improvements (entrance gate and turnaround on "H" Street)

ISSUES AND ANALYSIS

The major changes proposed from the approved tentative map are an onsite water reclamation plant, and as a result, a reduction of 24 residential lots from 271 (331 approved minus 68 already recorded) to 247.

The proposed development density of 247 dwelling units is consistent with the land use provisions of the Santa Clarita Valley Area Plan.

There is approximately 3,750,000 cubic yards of grading proposed on the subject site.

The proposed onsite water reclamation facility will replace the previously planned individual septic systems for 68 residential lots; the previous plan also included an offsite water reclamation facility for the remaining lots.

The proposed project will include County multiuse trails via easements, a trail realignment, and dedication of Open Space lots (254, 255 and 256) to the County for future trail connections. The water tank site and access road located within Lot No. 255 shall be depicted as a separate fee lot prior to final map recordation.

Landscaped open space areas (including manufactured slopes), except for the County-dedicated Open Space lots are to be maintained by a Homeowner's Association.

Tract Map History:

May 18, 1994: Vesting Tentative Tract Map No. 50385, along with a conditional use permit and oak tree permit, was approved with 339 residential units by the Regional Planning Commission.

January 27, 2001: An amendment map was submitted by the applicant for minor changes to the approved tentative map.

May 15, 2002: TR 50385-01, the first unit of the vesting tentative tract map, recorded with 68 units.

Based on other State Map Act provisions and a development moratorium (for local sewage disposal concerns), the expiration date for the approved tentative map was extended to April 18, 2007.

**COUNTY OF LOS ANGELES
FINDINGS OF THE REGIONAL PLANNING COMMISSION
FOR REVISED VESTING TENTATIVE TRACT MAP NO. 50385**

1. The Regional Planning Commission of the County of Los Angeles ("Commission") has conducted a public hearing on the matter of Revised Vesting Tentative Tract Map No. 50385. Revised Vesting Tentative Tract Map No. 50385 was heard concurrently with Conditional Use Permit Case No. 2005-00171-(5) and Oak Tree Permit Request No. 2005-00062-(5) on March 21, 2007.
2. Revised Vesting Tentative Tract Map No. 50385 is a request to create 247 single-family lots, four open space lots, four debris basin lots and one water reclamation plant lot on 742 gross acres.
3. The site is located north of the Antelope Valley Freeway (State Highway 14) and Valley Sage Road, and south of the Sierra Highway in Agua Dulce.
4. The subject property is approximately 742 gross acres in size. It has variable (flat to steeply-sloping) topography.
5. The project proposes 3.75 million cubic yards of cut and fill grading to be balanced onsite.
6. There are 11 oak trees existing on the subject site. Two oak trees (no heritage) are proposed to be removed and nine remaining oak trees will not be impacted by the proposed subdivision.
7. Primary access to the project property will be from "A" Street, a 64-foot wide private and future street. "A" Street connects offsite to the east with Avenida Vasquez, a 64-foot wide private street leading in a southeasterly direction to Valley Sage Road, a 42-foot wide private street. Secondary access to the project property will be from "H" Street, a 64-foot wide private and future street leading offsite to the north and connecting with Sierra Highway, a 90-foot wide major highway.
8. The project site is zoned A-1-1 (Light Agricultural-One Acre Minimum Required Lot Area) and A-2-1 (Heavy Agricultural-One Acre Minimum Required Lot Area).
9. Areas to the north and east surrounding the property are zoned A-1-1 and A-2-1. Areas to the south are zoned A-1-1 and areas to the west are zoned A-2-1.
10. The subject property is currently vacant. It is surrounded by single-family residences and vacant lots to the north, south, east and west. Sierra Highway is to the north and State Highway 14 is to the south of the project site.

11. Conditional Use Permit Case No. 2005-00171-(5) is a related request to ensure compliance with hillside management design review guidelines and onsite project grading, as well as permit a water reclamation plant in the A-2-1 zone.
12. Oak Tree Permit Request No. 2005-00062-(5) is a related request to authorize the removal of two oak trees from the project site.
13. The subject property is located within the N1 (Non-Urban 1-One Dwelling Unit Per Five Acres to One Dwelling Unit Per Two Acres) and HM (Hillside Management-One Dwelling Unit Per Five Acres to One Dwelling Unit Per Two Acres) land use categories of the Santa Clarita Valley Area Plan ("Area Plan"). The Area Plan permits a maximum of 321 dwelling units on the subject property.

Approximately 633 acres (85 percent) of project land consists of zero to 50 percent slopes; The remaining 109 acres (15 percent) of subject property consists of slopes greater than 50 percent.

14. Revised Vesting Tentative Tract Map No. 50385 proposes 247 single-family lots, four open space lots, four debris basin lots and one water reclamation plant lot on 742 gross acres. The project proposes a reduction of 24 single family lots from the originally approved project. The two-acre residential lots contribute back yard area to the project's overall open space, which comprises over 73 percent of the subject property. In addition, a multiuse trail system is proposed for the project site, to be maintained by the Los Angeles County Department of Parks and Recreation ("Parks and Recreation"). The rear project entrance leading to Sierra Highway is proposed to be gated and will not restrict the offsite access of the proposed multiuse trails and trail realignment. The large hills on the south side of the project site are to be dedicated as open space. Two water tank lots (one for potable water, the other for irrigation water) are proposed and will be located at the base of the hills.
15. The proposed subdivision design limits the excessive grading of slopes by including most of the 50+ percent slopes within designated undisturbed open space areas. Where grading could not be avoided, the applicant has made an effort to contour some of the proposed graded slopes to match existing natural patterns. The low density threshold for the project is 193 dwelling units.
16. As the subject property is located within a non-urban area, a minimum of 70 percent open space is required. 547.7 acres (73.8 percent) of the project site is designated as open space. These include 261.9 acres (48 percent) of natural open space to be preserved within the individual lots, and 161.7 acres (29 percent) of natural open space within the four open space lots. 124.1 acres (23 percent) of disturbed open space will be preserved within the manufactured slopes of individual lots, including the four debris basin lots and water reclamation plant lot.

17. The subject property is located within the Agua Dulce Community Standards District ("CSD"). The CSD requires all residential lots to be at least two net acres in area, or, at least two gross acres in area with minimum dimensions of 165 feet in length and width. The applicant proposes many residential lots below two net acres, but all lots are at least two gross acres in area. Of those below two net acres, five do not meet the minimum 165 by 165 feet area requirement: Lot Nos. 99, 156, 157, 164 and 169 as labeled on the revised vesting tentative map dated November 21, 2006. These lots will be required to conform to the CSD prior to final map approval.
18. Public correspondence was received (six letters, four e-mails) both supporting and opposing the proposed project. The four in opposition stated concerns related to CSD minimum lot area requirements, vehicle traffic generation, construction traffic, offsite access to the property, location of the proposed water reclamation plant, offsite transport of debris from the plant, dedication of open space and trails, local school impacts, project density and loss of equestrian trails currently existing on the project site. Those in support of the project stated that they "welcome" the development, have "no objections" and are "satisfied" with the proposed project.
19. On March 21, 2007 the Commission heard a presentation from staff as well as testimony from the applicant and the public. The applicant confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.
20. Testimony was taken from five persons who were in opposition or had concerns regarding the project; and one member in support. Opposition testimony included the project's water resources and connection, improper public hearing notification, traffic impacts, construction traffic and unsafe speeds along proposed "H" Street. Those who had concerns commented on general impacts and a possible water connection to their adjacent property. In addition, one member of the Agua Dulce Town Council ("Town Council") testified in support of the project, while also addressing two concerns related to the use of rural road sections and "shielded" lighting.
21. During the March 21, 2007 public hearing, staff clarified that those residential lots under two gross acres and not meeting the minimum 165 by 165 feet area requirements would be conditioned to fully comply with the CSD provisions prior to final map approval.
22. Regarding the traffic impacts, including those related to construction, the applicant responded that the original EIR did not find traffic impacts to be significant. The applicant also responded that no construction traffic will travel along Juniper Valley Road, a local means of access near the subject property. The applicant indicated that Valley Sage Road and Escondido Road will be improved and conform to Los Angeles County standards for road safety, and that

there is no intention to use Shady Lane Road. Additionally, offsite access to some existing local unpaved roads will be provided via the proposed paved roads within the project site.

23. Regarding the unsafe speeds along "H" Street, the applicant responded that enforcement of the speed limit is not within the control of the proposed development and that homeowners and local residents will need to adhere to the existing traffic laws. Staff also confirmed that rural road sections would be used as the standard for the proposed private and future streets.
24. Regarding the water resources and connection, the applicant responded that the water line issue is not part of the current project description and was approved with the original project. Regarding the possible water connections for adjacent land owners, the applicant stated that individual residents can apply to the local water district (No. 37).
25. The applicant also responded that shielded lighting would be incorporated into the project during the construction phase.
26. In the presentation and in subsequent comments, staff addressed the other remaining concerns stated in the opposing correspondence. Staff indicated that the applicant is not being required to connect the two segments of Valley Sage Road as a condition of approval. Also, staff addressed in detail the proposed location of the water reclamation plant and indicated that it would have minimal aesthetic impacts due to the plant site's location in a small valley. Existing equestrian trails would be replaced with a new network of multiuse trails and a trail realignment connecting offsite. The applicant testified to the advantages of the proposed multiuse trails. Staff also stated in the presentation that the project's overall density was consistent with the General and Area Plans.
27. On March 21, 2007 the Commission addressed the concerns raised by the testifiers, discussed its own concerns and directed the applicant to work with staff on the following issues:
 - First, the Commission directed the applicant to verify that the "reverse osmosis" technology for the proposed water reclamation plant is the best available technology. The applicant confirmed that "reverse osmosis" is the best available technology that the Los Angeles County Department of Public Works ("Public Works") and Los Angeles County Sanitation District ("Sanitation District") approved in the current plant design. The current plant design was also evaluated in the SEIR.
 - Second, that the applicant work with Public Works to propose a closer landfill facility to haul the water reclamation plant debris. Public Works determined that prior to approval of the reclamation plant improvement plans, a study of all alternatives for the location of disposal of sludge and

brine shall be submitted to Public Works for review. The sludge from the project shall be hauled to the nearest Sanitation District facility which can feasibly accept the sludge. The feasibility of the facility to accept the sludge shall be determined by the Sanitation District. Among other possible locations, the following disposal locations shall be analyzed in the study: Facilities within Sanitation Districts 20 and 14 (Antelope Valley); and facilities within the Santa Clarita Valley Sanitation District (Santa Clarita Valley).

- Third, that the rear yards of those proposed residential lots abutting the Gas Line Road trail easement be protected from the trail users. The applicant confirmed that those rear yards would be fenced off and made inaccessible to the trail users.
- Fourth, that the applicant be required to disclose in the project’s Conditions, Covenants and Restrictions (“CC&Rs”) the existence of “fly-over zones” of a local airport and potential noise impacts related to the close proximity of the airport.
- Fifth, that the project’s water system be expanded to meet the future water needs of nearby offsite residences. After meeting with staff, the applicant clarified that the water system was intentionally “downsized” in the original project approval in order to reduce its “growth-inducing” potential. However, the water system was adequately sized to accommodate both the overall project (including the 68 recorded units) and an adjacent development known as Sierra Colony (61 units).
- Sixth, that the applicant work with staff to determine the existing capacity of the local school system. Staff gathered the following data listed in the two tables below:

Table 1: Annual Enrollment Within the Acton-Agua Dulce Unified School District

YEAR	TOTAL DISTRICT ENROLLMENT (NO. OF STUDENTS)
2000-2001	2,068
2001-2002	2,099
2002-2003	2,078
2003-2004	1,994*
2004-2005	1,986
2005-2006	1,909
2006-2007	1,882 (1,913**)

According to the above data from the California State Department of Education, enrollment within the School District has been declining since

2002. The School District consists of two elementary schools, a junior high school and a high school. (*The Acton Elementary School was closed after the 2003-2004 school year due to declining enrollment, reducing the total number of schools from five to four. **1,913 is the current enrollment based on April 2007 data received directly from the schools.)

Table 2: Enrollment and Capacity Per School

SCHOOL (2006-07)	CURRENT ENROLLMENT	CURRENT CAPACITY	SEATS AVAIL.
High Desert Middle	500	600	+100
Vasquez High	602	600	-2
Meadowlark Elem.	463	433	-30
Agua Dulce Elem.	348	348	0
DISTRICT TOTAL	1,913	1,981	+68

Staff obtained the above data directly from each school indicating that approximately 68 seats are currently available within the School District.

- Lastly, that staff include “sustainability” measures as a condition of project approval. Specifically, the Commission stated that at least 20 percent of the homes to be constructed on the proposed residential lots be designed to meet “green building” standards. Staff examined the most feasible measures for the proposed project’s sustainability. The following alternatives have been proposed:
 - a) Prior to final map approval, the applicant shall agree, in a recorded covenant submitted to the Los Angeles County Department of Regional Planning (“Regional Planning”), to construct at least 20 percent of the homes according to the Leadership in Energy and Environmental Design (“LEED”) standards (at the “Certified” performance level or its future equivalent) set forth by the US Green Building Council in effect at the time of construction of the first home on the project site, or,
 - b) The applicant shall submit a detailed report of the projected percentage of homes that will be constructed to LEED standards, for review and approval by Regional Planning prior to final map approval. This report shall indicate in both narrative and numeric detail how the project compensates for less than the 20 percent requirement, by way of other sustainable building practices to be used, including the contribution of the water reclamation facility and other conservation measures planned within the development.

In addition to whichever option is exercised above, the applicant shall also provide to Regional Planning a marketing package describing in detail how the developer and/or builder proposes to make available information regarding the advantages of a LEED-certified home to potential homebuyers. This marketing package must explicitly delineate the environmental advantages of building and owning a LEED-certified home, to include numerical calculations of the projected energy savings and other conservation-related benefits over the life of the home. The marketing package must at minimum include drafts of proposed marketing literature and a summary letter from the developer and/or builder explaining the literature and how it will be made available to potential homebuyers. The developer and/or builder must give an in-person presentation to Regional Planning along with the submittal of the marketing package, to be reviewed by Regional Planning prior to final map approval.

28. On March 21, 2007 the Commission considered the testimony of the applicant and other testifiers, closed the public hearing, directed the applicant to respond to the issues raised, and staff to prepare the final SEIR, including responses to comments and the Statement of Overriding Considerations. The Commission also directed staff to prepare the Findings and Conditions and return at a future consent date.
29. The project design is required to comply with the standards of the A-1-1 and A-2-1 zoning classifications. Single-family residences are permitted in these zones pursuant to Section 22.20.410 of the Los Angeles County Code.
30. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the General and Area Plans. The project increases the supply and diversity of housing and promotes the efficient use of water resources by incorporating a water reclamation facility.
31. The proposed subdivision will be served by public sewer and public water systems.
32. The site is physically suitable for the density and type of development proposed since it has access via privately-maintained streets to County-maintained streets, will be served by public sewers, and will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs.
33. The design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the conditions of approval.
34. The design of the subdivision and the proposed improvements will not cause substantial environmental damage. The subject property is not located in a

Significant Ecological Area and does not contain any stream courses or high value riparian habitat.

35. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein.
36. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.
37. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
38. The housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan.
39. An SEIR for the project has been prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The SEIR also includes Responses to Comments and the Statement of Overriding Considerations. The SEIR analyzes the project's potential impacts and identifies mitigation measures to be implemented as part of the project.
40. The Commission has reviewed and considered the SEIR and finds that it reflects the independent judgment of the County. As stated in the SEIR and the Findings of Fact and Statement of Overriding Considerations regarding the SEIR, implementation of the project will result in specifically identified significant effects upon the environment. Except for impacts to air quality, such specifically identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the SEIR and incorporated as conditions in this revised vesting tentative map, the related conditional use permit and related oak tree permit.
41. The Commission determines that the substantial benefits resulting from implementation of the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings of Fact and Statement of Overriding Considerations, which findings and statement of overriding considerations are incorporated herein by reference.

42. A Mitigation Monitoring Program (“MMP”) consistent with the conclusions and recommendations of the SEIR has been prepared, and its requirements have been incorporated into the conditions of approval for this project.
43. The MMP prepared in conjunction with the SEIR identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project to the environment is ensured.
44. 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 County Department of 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 of Regional Planning.

THEREFORE, in view of the findings of fact and conclusions presented above, Revised Vesting Tentative Tract Map No. 50385 is **approved**, subject to the attached conditions established by the Commission and recommended by the Los Angeles County Subdivision Committee.

**DEPARTMENT OF REGIONAL PLANNING
REVISED VESTING TENTATIVE TRACT MAP NO. 50385**

Map Date: 11-21-06

CONDITIONS:

1. Conform to the requirements of Title 21 of the Los Angeles County Code ("County Code") (Subdivision Ordinance). Also, conform to the requirements of Conditional Use Permit Case No. 2005-00171-(5), Oak Tree Permit Case No. 2005-00062-(5) the Mitigation Monitoring Program ("MMP"), and the applicable provisions of the Agua Dulce Community Standards District ("CSD").
2. Except as otherwise specified by Conditional Use Permit No. 2005-00171-(5) and the CSD, conform to the applicable requirements of the A-1-1 (Light Agricultural-One Acre Minimum Required Lot Area) and A-2-1 (Heavy Agricultural-One Acre Minimum Required Lot Area) zones.
3. Submit a copy of the project Conditions, Covenants and Restrictions ("CC&Rs") to the Los Angeles County Department of Regional Planning ("Regional Planning") for review and approval. In the CC&Rs and in draft disclosure documents, include the existence of the local airport's "fly-over zones" and potential related noise impacts.
4. Submit evidence that the conditions of the associated Conditional Use Permit Case No. 2005-00171-(5) and Oak Tree Permit Case No. 2005-00062-(5) have been recorded.
5. Permission is granted to adjust lot lines to the satisfaction of Regional Planning, including those lot lines to comply with the CSD prior to final map approval.
6. Provide at least 40 feet of street frontage at the property line for each lot fronting on a cul-de-sac and knuckle and at least 50 feet of street frontage at the property line for all other lots, except for flag lots. Provide approximately radial lot lines for each lot.
7. Dedicate to the County on the final map the right to prohibit development in the open space lots (Lot Nos. 253, 254, 255 and 256), and record an open space building restriction area over those open space lots on the final map to the satisfaction of the Los Angeles County Department of Public Works ("Public Works") and Regional Planning.
8. Dedicate to the County all proposed recreational trails. Restriction of trail access with any proposed gated entries shall be prohibited. Include in the CC&Rs for Regional Planning review and approval.
9. Make inaccessible to recreational trail users the rear yards of those proposed residential lots abutting the Gas Line Road trail easement by erecting a fence. Include this restriction in the CC&Rs for Regional Planning review and approval.

Conditions

10. Convey the water tank lot and access road located within open space Lot No. 255 as a separate fee lot. Show the separate fee lot on the final map to the satisfaction of Regional Planning.
11. Number all open space lots on the final map and provide access, a minimum of 15 feet in width, to each open space lot to the satisfaction of Regional Planning.
12. Permission is granted to create additional open space lots to the satisfaction of Regional Planning.
13. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include conditions in the tract's CC&Rs which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, submit a copy of the draft document to be recorded to Regional Planning.
14. No grading permit shall be issued prior the recordation of a final map, unless the Director determines that the proposed grading conforms to the conditions of this grant and the conditions of Conditional Use Permit Case No. 2005-00171-(5)
15. Prior to the issuance of any grading and/or building permit, three copies of a landscape plan which may be incorporated into a revised site plan, shall be submitted and approved by the Director as required by Conditional Use Permit Case No. 2005-00171-(5).
16. Prior to approval of the reclamation plant improvement plans, a study of all alternatives for the location of disposal of sludge and brine shall be submitted to Public Works for review. The sludge from the project shall be hauled to the nearest Sanitation District facility which can feasibly accept the sludge. The feasibility of the facility to accept the sludge shall be determined by the Sanitation District. Among other possible locations, the following disposal locations shall be analyzed in the study: Facilities within Sanitation Districts 20 and 14 (Antelope Valley); and facilities within the Santa Clarita Valley Sanitation District (Santa Clarita Valley).
17. Per Section 21.32.195 of the County Code, plant or cause to be planted at least one tree of a non-invasive species within the front yard of each residential lot. The location and the species of said trees shall be incorporated into a site plan or landscape plan. Prior to final map approval, the site/landscaping plan shall be approved by the Director and a bond shall be posted with Public Works or other verification shall be submitted to the satisfaction of Regional Planning to ensure the planting of the required trees.
18. Comply with the following alternatives for environmental sustainability:
 - a) Prior to final map approval, the applicant shall agree, in a recorded covenant submitted to the Los Angeles County Department of Regional Planning

- (“Regional Planning”), to construct at least 20 percent of the homes according to the Leadership in Energy and Environmental Design (“LEED”) standards (at the “Certified” performance level or its future equivalent) set forth by the US Green Building Council in effect at the time of construction of the first home on the project site, or,
- b) The applicant shall submit a detailed report of the projected percentage of homes that will be constructed to LEED standards, for review and approval by Regional Planning prior to final map approval. This report shall indicate in both narrative and numeric detail how the project compensates for less than the 20 percent requirement, by way of other sustainable building practices to be used, including the contribution of the water reclamation facility and other conservation measures planned within the development.

In addition to whichever option is exercised above, the applicant shall also provide to Regional Planning a marketing package describing in detail how the developer and/or builder proposes to make available information regarding the advantages of a LEED-certified home to potential homebuyers. This marketing package must explicitly delineate the environmental advantages of building and owning a LEED-certified home, to include numerical calculations of the projected energy savings and other conservation-related benefits over the life of the home. The marketing package must at minimum include drafts of proposed marketing literature and a summary letter from the developer and/or builder explaining the literature and how it will be made available to potential homebuyers. The developer and/or builder must give an in-person presentation to Regional Planning along with the submittal of the marketing package, to be reviewed by Regional Planning prior to final map approval.

19. Permission is granted to record multiple final maps. The boundaries of the final unit maps shall be to the satisfaction of the Los Angeles County Subdivision Committee (“Subdivision Committee”). Each final unit map to record shall comply on its own, or in combination with previously recorded final unit maps, with the open space and lot area requirements of the General Plan, the Zoning Ordinance and Conditional Use Permit Case No. 2005-00171-(5). Prior to approval of each final unit map, submit the following:

- A phasing map indicating the boundaries of the current final map, the boundaries and status of all previously filed final unit maps and the expected boundaries and phasing of all future final unit maps; and
- A summary sheet indicating the number and type of all lots shown, including open space breakdown by acreage and type, on the current and previous final maps.

20. Upon completion of the appeal period, remit processing fees (currently \$2,550.00) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public

Conditions

Resources Code and Section 711 of the California Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No project subject to this requirement is final, vested or operative until the fee is paid.

21. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Final Supplemental Environmental Impact Report ("SEIR") for the project are incorporated by this reference and made conditions of Revised Vesting Tentative Tract Map No. 50385. Comply with all such mitigation measures in accordance with the attached Mitigation Monitoring Program ("MMP"). After completion of the appeal period, record a covenant and agreement, and submit a copy to Regional Planning for approval, agreeing to the mitigation measures imposed by the SEIR for this project. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit mitigation monitoring reports to Regional Planning as frequently as may be required by the department. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.

The reports shall be submitted in the following sequence:

- a. Prior to or concurrent with submittal of a revised Exhibit "A" to be approved by the Director of Planning prior to issuance of grading permits.
 - b. At the time of building permit issuance, including verification of payment of applicable fees. If the project is phased, a report shall be submitted at each successive phase.
 - c. Prior to occupancy clearances by Public Works.
 - b. Additional reports shall be submitted as required by the Director of Planning.
22. Upon completion of the appeal period, deposit the sum of \$3,000.00 with Regional Planning in order to defray the cost of reviewing the subdivider's reports and verifying compliance with the information contained in the reports required by the MMP.
23. The subdivider 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, and employees to attack, set aside, void or annul this tract map approval, or related discretionary approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of Government Code Section 65499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action or

proceeding, of the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

24. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000.00 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 subdivider, or subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional fund 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 subdivider, 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 subdivider according to Section 2.170.010 of the County Code.

Except as modified herein above, this approval is subject to all those conditions set forth in Conditional Use Permit Case No. 2005-00171-(5), Oak Tree Permit Case No. 2005-00062-(5), the attached MMP, and the attached reports recommended by the Subdivision Committee, which consists of the Departments of Regional Planning, Public Works, Fire Department, Parks and Recreation, and Public Health.

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT CASE NO. 2005-00171-(5)**

1. The Regional Planning Commission of Los Angeles County ("Commission") conducted a duly noticed public hearing in the matter of Revised Vesting Tentative Tract Map No. 50385 on March 21, 2007. Conditional Use Permit Case No. 2005-00171-(5) was heard concurrently with Revised Vesting Tentative Tract Map No. 50385 and Oak Tree Permit Case No. 2005-00062-(5).
2. The applicant, B&C Land and Water LLC, is proposing to create 247 single family lots, four open space lots, four debris basin lots and one water reclamation plant lot on 742 gross acres.
3. A Conditional Use Permit ("CUP") is required to ensure compliance with nonurban hillside management design review criteria, onsite project grading, and to permit a water reclamation plant in the A-2-1 (Heavy Agricultural-One Acre Minimum Required Lot Area) zone pursuant to Sections 22.56.215(D), (E) and (F), 22.24.100 and 22.24.150 of the Los Angeles County Code ("County Code").
4. The proposed subdivision is a nonurban hillside project, as the subject property exhibits natural slopes of 25 percent or greater. A CUP is required for the project, since the 247 dwelling units proposed exceeds the low-density threshold established for the site.
5. The subject site is located north of the Antelope Valley Freeway (State Highway 14) and Valley Sage Road, and south of the Sierra Highway in Agua Dulce.
6. The subject property is approximately 742 gross acres in size. It has variable (flat to steeply-sloping) topography.
7. The project proposes 3.75 million cubic yards of cut and fill grading to be balanced onsite.
8. There are 11 oak trees existing on the subject site. Two oak trees are proposed to be removed and nine remaining oak trees will not be impacted by the proposed subdivision.
9. Primary access to the project property will be from "A" Street, a 64-foot wide private and future street. "A" Street connects offsite to the east with Avenida Vasquez, a 64-foot wide private street leading in a southeasterly direction to Valley Sage Road, a 42-foot wide private street. Secondary access to the project property will be from "H" Street, a 64-foot wide private and future street leading offsite to the north and connecting with Sierra Highway, a 90-foot wide major highway.

10. The project site is designated as nonurban hillside development, and a minimum of 70 percent open space is required. The project provides 73.8 percent (547.7 acres) of open space as follows: 261.9 acres (48 percent) of natural open space to be preserved within the individual lots, 161.7 acres (29 percent) of natural open space within the four open space lots, and 124.1 acres (23 percent) of disturbed open space will be preserved within the manufactured slopes of individual lots, including the four debris basin lots and water reclamation plant lot.
11. The project site is zoned A-1-1 (Light Agricultural-One Acre Minimum Required Lot Area) and A-2-1.
12. Areas to the north and east surrounding the property are zoned A-1-1 and A-2-1. Areas to the south are zoned A-1-1 and areas to the west are zoned A-2-1.
13. The subject property is currently vacant. It is surrounded by single-family residences and vacant lots to the north, south, east and west. The Sierra Highway is to the north and State Highway 14 is to the south of the project site.
14. The project is consistent with the A-1-1 and A-2-1 zoning classifications. Single-family residences are permitted in the A-1-1 and A-2-1 zones pursuant to Section 22.24.070 of the County Code. The applicant has requested a CUP to ensure compliance with hillside development design criteria, onsite project grading, and permit a water reclamation plant in the A-2-1 zone pursuant to Section 22.56.215(D) (2b) of the County Code, which allows development of the site consistent with the surrounding properties.
15. The subject property is located within the N1 (Non-Urban 1-One Dwelling Unit Per Five Acres to One Dwelling Unit Per Two Acres) and HM (Hillside Management-One Dwelling Unit Per Five Acres to One Dwelling Unit Per Two Acres) land use categories of the Santa Clarita Valley Area Plan ("Area Plan"). The Area Plan permits a maximum of 321 dwelling units on the subject property.

Approximately 633 acres (85 percent) of project land consists of zero to 50 percent slopes; these are areas that are least-impacted by project grading. The remaining 109 acres (15 percent) of subject property consists of slopes greater than 50 percent. While the proposed subdivision design limits the excessive grading of slopes by including most of the 50+ percent slopes within designated undisturbed open space areas. Where grading could not be avoided, the applicant has made an effort to contour some of the proposed graded slopes to match existing natural patterns.

As the subject property is located within a non-urban area, a minimum of 70 percent open space is required. 547.7 acres (73.8 percent) of the project site is

designated as open space. 261.9 acres (48 percent) of natural undisturbed open space will be preserved within the individual lots, while 161.7 acres (29 percent) of natural undisturbed open space will be preserved within the four open space lots and 124.1 acres (23 percent) of disturbed open space will be preserved within the manufactured slopes of each individual lot, to include the four debris basin lots and the water reclamation plant lot.

16. Revised Vesting Tentative Tract Map No. 50385 is a related request to create 247 single family lots, four open space lots, four debris basin lots and one water reclamation plant lot on 742 gross acres.
17. Oak Tree Permit Case No. 2005-00171-(5) is a related request to authorize the removal of two trees of the Oak genus *Quercus turbinella* identified as Tree Numbers 9 and 10 on the Oak Tree Report prepared by Jonathan E. Campbell, the consulting arborist, dated November 10, 2006, that identifies and evaluates 12 oak trees on the subject property.
18. Public correspondence was received (six letters, four e-mails) both supporting and opposing the proposed project. The four in opposition stated concerns related to CSD minimum lot area requirements, vehicle traffic generation, construction traffic, offsite access to the property, location of the proposed water reclamation plant, offsite transport of debris from the plant, dedication of open space and trails, local school impacts, project density and loss of equestrian trails currently existing on the project site. Those in support of the project stated that they “welcome” the development, have “no objections” and are “satisfied” with the proposed project.
19. On March 21, 2007 the Commission heard a presentation from staff as well as testimony from the applicant and the public. The applicant confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.
20. Testimony was taken from five persons who were in opposition or had concerns regarding the project; and one member in support. Opposition testimony included the project’s water resources and connection, improper public hearing notification, traffic impacts, construction traffic and unsafe speeds along proposed “H” Street. Those who had concerns commented on general impacts and a possible water connection to their adjacent property. In addition, one member of the Agua Dulce Town Council (“Town Council”) testified in support of the project, while also addressing two concerns related to the use of rural road sections and “shielded” lighting.

21. During the March 21, 2007 public hearing, staff clarified that those residential lots under two gross acres and not meeting the minimum 165 by 165 feet area requirements would be conditioned to fully comply with the CSD provisions prior to final map approval.
22. Regarding the traffic impacts, including those related to construction, the applicant responded that the original EIR did not find traffic impacts to be significant. The applicant also responded that no construction traffic will travel along Juniper Valley Road, a local means of access near the subject property. The applicant indicated that Valley Sage Road and Escondido Road will be improved and conform to Los Angeles County standards for road safety, and that there is no intention to use Shady Lane Road. Additionally, offsite access to some existing local unpaved roads will be provided via the proposed paved roads within the project site.
23. Regarding the unsafe speeds along "H" Street, the applicant responded that enforcement of the speed limit is not within the control of the proposed development and that homeowners and local residents will need to adhere to the existing traffic laws. Staff also confirmed that rural road sections would be used as the standard for the proposed private and future streets.
24. Regarding the water resources and connection, the applicant responded that the water line issue is not part of the current project description and was approved with the original project. Regarding the possible water connections for adjacent land owners, the applicant stated that individual residents can apply to the local water district (No. 37).
25. The applicant also responded that shielded lighting would be incorporated into the project during the construction phase.
26. In the presentation and in subsequent comments, staff addressed the other remaining concerns stated in the opposing correspondence. Staff indicated that the applicant is not being required to connect the two segments of Valley Sage Road as a condition of approval. Also, staff addressed in detail the proposed location of the water reclamation plant and indicated that it would have minimal aesthetic impacts due to the plant site's location in a small valley. Existing equestrian trails would be replaced with a new network of multiuse trails and a trail realignment connecting offsite. The applicant testified to the advantages of the proposed multiuse trails. Staff also stated in the presentation that the project's overall density was consistent with the General and Area Plans.

27. On March 21, 2007 the Commission addressed the concerns raised by the testifiers, discussed its own concerns and directed the applicant to work with staff on the following issues:

- First, the Commission directed the applicant to verify that the “reverse osmosis” technology for the proposed water reclamation plant is the best available technology. The applicant confirmed that “reverse osmosis” is the best available technology that the Los Angeles County Department of Public Works (“Public Works”) and Los Angeles County Sanitation District (“Sanitation District”) approved in the current plant design. The current plant design was also evaluated in the SEIR.
- Second, that the applicant work with Public Works to propose a closer landfill facility to haul the water reclamation plant debris. Public Works determined that prior to approval of the reclamation plant improvement plans, a study of all alternatives for disposal of sludge and brine shall be submitted to Public Works for review. The sludge from the project shall be hauled to the nearest Sanitation District facility which can feasibly accept the sludge. The feasibility of the facility to accept the sludge shall be determined by the Sanitation District. Among other possible locations, the following disposal locations shall be analyzed in the study: Facilities within Sanitation Districts 20 and 14 (Antelope Valley); and facilities within the Santa Clarita Valley Sanitation District (Santa Clarita Valley).
- Third, that the rear yards of those proposed residential lots abutting the Gas Line Road trail easement be protected from the trail users. The applicant confirmed that those rear yards would be fenced off and made inaccessible to the trail users.
- Fourth, that the applicant be required to disclose in the project’s Conditions, Covenants and Restrictions (“CC&Rs”) the existence of “fly-over zones” of a local airport and potential noise impacts related to the close proximity of the airport.
- Fifth, that the project’s water system be expanded to meet the future water needs of nearby offsite residences. After meeting with staff, the applicant clarified that the water system was intentionally “downsized” in the original project approval in order to reduce its “growth-inducing” potential. However, the water system was adequately sized to accommodate both the overall project (including the 68 recorded units) and an adjacent development known as Sierra Colony (61 units).

- Sixth, that the applicant work with staff to determine the existing capacity of the local school system. Staff gathered the following data listed in the two tables below:

Table 1: Annual Enrollment Within the Acton-Agua Dulce Unified School District

YEAR	TOTAL DISTRICT ENROLLMENT (NO. OF STUDENTS)
2000-2001	2,068
2001-2002	2,099
2002-2003	2,078
2003-2004	1,994*
2004-2005	1,986
2005-2006	1,909
2006-2007	1,882 (1,913**)

According to the above data from the California State Department of Education, enrollment within the School District has been declining since 2002. The School District consists of two elementary schools, a junior high school and a high school. (*The Acton Elementary School was closed after the 2003-2004 school year due to declining enrollment, reducing the total number of schools from five to four. **1,913 is the current enrollment based on April 2007 data received directly from the schools.)

Table 2: Enrollment and Capacity Per School

SCHOOL (2006-07)	CURRENT ENROLLMENT	CURRENT CAPACITY	SEATS AVAIL.
High Desert Middle	500	600	+100
Vasquez High	602	600	-2
Meadowlark Elem.	463	433	-30
Agua Dulce Elem.	348	348	0
DISTRICT TOTAL	1,913	1,981	+68

Staff obtained the above data directly from each school indicating that approximately 68 seats are currently available within the School District.

- Lastly, that staff include “sustainability” measures as a condition of project approval. Specifically, the Commission stated that at least 20 percent of the homes to be constructed on the proposed residential lots be designed to meet “green building” standards. Staff examined the most feasible measures for the proposed project’s sustainability. The following alternatives have been proposed:
 - a) Prior to final map approval, the applicant shall agree, in a recorded covenant submitted to the Los Angeles County Department of Regional Planning (“Regional Planning”), to construct at least 20 percent of the homes according to the Leadership in Energy and Environmental Design (“LEED”) standards (at the “Certified” performance level or its future equivalent) set forth by the US Green Building Council in effect at the time of construction of the first home on the project site, or,
 - b) The applicant shall submit a detailed report of the projected percentage of homes that will be constructed to LEED standards, for review and approval by Regional Planning prior to final map approval. This report shall indicate in both narrative and numeric detail how the project compensates for less than the 20 percent requirement, by way of other sustainable building practices to be used, including the contribution of the water reclamation facility and other conservation measures planned within the development.

In addition to whichever option is exercised above, the applicant shall also provide to Regional Planning a marketing package describing in detail how the developer and/or builder proposes to make available information regarding the advantages of a LEED-certified home to potential homebuyers. This marketing package must explicitly delineate the environmental advantages of building and owning a LEED-certified home, to include numerical calculations of the projected energy savings and other conservation-related benefits over the life of the home. The marketing package must at minimum include drafts of proposed marketing literature and a summary letter from the developer and/or builder explaining the literature and how it will be made available to potential homebuyers. The developer and/or builder must give an in-person presentation to Regional Planning along with the submittal of the marketing package, to be reviewed by Regional Planning prior to final map approval.

28. On March 21, 2007 the Commission considered the testimony of the applicant and other testifiers, closed the public hearing, directed the applicant to respond to the issues raised, and staff to prepare the final SEIR, including responses to comments and the Statement of Overriding Considerations. The Commission

also directed staff to prepare the Findings and Conditions and return at a future consent date.

29. An SEIR for the project has been prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The SEIR also includes Responses to Comments and the Statement of Overriding Considerations. The SEIR analyzes the project's potential impacts and identifies mitigation measures to be implemented as part of the project.
30. The Commission has reviewed and considered the SEIR and finds that it reflects the independent judgment of the County. As stated in the SEIR and the Findings of Fact and Statement of Overriding Considerations regarding the SEIR, implementation of the project will result in specifically identified significant effects upon the environment. Except for impacts to air quality, such specifically identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the SEIR and incorporated as conditions in this revised vesting tentative map, the related conditional use permit and related oak tree permit.
31. The Commission determines that the substantial benefits resulting from implementation of the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings of Fact and Statement of Overriding Considerations, which findings and statement of overriding considerations are incorporated herein by reference.
32. A Mitigation Monitoring Program ("MMP") consistent with the conclusions and recommendations of the SEIR has been prepared, and its requirements have been incorporated into the conditions of approval for this project.
33. The MMP prepared in conjunction with the SEIR identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project to the environment is ensured.
34. Approval of this subdivision is conditioned on the permittee's compliance with the attached conditions of approval as well as the conditions of approval for Revised Vesting Tentative Tract Map No. 50385, Oak Tree Permit Case No. 2005-00062-(5) and the MMP.
35. The applicant has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice. Compliance with the conditions of

approval will ensure compatibility with surrounding land uses and consistency with all applicable General and Area Plan policies.

36. 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 REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use with the attached conditions and restrictions will be consistent with the adopted General Plan and Area Plan;
- B. With the attached conditions and restrictions, that the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. 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 Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard;
- F. That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area;
- G. That the proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent

with the objectives and policies of the General Plan;

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

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Adopts the MMP and certifies that the SEIR has been completed in compliance with CEQA and the State and County guidelines related thereto.
2. Approves Conditional Use Permit Case No. 2005-00171-(5) subject to the attached conditions.

DEPARTMENT OF REGIONAL PLANNING

CONDITIONAL USE PERMIT CASE NO. 2005-00171-(5) Exhibit "A" Date: 11-21-06

CONDITIONS:

1. This grant authorizes the use of the subject property in a nonurban hillside area for 247 new single-family lots, onsite project grading that exceeds 100,000 cubic yards and a water reclamation plant in the A-2-1 zone as depicted on the approved exhibit map marked Exhibit "A" (dated November 21, 2006) or an approved revised Exhibit "A", subject to all of the following conditions of approval.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition Nos. 7, 8 and 37.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
4. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
6. The property owner or permittee shall record the terms and conditions of the 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 shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property.
7. Within five (5) days of the completion of the appeal period, the permittee shall remit a \$2,550.00 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.

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8. The subject property shall be developed and maintained in full compliance with the conditions of this grant, and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles ("County") the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) inspections twice a year**. The inspections shall be unannounced.
9. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
10. 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 notify the permittee of any claim, action or proceeding and the County shall reasonably cooperate in the defense.
11. 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 \$5,000.00 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 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; and

Conditions

- 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 the permittee in accordance with Los Angeles County Code ("County Code") Section 2.170.010.

- 12. This grant shall expire unless used within two years after the recordation of a final map for Revised Vesting Tentative Tract Map No. 50385. In the event that Vesting Tentative Tract Map No. 50385 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.
- 13. The subject property shall be graded, developed and maintained in substantial compliance with the approved tentative tract map and exhibit "A" map (dated November 21, 2006) or an approved revised Exhibit "A".
- 14. All development shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property, except as specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Planning.
- 15. The development of the subject property shall conform to the conditions approved for Revised Vesting Tentative Tract Map No. 50385.
- 16. Open space shall comprise not less than 70 percent of the net area of the subject property, and provided for this project as follows: 1) That open space shall comprise no less than 547.7 total acres (73.8 percent) proposed for the project; 2) That at least 261.9 acres shall be preserved as "natural open space" within the single-family lots as "restricted" open space; 3) That 161.7 acres are currently preserved as "natural open space" within four (4) separate open space lots; 4) That 124.1 acres are currently preserved as "manufactured open space" within the single-family lots and the water reclamation plant lot; and 5) That any "shifting" of open space within the project subsequent to approval shall not result in the reduction of total dedicated open space below 547.7 total acres, to the satisfaction of Regional Planning.
- 17. No grading permit shall be issued prior to the recordation of a final map except as authorized by the Director of Planning.
- 18. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include conditions in the tract's Conditions, Covenants, and Restrictions ("CC&Rs") which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, submit a copy of the draft document to be recorded to Regional Planning.

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19. The permittee shall submit a copy of the project CC&Rs to the Director of Planning for review and approval prior to the recordation of the final map for Revised Vesting Tentative Tract Map No. 50385.
20. All utilities shall be placed underground.
21. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works").
22. Detonation of explosives or any other blasting devices or material shall be prohibited unless all required permits have been obtained and adjacent property owners have been notified.
23. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to Monday through Friday, between 7:00 a.m. and 6:00 p.m., and Saturday, between 8:00 a.m. and 5:00 p.m. No Sunday or holiday operations are permitted.
24. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Planning and the Director of Public Works.
25. The permittee shall, upon commencement of any grading activity allowed by this permit, diligently pursue all grading to completion.
26. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
27. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect throughout the life of this permit.
28. All construction and development within the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County.
29. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
30. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence,

Conditions

weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

31. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with Los Angeles County Building and Plumbing Codes.
32. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Public Health ("Public Health"). Adequate water and sewage facilities shall be provided to the satisfaction of said department.
33. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden ("Forester") to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to water mains, fire hydrants, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by said Department.
34. Prior to the issuance of any grading and/or building permit, a site plan shall be submitted to and approved by the Director of Planning indicating that the proposed construction and/or associated grading complies with the conditions of this grant and the provisions of the County Code.
35. Prior to the issuance of any grading and/or building permit, the permittee shall submit to the Director of Planning for review and approval three (3) copies of a revised landscape plan. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. To the maximum extent feasible, drip irrigation systems shall be employed.

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

The landscaping plan must show that at least 50 percent of the area covered by landscaping will be locally indigenous species, including not only trees, but shrubs and ground cover as well. However, if the applicant can prove to the satisfaction of staff that a 50 percent or more locally indigenous species is not possible due to County fire safety requirements, then staff may determine that a lower percentage of such planting is required. In those areas where staff

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approves a reduction to less than 50 percent locally indigenous vegetation, the amount of such planting required shall be at least 30 percent. The landscaping shall include trees, shrubs and/or ground cover at a mixture and density determined by staff and the fire department. Fire retardant plants shall be given first consideration.

Permitted Plantings. Trees, shrubs and/or ground cover indigenous to the local region shall be used for the required 50 percent landscaping. Fire retardant and locally indigenous plants that may also be used for the required 50 percent such landscaping can be found on the attached list (marked Exhibit "B") compiled by the Fire Department. This list may be amended as approved by staff.

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

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

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

36. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Final Supplemental Environmental Impact Report ("SEIR") for the project are incorporated by this reference and made conditions of Revised Vesting Tentative Tract Map No. 50385. Comply with all such mitigation measures in accordance with the attached Mitigation Monitoring Program ("MMP"). After completion of the appeal period, record a covenant and agreement, and submit a copy to Regional Planning for approval, agreeing to the mitigation measures imposed by the SEIR for this project. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit mitigation monitoring reports to Regional Planning as frequently as may be required by the department. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.

The reports shall be submitted in the following sequence:

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- a. Prior to or concurrent with submittal of a revised Exhibit "A" to be approved by the Director of Planning prior to issuance of grading permits.
 - b. At the time of building permit issuance, including verification of payment of applicable fees. If the project is phased, a report shall be submitted at each successive phase.
 - c. Prior to occupancy clearances by Public Works.
 - c. Additional reports shall be submitted as required by the Director of Planning.
37. At the end of the appeal period, as provided in the MMP, the permittee shall deposit the sum of \$3,000.00 with Regional Planning to defray the cost of reviewing the permittee's reports and verifying compliance with the MMP. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director of Planning, to ensure that all applicable mitigation measures are implemented and reported in the required Mitigation Monitoring Reports.

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
OAK TREE PERMIT CASE NO. 2005-00062-(5)**

1. The Regional Planning Commission of the County of Los Angeles ("Commission") has conducted a public hearing on the matter of Revised Vesting Tentative Tract Map No. 50385 on March 21, 2007. Oak Tree Permit Case No. 2005-00062-(5) was heard concurrently with Revised Vesting Tentative Tract Map No. 50385 and Conditional Use Permit No. 2005-00171-(5).
2. The subject site is located north of the Antelope Valley Freeway (State Highway 14) and Valley Sage Road, and south of the Sierra Highway in Agua Dulce.
3. The subject property is approximately 742 gross acres in size. It has variable (flat to steeply-sloping) topography.
4. Oak Tree Permit Case No. 2005-00062-(5) is a request to authorize the removal of two oak trees.
5. The applicant submitted an Oak Tree Report prepared by Jonathan E. Campbell, the consulting arborist, dated November 10, 2006, that identifies and evaluates 12 oak trees on the subject property.
6. The applicant proposes to remove 2 oak trees. The oak trees proposed for removal are located within areas to be graded.
7. 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 removals, subject to recommended conditions of approval, including replacement trees to be provided on a 2:1 basis. Therefore, the total mitigation planting shall include 4 specimen oak trees.
8. Revised Vesting Tentative Tract Map No. 50385 is a related request to create 247 single family lots, four open space lots, four debris basin lots and one water reclamation plant lot on 742 gross acres.
9. Conditional Use Permit No. 2005-00171-(5) is a related request to ensure compliance with nonurban hillside management design review guidelines and onsite project grading, as well as permit a water reclamation plant in the A-2-1 (Heavy Agricultural-One Acre Minimum Required Lot Area) zone.
10. The necessary drainage improvements for soil erosion control will be designed in accordance with the standards of the Los Angeles County Department of Public

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Works ("Public Works") as a condition of approval of the associated tentative tract map.

11. Public correspondence was received (six letters, four e-mails) both supporting and opposing the proposed project. The four in opposition stated concerns related to CSD minimum lot area requirements, vehicle traffic generation, construction traffic, offsite access to the property, location of the proposed water reclamation plant, offsite transport of debris from the plant, dedication of open space and trails, local school impacts, project density and loss of equestrian trails currently existing on the project site. Those in support of the project stated that they "welcome" the development, have "no objections" and are "satisfied" with the proposed project.
12. On March 21, 2007 the Commission heard a presentation from staff as well as testimony from the applicant and the public. The applicant confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.
13. Testimony was taken from five persons who were in opposition or had concerns regarding the project; and one member in support. Opposition testimony included the project's water resources and connection, improper public hearing notification, traffic impacts, construction traffic and unsafe speeds along proposed "H" Street. Those who had concerns commented on general impacts and a possible water connection to their adjacent property. In addition, one member of the Agua Dulce Town Council ("Town Council") testified in support of the project, while also addressing two concerns related to the use of rural road sections and "shielded" lighting.
14. During the March 21, 2007 public hearing, staff clarified that those residential lots under two gross acres and not meeting the minimum 165 by 165 feet area requirements would be conditioned to fully comply with the CSD provisions prior to final map approval.
15. Regarding the traffic impacts, including those related to construction, the applicant responded that the original EIR did not find traffic impacts to be significant. The applicant also responded that no construction traffic will travel along Juniper Valley Road, a local means of access near the subject property. The applicant indicated that Valley Sage Road and Escondido Road will be improved and conform to Los Angeles County standards for road safety, and that there is no intention to use Shady Lane Road. Additionally, offsite access to some existing local unpaved roads will be provided via the proposed paved roads within the project site.
16. Regarding the unsafe speeds along "H" Street, the applicant responded that enforcement of the speed limit is not within the control of the proposed development and that homeowners and local residents will need to adhere to the existing traffic laws. Staff also confirmed that rural road sections would be used as the standard for the proposed private and future streets.

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17. Regarding the water resources and connection, the applicant responded that the water line issue is not part of the current project description and was approved with the original project. Regarding the possible water connections for adjacent land owners, the applicant stated that individual residents can apply to the local water district (No. 37).
18. The applicant also responded that shielded lighting would be incorporated into the project during the construction phase.
19. In the presentation and in subsequent comments, staff addressed the other remaining concerns stated in the opposing correspondence. Staff indicated that the applicant is not being required to connect the two segments of Valley Sage Road as a condition of approval. Also, staff addressed in detail the proposed location of the water reclamation plant and indicated that it would have minimal aesthetic impacts due to the plant site's location in a small valley. Existing equestrian trails would be replaced with a new network of multiuse trails and a trail realignment connecting offsite. The applicant testified to the advantages of the proposed multiuse trails. Staff also stated in the presentation that the project's overall density was consistent with the General and Area Plans.
20. On March 21, 2007 the Commission addressed the concerns raised by the testifiers, discussed its own concerns and directed the applicant to work with staff on the following issues:
 - First, the Commission directed the applicant to verify that the "reverse osmosis" technology for the proposed water reclamation plant is the best available technology. The applicant confirmed that "reverse osmosis" is the best available technology that the Los Angeles County Department of Public Works ("Public Works") and Los Angeles County Sanitation District ("Sanitation District") approved in the current plant design. The current plant design was also evaluated in the SEIR.
 - Second, that the applicant work with Public Works to propose a closer landfill facility to haul the water reclamation plant debris. Public Works determined that prior to approval of the reclamation plant improvement plans, a study of all alternatives for disposal of sludge and brine shall be submitted to Public Works for review. The sludge from the project shall be hauled to the nearest Sanitation District facility which can feasibly accept the sludge. The feasibility of the facility to accept the sludge shall be determined by the Sanitation District. Among other possible locations, the following disposal locations shall be analyzed in the study: Facilities within Sanitation Districts 20 and 14 (Antelope Valley); and facilities within the Santa Clarita Valley Sanitation District (Santa Clarita Valley).

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- Third, that the rear yards of those proposed residential lots abutting the Gas Line Road trail easement be protected from the trail users. The applicant confirmed that those rear yards would be fenced off and made inaccessible to the trail users.
- Fourth, that the applicant be required to disclose in the project's Conditions, Covenants and Restrictions ("CC&Rs") the existence of "fly-over zones" of a local airport and potential noise impacts related to the close proximity of the airport.
- Fifth, that the project's water system be expanded to meet the future water needs of nearby offsite residences. After meeting with staff, the applicant clarified that the water system was intentionally "downsized" in the original project approval in order to reduce its "growth-inducing" potential. However, the water system was adequately sized to accommodate both the overall project (including the 68 recorded units) and an adjacent development known as Sierra Colony (61 units).
- Sixth, that the applicant work with staff to determine the existing capacity of the local school system. Staff gathered the following data listed in the two tables below:

Table 1: Annual Enrollment Within the Acton-Agua Dulce Unified School District

YEAR	TOTAL DISTRICT ENROLLMENT (NO. OF STUDENTS)
2000-2001	2,068
2001-2002	2,099
2002-2003	2,078
2003-2004	1,994*
2004-2005	1,986
2005-2006	1,909
2006-2007	1,882 (1,913**)

According to the above data from the California State Department of Education, enrollment within the School District has been declining since 2002. The School District consists of two elementary schools, a junior high school and a high school. (*The Acton Elementary School was closed after the 2003-2004 school year due to declining enrollment, reducing the total number of schools from five to four. **1,913 is the current enrollment based on April 2007 data received directly from the schools.)

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Table 2: Enrollment and Capacity Per School

SCHOOL (2006-07)	CURRENT ENROLLMENT	CURRENT CAPACITY	SEATS AVAIL.
High Desert Middle	500	600	+100
Vasquez High	602	600	-2
Meadowlark Elem.	463	433	-30
Agua Dulce Elem.	348	348	0
DISTRICT TOTAL	1,913	1,981	+68

Staff obtained the above data directly from each school indicating that approximately 68 seats are currently available within the School District.

- Lastly, that staff include “sustainability” measures as a condition of project approval. Specifically, the Commission stated that at least 20 percent of the homes to be constructed on the proposed residential lots be designed to meet “green building” standards. Staff examined the most feasible measures for the proposed project’s sustainability. The following alternatives have been proposed:
 - a) Prior to final map approval, the applicant shall agree, in a recorded covenant submitted to the Los Angeles County Department of Regional Planning (“Regional Planning”), to construct at least 20 percent of the homes according to the Leadership in Energy and Environmental Design (“LEED”) standards (at the “Certified” performance level or its future equivalent) set forth by the US Green Building Council in effect at the time of construction of the first home on the project site, or,
 - b) The applicant shall submit a detailed report of the projected percentage of homes that will be constructed to LEED standards, for review and approval by Regional Planning prior to final map approval. This report shall indicate in both narrative and numeric detail how the project compensates for less than the 20 percent requirement, by way of other sustainable building practices to be used, including the contribution of the water reclamation facility and other conservation measures planned within the development.

In addition to whichever option is exercised above, the applicant shall also provide to Regional Planning a marketing package describing in detail how the developer and/or builder proposes to make available information regarding the advantages of a LEED-certified home to potential homebuyers. This marketing package must explicitly delineate the environmental advantages of building and owning a LEED-certified home, to include numerical calculations

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of the projected energy savings and other conservation-related benefits over the life of the home. The marketing package must at minimum include drafts of proposed marketing literature and a summary letter from the developer and/or builder explaining the literature and how it will be made available to potential homebuyers. The developer and/or builder must give an in-person presentation to Regional Planning along with the submittal of the marketing package, to be reviewed by Regional Planning prior to final map approval.

21. On March 21, 2007 the Commission considered the testimony of the applicant and other testifiers, closed the public hearing, directed the applicant to respond to the issues raised, and staff to prepare the final SEIR, including responses to comments and the Statement of Overriding Considerations. The Commission also directed staff to prepare the Findings and Conditions and return at a future consent date.
22. An SEIR for the project has been prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The SEIR also includes Responses to Comments and the Statement of Overriding Considerations. The SEIR analyzes the project's potential impacts and identifies mitigation measures to be implemented as part of the project.
23. The Commission has reviewed and considered the SEIR and finds that it reflects the independent judgment of the County. As stated in the SEIR and the Findings of Fact and Statement of Overriding Considerations regarding the SEIR, implementation of the project will result in specifically identified significant effects upon the environment. Except for impacts to air quality, such specifically identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the SEIR and incorporated as conditions in this revised vesting tentative map, the related conditional use permit and related oak tree permit.
24. The Commission determines that the substantial benefits resulting from implementation of the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings of Fact and Statement of Overriding Considerations, which findings and statement of overriding considerations are incorporated herein by reference.
25. A Mitigation Monitoring Program ("MMP") consistent with the conclusions and recommendations of the SEIR has been prepared, and its requirements have been incorporated into the conditions of approval for this project.
26. The MMP prepared in conjunction with the SEIR identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project to the environment is ensured.
27. 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

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Department of 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 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 2 oak trees is necessary for development reasons as continued existence of the trees at the present location frustrates the planned improvements or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or the cost of such alternative would be prohibitive;
- C. That the removal of the oak trees proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- D. That the removal 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 Case No. 2005-00062-(5) is **approved**, subject to the attached conditions established by the Commission.

**DEPARTMENT OF REGIONAL PLANNING
OAK TREE PERMIT CASE NO. 2005-00062-(5)**

CONDITIONS:

(Questions relating to these conditions should be addressed to the Forestry Division, Environmental Review Unit of the Los Angeles County Forester and Fire Warden at 818-890-5719.)

1. This grant authorizes the removal of two trees of the Oak genus identified as Tree Numbers 9 and 10 in the applicant's Oak Tree Report, subject to all of the following conditions of approval.
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 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. 9, 10 and 43.
4. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, 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 provision of this grant is held or declared to be invalid, 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 specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
8. No oak tree shall be removed until the permittee has obtained all permits and approvals required for the work which necessitates such removal.
9. Within completion of the appeal period, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project has not been found to have no effect on fish and wildlife and is

not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is \$2,550.00.

10. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$500. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one initial inspection of temporary fencing (required to secure the protected zone of the remaining Oak trees), prior to the commencement of construction and four subsequent annual inspections until the conditions of approval have been met. The Director of Regional Planning ("Director of Planning") and the Forester shall retain the right to make regular and unannounced site inspections.
11. The term "Oak Tree Report" refers to the report on file by Jonathan E. Campbell, the consulting arborist, dated November 10, 2006.
12. 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 her 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 prepare a schedule of construction activities wherein the arborist will be present on the project site to ensure compliance 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. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
13. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan and Conditions of Approval.
14. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
15. The permittee shall install temporary chain-link fencing, not less than four feet in height, to secure the protected zone of the 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 15 feet from the trunk, whichever is greater.
16. The permittee shall keep copies of the Oak tree report, Oak tree map, mitigation planting plan and conditions of approval on the project site and available for review. If the conditions of approval are not present on site during a monitoring inspection of

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an active project, the Forester will give an immediate "Stop Work Order." This will be administered both verbally and in writing. The "Stop Work Order" will be rescinded after the conditions of approval are present on the site and all employees associated with the project are fully aware of these conditions.

PERMITTED OAK TREE REMOVAL:

17. This grant allows the removal of two trees of the Oak genus (*Quercus turbinella*) identified as Tree Numbers 9 and 10 on the applicant's site plan and Oak Tree Report. 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.
18. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of protected Oak trees or to improve their appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two inches in diameter or less 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.
19. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the Forester, a copy of which is enclosed with these conditions.

MITIGATION TREES:

20. The permittee shall provide mitigation trees of the Oak genus at a ratio of two to one (2:1) trees for Tree Numbers 9 and 10 for each tree removed for a total of four trees.
21. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one inch or more in diameter one foot above the base. Free form trees with multiple stems are permissible; the combined diameter of the two largest stems of such trees shall measure a minimum of one inch in diameter one foot above the base.
22. This total of four mitigation trees shall consist of indigenous varieties of *Quercus turbinella*. The seed shall be grown from a local seed source and be of high-quality.
23. The permittee shall plant one acorn of the *Quercus turbinella* variety for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
24. All required mitigation trees shall be planted within one year of the permitted oak tree removals. Mitigation trees shall be planted on-site in locations approved by the project arborist in consultation with the Forester. In circumstances where on-site planting is shown to be infeasible, the mitigation trees may be planted at an off-site

location approved by the Forester, or a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resources 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 of Arboriculture's "Guide for Plant Appraisal."

25. 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 five-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 the new replacement trees. Subsequently, additional monitoring fees shall be required.
26. The project arborist shall inspect all mitigation trees on a quarterly basis for two years after completion of construction. The arborist's observations shall be reported to the County Forester, including any loss of trees.
27. 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 the trees have survived the required maintenance period.
28. Prior to the planting of the trees, the biologist/arborist for the permittee shall determine planting sites, prepare planting plans and specifications, and a monitoring program, all of which shall be approved by the Forester and Director of Planning.
29. All work on or within the protected zone of an oak tree shall be performed by or under the supervision of the consulting arborist.
30. 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.
31. Installation of fencing around the perimeter of the properties shall be of wrought iron or wood post type construction wherever the fencing passes within ten (10) feet of any oak trunk. No block walls or other type of fence or wall construction which requires substantial trenching for foundations shall be located within ten (10) feet of any oak tree in order to limit damage caused by such types of construction.

NON-PERMITTED ACTIONS AND VIOLATIONS:

32. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
33. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los

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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 County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

34. No planting or irrigation system shall be installed within the dripline of any oak tree that will be retained.
35. Utility trenches shall not be routed within the protected zone of an oak tree unless the serving utility requires such locations.
36. 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.
37. 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.
38. Should any future inspection disclose that the subject property is being used in violation of any condition 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. The Director of Planning and the Forester shall retain the right to make regular and unannounced site inspections.
39. 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 ("Planning Commission") or Los Angeles County Hearing Officer ("Hearing Officer") may, after conducting a public hearing, revoke or modify this grant, if the Planning 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.
40. The permittee shall defend, indemnify and hold harmless Los Angeles County ("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 notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
41. 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 \$5,000.00, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to

permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred by the department reach 80 percent of the amount on deposit 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.

42. As a means of ensuring the effectiveness of the mitigation monitoring measures set forth in the attached Mitigation Monitoring Program ("MMP"), the permittee shall submit mitigation monitoring reports to the Director of Planning. The reports shall describe the status of compliance with the mitigation measures adopted as conditions of this grant. The reports shall be submitted and approved in the following sequence:

- a) At the time of submittal of the first final map and each final unit map submittal;
- b) At the time of grading permit issuance, include verification and payment of applicable fees;
- c) At the time of building permit issuance;
- d) Additional reports as required by the Director of Planning.

43. At the end of the appeal period, as provided in the MMP, the permittee shall deposit the sum of \$3,000.00 with Regional Planning to defray the cost of reviewing the permittee's reports and verifying compliance with the MMP. The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director of Planning, to ensure that all applicable mitigation measures are implemented and reported in the required Mitigation Monitoring Reports.

44. This grant shall expire unless used within two years after the recordation of a final map for Revised Vesting Tentative Tract Map No. 50385. In the event that the tentative map 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.

45. This grant shall terminate upon the completion of the authorized oak tree removal and the completion of all required mitigation and monitoring to the satisfaction of the Forester and Regional Planning.