Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

September 2, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Ramon Cordova, Senior Regional Planning Assistant RC
Land Divisions Section

SUBJECT: PROJECT NO. 92027-(4)
VESTING TENTATIVE TRACT MAP NO. 51153
CONDITIONAL USE PERMIT CASE NO. 92027
OAK TREE PERMIT CASE NO. 92027
ENVIRONMENTAL ASSESSMENT CASE NO. 92027
AGENDA ITEM NO. 6 a, b,c,d; SEPTEMBER 16, 2009

PROJECT BACKGROUND

As you may recall, Vesting Tentative Tract Map No. 51153 ("TR 51153"), is a subdivision proposal for a gated single-family residential development (known as Pacific Heights) consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots on approximately 114.3 gross acres (111.6 net acres). This is a redesigned project from originally 50 single-family lots, two open space lots, and two public facility lots. The subject property is located at the southerly terminus of Apple Creek Lane and south of Dawn Haven Road in the Hacienda Heights Zoned District. Access to the subject property is provided by the southerly extension of Apple Creek Lane.

The proposal also requires approval of Conditional Use Permit ("CUP") Case No. 92027 to ensure compliance with the requirements of nonurban hillside management development within a Significant Ecological Area ("SEA"), density-controlled development and onsite project grading that exceeds 100,000 cubic yards as well as a request for a modification to allow a15-foot high cut retaining wall within front yard setback. Oak Tree Permit ("OTP") Case No. 92027 is also required to allow the removal of 126 oak trees (no heritage oaks) and encroachment into the protected zone of 20 oak trees (no heritage oaks).

A Draft Environmental Impact Report ("EIR") was also prepared that identified potentially significant impacts of the project, including geotechnical, biological resources, visual/landforms, traffic and access and air quality/climate change. At time of the August 19, 2009 public hearing, the Final EIR, in response to the Draft EIR comments, was included in the materials distributed for the Commission for their review.

AUGUST 19, 2009 PUBLIC HEARING

After taking public testimony from the applicant and his representative and one individual in opposition, on August 19, 2009 the Commission continued the public hearing to September 16, 2009 and instructed staff to prepare draft findings and conditions for approval as well as Findings of Fact for the EIR.

The following includes a summary of issues raised during the August 19, 2009 public hearing:

- HOA fees – The Commission had concerns with the addition of a picnic/rest area with benches as it would increase the cost of homeowner's association ("HOA") fees and inquired on the amount of fees that would be required for the proposed development. Staff stated that the amount would be between $600.00 to $800.00 per month in fees to maintain manufactured slopes, landscaping in common areas, private driveway and fire lane, private and future street and trails. The Commission also had concerns with proposed picnic/rest area with benches as it could create maintenance and public nuisance problems for the homeowner's association. Tract Condition No. 13 and CUP Condition No. 20 have been added to address this concern.

- Open Space – The Commission inquired if all open space could be maintained by a public agency or non-profit organization. The applicant's representative stated that public agencies or non-profits would not accept manufactured slopes and would be best maintained by HOA. The applicant stated that the project was providing 89 percent open space of which 23 acres (22 percent) are manufactured slopes. The applicant also stated that the San Gabriel Regional Mountains Conservancy had indicated their desire to accept all undisturbed open space. Tract Condition No. 12 and CUP Condition No. 17 have been added to address this concern.

- Fuel Modification - The Commission stated that they could not support this project if fuel modification/brush clearance was required within adjacent Schabarum Park in order to accommodate a structure being constructed within Lot No. 15 of this project. The Commission stated that a smaller structure should be sited on the lot to avoid fuel modification/brush clearance in Schabarum Park. Tract Condition No. 14 and CUP Condition 21 have been added to address this concern.

ADDITIONAL MATERIALS

The applicant has submitted revised Burden of Proofs for the proposed subdivision.

STAFF EVALUATION

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

Staff recommends that the Commission close the public hearing, and certifies that the Final EIR was completed in compliance with CEQA and the State and County guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the project.. Staff also recommends the Commission approve Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027.

Suggested Motion: "I move that the Regional Planning Commission close the public hearing, and certifies that the Final EIR was completed in compliance with CEQA and the State and County guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the project."

AND

Suggested Motion: "I move that the Regional Planning Commission approve Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027."

SMT:REC
9/2/09

Attachments:
Draft Findings and Conditions of approval
Revised Burden of Proofs
Findings of Fact

FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
FOR VESTING TENTATIVE TRACT MAP NO. 51153

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a noticed public hearing in the matter of Project No. 92027-(4) and Vesting Tentative Tract Map No. 51153 on January 14, 2004, March 17, 2004, April 8, 2009, July 15, 2009, August 19, 2009 and September 16, 2009. Vesting Tentative Tract Map No. 51153 was heard concurrently with Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027.

2. Vesting Tentative Tract Map No. 51153 is a request to create a gated single-family residential development (known as Pacific Heights) consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots on approximately 114.3 gross acres (111.6 net acres).

3. The subject site is located at the southerly terminus of Apple Creek Lane and south of Dawn Haven Road in the Hacienda Heights Zoned District. Access to the subject property is provided by the southerly extension of Apple Creek Lane.

4. The irregularly -shaped property is 114.3 gross acres (111.6 net acres) in size with slight to steeply sloping terrain topography. Based on the applicant's submitted slope density analysis, there are 20.8 acres in 25 percent slope, 52.3 acres in 25 to 50 percent , and 41.2 acres in over 50 percent slope categories.

5. Access to the proposed development is provided by the southerly extension of Apple Creek Lane, a 64-foot wide private and future street.

6. The project site is currently zoned R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area) which was established by Ordinance No. 10827 and became effective on April 9, 1974.

7. Surrounding zoning includes RPD-6,000-7U (Residential Planned Development – 6,000 Square Feet Minimum Required Lot Area - Seven Units per Net Acre) to the north; O/S (Open Space) to the east; A-1-5 (Light Agricultural – Five Acre Minimum Required Lot Area) to the west and City of La Habra to the south.

8. The subject property consists of one lot currently unimproved. Surrounding uses include single-family residences to the north, Schabarum Park to the east, Southern California Edison right-of-way and single family residences to the west, and City of La Habra Heights (single-family residences) to the south.

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9. The project is consistent with the R-A zoning classification. Single-family residences are permitted in the R-A zone pursuant to Section 22.20.410 of the Los Angeles County Code ("County Code"). The proposed density of 47 single-family lots is consistent with the maximum 114 dwelling units that can be accommodated by the R-A-1 zoning.

10. The property is depicted within the Non-Urban 2 (N2 – 0.3 to 1.0 Dwelling Units per Net Acre) land use category of the Hacienda Heights Community Plan ("Plan") and Non-Urban (R) land use category of the Los Angeles Countywide General Plan ("General Plan"). Based on the applicant's submitted slope density analysis, which provides different densities for the zero to 25 percent (20.8 acres), 25 to 50 percent (52.3 acres), and over 50 percent (41.2 acres) slope categories, the subject property yields a maximum of 75 dwelling units. The project proposes 47 dwelling units which is consistent with the maximum density calculations. The project will require a CUP since the proposed 47 dwelling units exceeds the low density threshold of nine dwelling units. As part of compatibility with nonurban hillside design criteria, the proposed development will be required to provide a minimum of 70 percent open space per Section 22.52.215 of the County Code. As a density-controlled development, any undeveloped land is required to remain as permanent open space. The project provides 101.7 acres of permanent open space (89 percent) consisting of disturbed and undisturbed areas.

11. Conditional Use Permit ("CUP") Case No. 92027 is a related request to ensure compliance with the requirements of nonurban hillside management, Significant Ecological Area ("SEA") and density-controlled development as well as onsite project grading that exceeds 100,000 cubic yards and a request for a modification to allow 15-foot high retaining wall within front yard setback.

12. Oak Tree Permit ("OTP") Case No. 92027 is a related request to allow the removal of 126 oak trees (no heritage oaks) and the encroachment into the protected zone of 20 oak trees (no heritage oaks).

13. The applicant's site plan, labeled as "Exhibit A," dated January 7, 2008, depicts a gated clustered residential development of 47 single-family lots on approximately 114.3 gross acres. The residential lots range in size from 5,002 square feet to 20,980 square feet. Graded building pads range in size from 4,366 square feet to 11,535 square feet and are depicted to show the extent of development. The project provides 101.7 acres of permanent open space (89 percent) consisting of disturbed and undisturbed areas. Two open space lots, Lot No. 57 (69 acres in size) is undisturbed area and Lot No. 58 (10 acres in size) includes 9.3 acres of undisturbed area and 0.7 acres of disturbed area cover approximately 69 percent (78.3 acres) of the project site. Lot Nos. 51 and 53 through 56 are disturbed open space lots that will be graded and total an area of 20.6 acres. Lot No. 52 is

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proposed as a debris/detention basin consisting of disturbed area and 1.7 acres in size. The project's main access is Apple Creek Lane, a 64-foot-wide public street and will provide access to a proposed gated 64 foot wide private and future street (Lot No. 48) which will serve as main access for the project. Internal access will be provided by a private driveway and fire lane (Lot No. 49), 46 feet wide. Grading consists of 1,033,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with a potential for 10,000 cubic yards of imported material, but is expected to be balanced onsite during grading.

14. The project was originally submitted on January 29, 1992 by a different developer proposing 57 homes, a private school and a pagoda. The residential lots ranged from 10,583 square feet to 88,341 square feet in size, averaging 23,366 square feet. Proposed residences located nearest existing homes to the north were set back 155 to 350 feet. Due to the fill slopes, the proposed residences were also 60 to 150 feet above existing homes. Grading total amount of 1,360,000 cubic yards (690,000 cubic yards of cut and 670,000 cubic yards of fill) was proposed on site.

15. On November 14, 1999 the current applicant, Pacific Communities, revised the design from 57 single-family lots to a proposal of 50 single-family lots, two public facility lots, and two open space lots.

16. The original Draft Environmental Impact Report ("DEIR") for the proposed 50-lot subdivision was released for public comment in November of 2003.

JANUARY 14, 2004 PUBLIC HEARING

17. Thirteen (13) comment letters and comments on the DEIR were submitted to the Commission including from the Wildlife Corridor Conservation Authority, the Puente Hills Native Habitat Preservation Authority, the South Coast Air Quality Management District, and the cities of La Habra and La Habra Heights. The 13 letters were in opposition to the project, with concerns related to traffic impacts (residents in the surrounding community expressed concern about adverse traffic impacts with access on Apple Creek Lane and existing congestion on Dawn Haven and Colima Road); grading impacts (concerns were raised regarding the dramatic alteration of terrain that has a history of geologic instability); and loss of open space (when they purchased their homes in the 1970s, residents in the development to the north had been led to believe that the subject property was open space dedicated to Los Angeles County as part of the park system and expressed concern about the loss of this open space and ecological impacts). Comments on the DEIR primarily raised concerns regarding the significant impacts on biotic resources, the loss of wildlife habitat, and the proposed oak tree removals.

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18. During the January 14, 2004 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.

19. During the January 14, 2004 public hearing, staff gave a presentation stating that the proposed development consisted of 50 dwelling units, two open space lots and two public facility lots on 114.3 gross acres. Staff also raised issues related to the proposed development such as density transfers between 50 percent or greater slopes, the creation of building pads that will extend 60 to 150 feet above existing residences, private yards being included within open space calculations and substantial community opposition.

20. During the January 14, 2004 public hearing, the Commission inquired from staff if the proposed project exceeded the maximum of 75 dwelling units with one means of access consisting of Apple Creek Lane. Staff stated that the project was below the maximum with only 56 dwelling units off a single means, consisting of the proposed 50 dwelling units and six existing dwelling units.

21. During the January 14, 2004 public hearing, the applicant's representative gave a presentation detailing the history of the creation of the existing private parcel of land that encompasses the project site as community members were under the impression that the project site had been intended for a park site and owned by Los Angeles County. The representative also stated that the project site would create 680 car trips; an increase from the existing 200 car trips a day. The applicant's representative also discussed the planned removal of 0.6 acres of existing Mule fat vegetation due to the extension of Apple Creek Lane that could be mitigated by replanting on another location within the project site.

22. During the January 14, 2004 public hearing, three members of the surrounding community, consisting of two homeowners and one member of the Hacienda Heights Improvement Association ("HHIA"), gave testimony in opposition to the project. Issues raised included the destruction of the existing hills and natural habitat of the existing wildlife, unstable hillsides which create mudslides during rainy season, and loss of open space.

23. During the January 14, 2004, the Commission inquired from the HHIA if they had met with the applicant and if a reduction in density had ever been discussed. The HHIA stated that they had met with the applicant and at the meeting were told the project scope and the project suggestions they provided were never taken.

24. During the January 14, 2004 public hearing, the applicant's representative in rebuttal to the opposition's testimony stated that the project's grading would mitigate the unstable hillside and was a public benefit. The applicant's

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representative also stated that the project site could accommodate 74 dwelling units per County guidelines but is proposing a clustered project of 50 lots.

25. During the January 14, 2004 public hearing, the Commission inquired about the proposed water tank and if its size was determined by the number of dwelling units. The applicant's representative stated that the size of the water tank was determined by the Rowland Water District ("RWD") based on required water pressure for the proposed development.

26. After taking public testimony, the Commission continued the public hearing to March 17, 2004 to allow time for the applicant to redesign the proposed project and work with staff and the community.

MARCH 17, 2004 PUBLIC HEARING

27. Two comment letters were submitted to the Commission for the March 14, 2004 public hearing. The two letters were in opposition to the project, with concerns related to loss of open space; to protect SEA and surrounding hillsides from development; unstable terrain; surrounding hills with history of mudslides and landslides; and proposed 50 single family homes and water tank will create unacceptable visual impacts.

28. During the March 17, 2004 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.

29. During the March 17, 2004 public hearing, staff gave a short presentation on the proposed project stating that the conceptual redesigned project still consisted of 50 single family lots and had significant open space preservation, as well as reduction of impact to oak woodland, and a minor reduction in the amount of grading from 690,000 cubic yards of cut to 640,000 cubic yards of cut.

30. During the March 17, 2004 public hearing, staff clarified two items the Commission had inquiries on during the January 14, 2004 public hearing. One inquiry consisted of any transitional lots being proposed; none were proposed and would not be permitted by the Los Angeles County Department of Public Works ("Public Works"). The second inquiry consisted of how many units would be taking access from Apple Creek Lane and if it exceeded the maximum threshold of 75 dwelling units allowed for a single means of access. The project is proposing 50 dwelling units and currently 13 homes were accessing Apple Creek Lane for a total of 63 homes, which is still below the maximum of 75 dwelling units.

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31. During the March 17, 2004 public hearing, staff suggested that the applicant redesign the project with private driveways which would allow a reduction in grading.

32. During the March 17, 2004 public hearing, the applicant's representative gave a presentation which detailed an alternative conceptual project consisting of reduced grading by 150,000 cubic yards (11 percent), and balancing all grading onsite. The alternative conceptual project also depicted shifting water tank from the east side of project to west side of project which reduces grading. The project also includes the addition of five acres of undisturbed open space to a total of 83 acres; and a reduction of impacts to oak woodland, currently onsite between 800 to 1200 oak trees, to impact 70 oak trees. The applicant's representative was also in support of private driveways instead of creating public streets which would further reduce grading impacts.

33. During the March 17, 2004 public hearing, the Commission inquired about the amount of runoff the project site currently created and how the proposed development would mitigate this problem. The applicant's representative stated that the project would mitigate the runoff problem with engineered stabilization grading and debris basins approved by Public Works.

34. During the March 17, 2004 public hearing, the Commission inquired from the RWD about the proposed water tank. The RWD stated that the proposed water tank was planned in capacity only for the proposed development. The Commission inquired if two homes were built would a water tank be required. The RWD stated that any homes built on the project would require a water tank and the size of the water tank would be determined by the number of dwelling units proposed.

35. During the March 17, 2004 public hearing, two persons testified in opposition to the project. Issues raised included inferior redesign; the surrounding community wanted to see a redesigned project that had less units and a smaller water tank.

36. During the March 17, 2004 public hearing, the applicant's representative in rebuttal to the opposition's testimony stated that the project's grading would improve the hillside stabilization by removing unstable terrain. The representative also stated that the proposed location of the water tank would provide optimal water pressure for the proposed development and for fire protection.

37. During the March 17, 2004 public hearing, the Commission inquired about fuel modification for proposed single family lots adjoining Schabarum Park and how it would be impacted. The applicant stated that the fuel modification issue for adjoining single family lots did not arise during previous discussions with the Los Angeles County Fire Department and will guarantee no fuel modification within

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Schabarum Park. The project can also create an additional wet zone on single family lots or additional setback requirements to prevent any fuel modification within Schabarum Park.

38. After taking public testimony, the Commission took the matter off calendar for the applicant to work with staff to take in consideration concerns expressed by the Commission; including working on a redesign that would reduce dwelling units, reduce grading, creating private streets or driveways to reduce grading impacts, and prohibiting fuel modification in Schabarum Park.

39. The Recirculated Draft Environmental Impact Report ("RDEIR") for the proposed 47-lot subdivision was released for public comment in February of 2009.

APRIL 8, 2009 PUBLIC HEARING

40. Prior to the April 8, 2009 public hearing, staff received correspondence from six (6) adjoining property owners. Concerns raised include loss of open space; destruction of surrounding hillsides and native habitat for wildlife; and increased traffic along Apple Creek Lane and Dawn Haven Road.

41. During the April 8, 2009 public hearing, the Commission heard a presentation from staff describing the redesigned project which proposed a gated single-family residential development consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots. The OTP increased the removal to 126 oak trees (no heritage oaks) and encroachment into the protected zone of 20 oak trees (no heritage oaks). A reduction in 336,600 cubic yards of total grading, from 1,360,000 cubic yards (690,000 cubic yards of cut and 670,000 cubic yards of fill) to 1,023,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with an additional 10,000 cubic yards of imported material listed, but anticipated to be balanced onsite.

42. During the April 8, 2009 public hearing, staff gave a short presentation requesting guidance from the Commission on the appropriate density, grading amounts and increased removal of oak trees for the proposed project also stating that the applicant was requesting a continuance to continue to work with staff.

43. During the April 8, 2009 public hearing, the Commission inquired from County Counsel on standard practice regarding opening a public hearing when the applicant was requesting a continuance and was not prepared to give testimony. County Counsel stated that the public hearing could be opened with testimony

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taken from all parties. In the discussion considering the continuance request, your Commission preferred to defer questions and detailed discussion on the project to the continued public hearing, and instructed the applicant to return to the Subdivision Committee (SCM), settle all differences with Staff, and work with the 4th Supervisorial District Office.

44. During the April 8, 2009 public hearing, the Commission stated that the applicant and staff were seeking guidance on how to proceed with the project and also stated their concern with becoming "referees" between staff and the applicant.

45. During the April 8, 2009 public hearing, the applicant's representative stated that staff's analysis and presentation of the proposed project was erroneous and not consistent with DEIR. The applicant's representative stated that staff mentioned impacts to oaks but did not mention oak mitigation which had been approved by the Los Angeles County Forester, and requested a 60-day continuance of the public hearing in order to meet with staff and discuss the errors and inconsistencies in the staff analysis.

46. During the April 8, 2009 public hearing, the applicant gave a brief history on the proposed project and stated that the project had reduced grading and units. He also stated that the redesigned project is removing an additional 14 oak trees from the previous design of 50 lots due to additional grading that is required to stabilize the existing terrain consisting of loose fill material that was deposited onsite from the adjoining subdivision's development.

47. During the April 8, 2009 public hearing, four persons testified in opposition to the project. Issued raised included increased traffic along Apple Creek Lane and through the community, construction traffic would add dust and mud through the community, and the destruction of the surrounding wildlife habitat by the proposed subdivision. Those opposed to the project also testified against the loss of hillside open space and existing trails that lead to Schabarum Park.

48. During the April 8, 2009 public hearing, the applicant in rebuttal to the opposition's testimony, stated that the proposed project would donate undisturbed open space to the Puente Hills Landfill Native Habitat Preservation Authority or the San Gabriel Mountains Regional Conservancy. The applicant also stated that they would be willing to voluntarily donate Lot No. 58, a 10-acre parcel, to the Los Angeles County Department of Parks and Recreation ("Parks & Rec") as an offsite mitigation parcel for the separate library project proposed within Schabarum Park.

49. On April 8, 2009, after taking all public testimony from the applicant and his representatives and five individuals in opposition, the Commission continued the public hearing to July 15, 2009 and instructed staff to work with the applicant and

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the Fourth Supervisorial District Office on a design all parties could support.

50. On April 22, 2009 staff received a detailed letter describing the applicant's concerns with staff's analysis of the project. Issues described in the letter included consistency with the General Plan, Plan and development within an SEA. The letter also raised issues with staff's interpretation of the oak mitigation plan as it did not fully describe the project's mitigation of replacing the 126 oak trees to be removed with 277 oak trees.

51. On June 10, 2009, and June 25, 2009, staff met with the applicant and his representatives to discuss the issues raised in their April 22, 2009 letter to the Acting Director of Regional Planning and included discussion of open space dedication consisting of undisturbed open space, Lot No. 57 (69 acres) and Lot No. 58, a 10-acre lot proposed to be dedicated to Parks & Rec, as mitigation for an offsite library project proposed within adjacent Schabarum Park. Other issues discussed included Hillside Management/Midpoint with staff informing the applicant that the project would need to clearly state community benefits in order to increase density from the mid-point density of 42 dwelling units. Staff also stated that the Commission has historically used the mid-point density as a benchmark to allow an increase in density with additional community benefits or amenities and Fuel Modification/Brush Clearance in which the applicant stated that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet. Staff inquired whether proposed Lot No. 15 could be used as a tot lot or private park lot, thereby eliminating the need for brush clearance within Schabarum Park. The applicant declined to offer this lot as an amenity, and reiterated the community benefits/amenities that the project was already providing. The applicant also stated that existing homes nearby already require brush clearance, and would prepare an exhibit depicting brush clearance within Schabarum Park.

52. On June 30, 2009, staff received a letter dated June 29, 2009, from the applicant requesting a continuance of the July 15, 2009 Commission public hearing to allow time for staff and the applicant to resolve a few remaining issues regarding the project's design and its environmental impacts.

JULY 15, 2009 PUBLIC HEARING

53. During the July 15, 2009 public hearing, the Commission heard a brief presentation from staff which included a continuation request from the applicant. Staff and the applicant had been working together to prepare the Final EIR and resolve outstanding issues. The Commission continued the public hearing to

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August 19, 2009 and instructed staff to continue working with the applicant to resolve outstanding issues.

AUGUST 19, 2009 PUBLIC HEARING

54. On August 6, 2009 staff submitted a hearing package to your Commission for the August 19, 2009 continued public hearing. On August 10, 2009, staff received a detailed letter describing the applicant's concerns with the August 6, 2009 staff analysis. On August 11, 2009, staff met with the applicant and his representatives to discuss those issues which included Staff and the applicant agreeing to provide an onsite private hiking trail ("Trail") to be owned and maintained by the homeowners association ("HOA"), would satisfy staff's concern for continued trail access within the project site. Staff also recommended an irrevocable easement to the public for continued pedestrian access to be reviewed by staff. The proposed Trail will be contiguous with the west and southwest lot lines of Lot No. 56. It was also concluded, based on the additional correspondence from the RWD dated August 10, 2009, that a proposed Trail within the water tank access road would be allowed. The applicant also agreed to construct and maintain a picnic/view area with tables and seating, as an additional open space amenity.

55. During the August 19, 2009 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant as well as the public regarding the proposed development.

56. During the August 19, 2009 public hearing, staff gave a presentation which discussed the outcome of the previous public hearings heard by the Commission on January 14, 2004, March 17, 2004, April 8, 2009 and July 15, 2009. Also discussed was staff's meeting with the applicant on August 11, 2009 which discussed issues such as public pedestrian access along the proposed access driveway of Lot No. 50 (water tank lot) to connect with existing trails in Schabarum Park. The open space trails that will be provided by the applicant are contiguous with the west and southwest lot lines of Lot No. 56, and a portion of the trails will be located within the water tank access road; and fuel modification/brush clearance that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet.

57. During the August 19, 2009 public hearing, the Commission inquired on the grading design of the manufactured slopes of the proposed project not having contour cuts. The Public Works representative stated that the slope cuts had been reviewed and approved by Public Works, and recommended the applicant discuss further regarding grading design.

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58. During the August 19, 2009 public hearing, the Commission also stated that they had concerns with the addition of a picnic/rest area with benches as it would create maintenance and public nuisance problems for the homeowner's association while increasing the cost of HOA fees, and inquired on the amount of fees that would be required for the proposed development. Staff stated that the applicant estimated between $600.00 to $800.00 per month in fees to maintain manufactured slopes, landscaping in common areas, private driveway and fire lane, private and future street and trails.

59. During the August 19, 2009 public hearing, the applicant gave a brief history on the project and discussed public benefits that the project will be providing such as a Trail to be owned and maintained by HOA, stabilization grading of loose fill material that was inappropriately deposited onsite and to voluntarily donate Lot No. 58, a 10-acre parcel, to Parks & Rec as an offsite mitigation parcel for the separate library project proposed within Schabarum Park. The applicant also stated that they agreed to replant the mitigation oak trees, a total of 277 trees for the removal of 126 trees (a 2.2 to 1 replacement ratio) and were providing 89 percent of the project as open space which consisted of both undisturbed and disturbed terrain, and was in excess of the required 70 percent open space for non-urban hillside projects.

60. During the August 19, 2009 public hearing, one person testified in opposition to the proposed project. Issues raised included project's impact to mule fat vegetation and its relocation which may not provide long-term stability, project's density and oak tree removal mitigation. The opposition stated that the proposed density of 47 dwelling units was inappropriate for hillside development that would require substantial grading that would destroy existing sloping terrain. The opposition also raised concerns with the proposed replacement oak tree mitigation plan that would be in effect for only seven years and was not sufficient time to determine survivability of replacement oak trees.

61. During the August 19, 2009 public hearing, in rebuttal to the opposition's comments the applicant's representative stated that the project's density was consistent with the Plan, General Plan and zoning. The applicant's representative also stated that the project's oak tree mitigation plan and mule fat replacement plan have been cleared by the Los Angeles County Forester and Fire Warden and included in the Final EIR.

62. During the August 19, 2009 public hearing, the Commission stated their desire that all open space be maintained by a public agency or non-profit organization. The applicant's representative stated that public agencies or non-profits would not accept manufactured slopes and would be best maintained by HOA. The applicant

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stated that the project was providing 89 percent open space of which 23 acres (22 percent) are manufactured slopes. The applicant also stated that the San Gabriel Regional Mountains Conservancy had stated their interest in accepting the undisturbed open space lots.

63. During the August 19, 2009 public hearing, the Commission also stated that they did not want any picnic areas or benches as these areas could become nuisances along proposed trails and preferred rocks or boulders as sitting areas.

64. The Commission also stated that they could not support this project if fuel modification/brush clearance was required within Schabarum Park in order to accommodate a structure being constructed within Lot No. 15. A smaller structure should be sited on the lot that would eliminate the need for fuel modification/brush clearance within Schabarum Park.

65. On August 19, 2009, the Commission continued the public hearing to September 16, 2009, and instructed staff to prepare draft findings and conditions for approval. The Commission also instructed staff to specifically prepare condition requiring a six-foot wide trail easements with rocks or boulders for sitting for public use to be maintained by the HOA, and another condition that prohibits any fuel modification/brush clearance within Schabarum Park for a structure to be sited on Lot No. 15.

66. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the Plan and General Plan. The project increases the supply and diversity of housing and promotes the efficient use of land through a more concentrated pattern of urban development consisting of a clustered design adjoining an existing single family development.

67. The site is physically suitable for the type of development and density being proposed, since the property has adequate building sites to be developed in accordance with the County grading ordinance, has access to a County-maintained street, will be served by public sewers, will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs, and will have geologic hazards mitigated in accordance with the requirements of Public Works.

68. 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 geologic and soils factors are addressed in the conditions of approval.

69. The design of the subdivision and the proposed improvements will not cause substantial environmental impacts. The subject property is located in a Significant

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

70. The design of the subdivision provides for future passive or natural heating or cooling opportunities therein.

71. 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 on the vesting tentative tract map, provide adequate protection for any such easements.

72. 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.

73. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (Commencing with Section 13000) of the California Water Code.

74. 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.

75. This tract map has been submitted as a "vesting" tentative map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the County Code.

76. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project on geotechnical, biological resources, visual/landforms, traffic and access and air quality/climate change. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Recirculated Draft EIR dated January 2009 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact are incorporated herein by this reference, as if set forth in full.

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77. The Commission reviewed and considered the Final EIR and found that it reflects the independent judgment of the County. As stated in the Final EIR and Findings of Fact, implementation of the project will result in specifically identified significant effects upon the environment. Identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions for this project.

78. A Mitigation Reporting and Monitoring Program ("MMP") consistent with the conclusions and recommendations of the Final EIR was prepared, and its requirements are incorporated into the conditions of approval for this project.

79. The MMP in conjunction with the Final EIR identified in detail how compliance with its measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

80. This project has not been found to have no effect on fish and wildlife resources. Therefore, the project is not exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

81. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for Conditional Use Permit Case No. 92027 and Oak Tree Permit Case 92027, and the Mitigation Monitoring Program.

82. 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.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the Final EIR was completed in compliance with CEQA and the State and County guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the project; indicates that it certified the Final EIR at the conclusion of its hearing on the project and adopted the Findings of Fact, and MMP, finding that pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation, as stated in the Findings of Fact, and

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2. Approves Vesting Tentative Tract Map No. 51153 subject to the attached conditions and recommendations of the Los Angeles County Subdivision Committee.

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DEPARTMENT OF REGIONAL PLANNING **Map Date: 1-7-2008**
VESTING TENTATIVE TRACT MAP NO. 51153

DRAFT CONDITIONS:

1. The subdivider shall 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. 92027, Oak Tree Permit Case No. 92027, and the Mitigation Monitoring Program.

2. Except as otherwise specified in Condition No. 2 and by Conditional Use Permit No. 92027, the subdivider shall conform to the applicable requirements of the R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area) zone.

3. In accordance with Conditional Use Permit Case No. 92027, this land division is approved as a nonurban hillside, density-controlled development in which the areas of the proposed lots may be averaged to collectively conform to the minimum lot area requirements of the R-A-1 zone as depicted on the tentative map dated January 7, 2008.

4. The subject property shall be developed and maintained in substantial compliance with the approved vesting tentative map, dated January 7, 2008.

5. Per Section 22.56.205(2) of the County Code all dwelling units shall be single-family residences within this proposed development.

6. Per Section 22.56.205(1)(a) of the County Code the subdivider shall be required to permanently reserve all commonly owned areas. Such reservation shall be by establishment of a homeowners association, maintenance district or other appropriate means or methods to ensure to the satisfaction of the Director of Regional Planning ("Director of Planning") the permanent reservation and continued perpetual maintenance of required commonly owned areas.

7. The subdivider shall submit a copy of the project's Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review and approval. The CC&Rs shall include all of the project conditions, and include language that those conditions required to be in the CC&Rs may not be amended or eliminated by the homeowners association without approval from the Director of Planning.

8. The subdivider shall submit evidence that the conditions of the associated Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027 have been recorded prior to final map recordation.

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9. The subdivider shall record a covenant with the County of Los Angeles agreeing to comply with the required environmental mitigation measures. Prior to recordation of the covenant, the subdivider shall submit a copy of the draft covenant, to include attached mitigation measures, to the Director of Planning for review and approval.

10. Only native, drought-resistant plant materials within the proposed project site include conditions in the tract's CC&Rs or maintenance agreements to require continued enforcement of this condition. A landscape plan which may be incorporated into a revised site plan, shall be submitted and approved by the Director of Planning prior to issuance of any grading permit and/or building permit.

11. Permission is granted to adjust lot lines to the satisfaction of Regional Planning.

12. The subdivider shall delineate on the final map Lot Nos. 51 and 53 through 58 consisting of the 101.7 acres of required open space area (89 percent), to be maintained by the homeowners association or dedicated to the County of Los Angeles ("County"). If the County does not accept open space then it shall be dedicated to another public agency, and to the satisfaction of the Director of Planning. Dedicate all construction rights of this area to the County and label as "Open Space – Building Restriction Area" on the final map.

13. 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.

14. Permission is granted to create additional open space lots to the satisfaction of Regional Planning.

15. The subdivider or successor in interest shall dedicate a six-foot-wide access easement alignment, contiguous with the west lot line and southwest lot line of Lot No. 56 that may be used for public access to adjacent open space. The subdivider or successor in interest shall also provide or ensure that rocks or boulders are available for sitting. To the extent necessary, the alignment and rocks or boulders will be owned and maintained by the homeowners association or successor in interest or public agency to the satisfaction of Regional Planning. Submit a copy of the CC&R's or other documents to the Director of Planning for review prior to final map approval.

16. No fuel modification/brush clearance of any kind will be allowed within Schabarum Park to accommodate a structure to be sited on Lot No. 15. If a structure cannot be sited on Lot No. 15 that does not require fuel modification/brush clearance on Schabarum Park then no building permits shall be issued.

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17. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include conditions in the tract's CC&Rs or maintenance agreements which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, submit a copy of the document to be reviewed and approved by Regional Planning prior to recordation.

18. No grading permit shall be issued prior to the recordation of a final map, unless the Director of Planning determines that the proposed grading conforms to the conditions of this grant and the conditions of Conditional Use Permit Case No. 92027.

19. 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 of Planning 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.

20. For the posting of any performance bonds for conditions herein, inspections related to the verification of improvement(s) installation and/or construction shall be conducted by Regional Planning. Upon request for a bond release, the subdivider shall pay the amount charged for bond release inspections, which shall be the amount equal to the recovery cost at the time of payment (currently $150.00 per inspection).

21. Pursuant to Chapter 22.72 of the County Code, the subdivider or his successor in interest shall pay a fee to the Los Angeles County Librarian ("Librarian") prior to issuance of any building permit, as this project's contribution to mitigating impacts on the library system in the Santa Clarita Planning Area, in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to Regional Planning. The current fee amount is $790.00 per dwelling unit ($788.00 X 47 dwelling units = $37,036.00). The Fee is subject to adjustment as provided for in applicable local and State law. The subdivider may contact the County Librarian at (562) 940-8450 regarding payment of fees.

22. Within three days of tentative map approval, remit processing fees (currently $2,843.25) 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 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.

23. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Draft Environmental Impact Report

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("EIR") for the project are incorporated and made conditions of Vesting Tentative Tract Map No. 51153. Comply with all such mitigation measures in accordance with the attached Mitigation Monitoring Program ("MMP"). After completion of the appeal, record a covenant and agreement, and submit a copy to Regional Planning for approval, agreeing to the mitigation measures imposed by the Draft EIR 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.

24. Within three days of approval, 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 Mitigation Monitoring Program.

25. 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 reasonably cooperate in the defense.

26. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider 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 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.

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Except as modified herein above, this approval is subject to all those conditions set forth in Conditional Use Permit Case No. 92027, Oak Tree Permit Case No. 92027, the attached mitigation monitoring program, and the attached reports recommended by the Los Angeles County Subdivision Committee, which consists of members of the Public Works, Fire Department, Department of Parks and Recreation, and Public Health, as well as Regional Planning.

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FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
FOR CONDITIONAL USE PERMIT CASE NO. 92027

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Conditional Use Permit Case No. 92027 on January 14, 2004, March 17, 2004, April 8, 2009, July 15, 2009, August 19, 2009 and September 16, 2009. Conditional Use Permit Case No. 92027 was heard concurrently with Vesting Tentative Tract Map No. 51153 and Oak Tree Permit Case No. 92027.

2. The applicant, Pacific Communities, is proposing to create a gated single-family residential development (known as Pacific Heights) consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots on approximately 114.3 gross acres (111.6 net acres).

3. A conditional use permit ("CUP") is required to ensure compliance with the requirements of nonurban hillside management, Significant Ecological Area ("SEA") and density-controlled development, as well as onsite project grading that exceeds 100,000 cubic yards, and a request for a modification to allow 15-foot high retaining wall within front yard setback pursuant to Sections 22.20.440, 22.56.205 and 22.56.215 of the Los Angeles County Code ("County Code").

4. The subject site is located at the southerly terminus of Apple Creek Lane and south of Dawn Haven Road in the Hacienda Heights Zoned District. Access to the subject property is provided by the southerly extension of Apple Creek Lane.

5. The irregularly-shaped property is 114.3 gross acres (111.6 net acres) in size with slight to steeply sloping terrain topography. Based on the applicant's submitted slope density analysis, there are 20.8 acres in 25 percent slope, 52.3 acres in 25 to 50 percent , and 41.2 acres in over 50 percent slope categories.

6. Access to the proposed development is provided by the southerly extension of Apple Creek Lane, a 64-foot wide private and future street.

7. The project site is currently zoned R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area) which was established by Ordinance No. 10827 and became effective on April 9, 1974.

8. Surrounding zoning includes RPD-6,000-7U (Residential Planned Development – 6,000 Square Feet Minimum Required Lot Area - Seven Units per Net Acre) to the north; O/S (Open Space) to the east; A-1-5 (Light Agricultural – Five Acre Minimum Required Lot Area) to the west and City of La Habra to the south.

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9. The subject property consists of one lot currently unimproved. Surrounding uses include single-family residences to the north, Schabarum Park to the east, Southern California Edison right-of-way to the west; and City of La Habra Heights (single-family residences) to the south.

10. The project is consistent with the R-A zoning classification. Single-family residences are permitted in the R-A zone pursuant to Section 22.20.410 of the Los Angeles County Code ("County Code"). The proposed density of 47 single-family lots is consistent with the maximum 114 dwelling units that can be accommodated by the R-A-1 zoning.

11. The property is depicted within the Non-Urban 2 (N2 – 0.3 to 1.0 Dwelling Units per Net Acre) land use category of the Hacienda Heights Community Plan ("Plan") and Non-Urban (R) land use category of the Los Angeles Countywide General Plan ("General Plan"). Based on the applicant's submitted slope density analysis, which provides different densities for the zero to 25 percent (20.8 acres), 25 to 50 percent (52.3 acres), and over 50 percent (41.2 acres) slope categories, the subject property yields a maximum of 75 dwelling units. The project proposes 47 dwelling units which is consistent with the maximum density calculations. The project will require a CUP since the proposed 47 dwelling units exceeds the low density threshold of nine dwelling units. As part of compatibility with nonurban hillside design criteria, the proposed development will be required to provide a minimum of 70 percent open space per Section 22.52.215 of the County Code. As a density-controlled development, any undeveloped land is required to remain as permanent open space. The project provides 101.7 acres of permanent open space (89 percent) consisting of disturbed and undisturbed areas.

12. Vesting Tentative Tract Map No. 51153 is a related request to create 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots on approximately 114.3 gross acres .

13. Oak Tree Permit ("OTP") Case No. 92027 is a related request to allow the removal of 126 oak trees (no heritage oaks) and the encroachment into the protected zone of 20 oak trees (no heritage oaks).

14. The applicant's site plan, labeled as "Exhibit A," dated January 7, 2008, depicts a gated clustered residential development of 47 single-family lots on approximately 114.3 gross acres. The residential lots range in size from 5,002 square feet to 20,980 square feet. Graded building pads range in size from 4,366 square feet to 11,535 square feet and are depicted to show the extent of development. The project provides 101.7 acres of permanent open space (89 percent) consisting of

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disturbed and undisturbed areas. Two open space lots, Lot No. 57 (69 acres in size) is undisturbed area and Lot No. 58 (10 acres in size) includes 9.3 acres of undisturbed area and 0.7 acres of disturbed area cover approximately 69 percent (78.3 acres) of the project site. Lot Nos. 51 and 53 through 56 are disturbed open space lots that will be graded and total an area of 20.6 acres. Lot No. 52 is proposed as a debris/detention basin consisting of disturbed area and 1.7 acres in size. The project's main access is Apple Creek Lane, a 64-foot-wide public street and will provide access to a proposed gated 64 foot wide private and future street (Lot No. 48) which will serve as main access for the project. Internal access will be provided by a private driveway and fire lane (Lot No. 49), 46 feet wide. Grading consists of 1,033,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with a potential for 10,000 cubic yards of imported material, but is expected to be balanced onsite during grading.

15. The project was originally submitted on January 29, 1992 by a different developer proposing 57 homes, a private school and a pagoda. The residential lots ranged from 10,583 square feet to 88,341 square feet in size, averaging 23,366 square feet. Proposed residences located nearest existing homes to the north were set back 155 to 350 feet. Due to the fill slopes, the proposed residences were also 60 to 150 feet above existing homes. Grading total amount of 1,360,000 cubic yards (690,000 cubic yards of cut and 670,000 cubic yards of fill) was proposed on site.

16. On November 14, 1999 the current applicant, Pacific Communities, revised the design from 57 single-family lots to a proposal of 50 single-family lots, two public facility lots, and two open space lots.

17. The original Draft Environmental Impact Report ("DEIR") of the proposed 50-lot subdivision was released for public comment in November 2003.

JANUARY 14, 2004 PUBLIC HEARING

18. Thirteen (13) comment letters and comments on the DEIR were submitted to the Commission including from the Wildlife Corridor Conservation Authority, the Puente Hills Native Habitat Preservation Authority, the South Coast Air Quality Management District, and the cities of La Habra and La Habra Heights. The 13 letters were in opposition to the project, with concerns related to traffic impacts (residents in the surrounding community expressed concern about adverse traffic impacts with access on Apple Creek Lane and existing congestion on Dawn Haven and Colima Road); grading impacts (concerns were raised regarding the dramatic alteration of terrain that has a history of geologic instability); and loss of open space (when they purchased their homes in the 1970s, residents in the development to the north had been led to believe that the subject property was open space dedicated to Los Angeles County as part of the park system and

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expressed concern about the loss of this open space and ecological impacts). Comments on the DEIR primarily raised concerns regarding the significant impacts on biotic resources, the loss of wildlife habitat, and the proposed oak tree removals.

19. During the January 14, 2004 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.

20. During the January 14, 2004 public hearing, staff gave a presentation stating that the proposed development consisted of 50 dwelling units, two open space lots and two public facility lots on 114.3 gross acres. Staff also raised issues related to the proposed development such as density transfers between 50 percent or greater slopes, the creation of building pads that will extend 60 to 150 feet above existing residences, private yards being included within open space calculations and substantial community opposition.

21. During the January 14, 2004 public hearing, the Commission inquired from staff if the proposed project exceeded the maximum of 75 dwelling units with one means of access consisting of Apple Creek Lane. Staff stated that the project was below the maximum with only 56 dwelling units off a single means, consisting of the proposed 50 dwelling units and six existing dwelling units.

22. During the January 14, 2004 public hearing, the applicant's representative gave a presentation detailing the history of the creation of the existing private parcel of land that encompasses the project site as community members were under the impression that the project site had been intended for a park site and owned by Los Angeles County. The representative also stated that the project site would create 680 car trips, an increase from the existing 200 car trips a day. The applicant's representative also discussed the planned removal of 0.6 acres of existing Mule fat vegetation due to the extension of Apple Creek Lane that could be mitigated by replanting on another location within the project site.

23. During the January 14, 2004 public hearing, three members of the surrounding community, consisting of two homeowners and one member of the Hacienda Heights Improvement Association ("HHIA"), gave testimony in opposition to the project. Issues raised included the destruction of the existing hills and natural habitat of the existing wildlife, unstable hillsides which create mudslides during rainy season, and loss of open space.

24. During the January 14, 2004, the Commission inquired from the HHIA if they had met with the applicant and if a reduction in density had ever been discussed. The

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HHIA stated that they had met with the applicant and at the meeting were told the project scope and the project suggestions they provided were never taken.

25. During the January 14, 2004 public hearing, the applicant's representative in rebuttal to the opposition's testimony stated that the project's grading would mitigate the unstable hillside and was a public benefit. The applicant's representative also stated that the project site could accommodate 74 dwelling units per County guidelines but is proposing a clustered project of 50 lots.

26. During the January 14, 2004 public hearing, the Commission inquired about the proposed water tank and if its size was determined by the number of dwelling units. The applicant's representative stated that the size of the water tank was determined by the Rowland Water District ("RWD") based on required water pressure for the proposed development.

27. After taking public testimony, the Commission continued the public hearing to March 17, 2004 to allow time for the applicant to redesign the proposed project and work with staff and the community.

MARCH 17, 2004 PUBLIC HEARING

28. Two comment letters were submitted to the Commission for the March 14, 2004 public hearing. The two letters were in opposition to the project, with concerns related to loss of open space; to protect SEA and surrounding hillsides from development; unstable terrain; surrounding hills with history of mudslides and landslides; and proposed 50 single family homes and water tank will create unacceptable visual impacts.

29. During the March 17, 2004 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.

30. During the March 17, 2004 public hearing, staff gave a short presentation on the proposed project stating that the conceptual redesigned project still consisted of 50 single family lots and had significant open space preservation, as well as reduction of impact to oak woodland, and a minor reduction in the amount of grading from 690,000 cubic yards of cut to 640,000 cubic yards of cut.

31. During the March 17, 2004 public hearing, staff clarified two items the Commission had inquiries on during the January 14, 2004 public hearing. One inquiry consisted of any transitional lots being proposed; none were proposed and would not be permitted by the Los Angeles County Department of Public Works ("Public Works"). The second inquiry consisted of how many units would be taking access

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from Apple Creek Lane and if it exceeded the maximum threshold of 75 dwelling units allowed for a single means of access. The project is proposing 50 dwelling units and currently 13 homes were accessing Apple Creek Lane for a total of 63 homes, which is still below the maximum of 75 dwelling units.

32. During the March 17, 2004 public hearing, staff suggested that the applicant redesign the project with private driveways which would allow a reduction in grading.

33. During the March 17, 2004 public hearing, the applicant's representative gave a presentation which detailed an alternative conceptual project consisting of reduced grading by 150,000 cubic yards (11 percent), and balancing all grading onsite. The alternative conceptual project also depicted shifting water tank from the east side of project to west side of project which reduces grading. The project also includes the addition of five acres of undisturbed open space to a total of 83 acres; and a reduction of impacts to oak woodland, currently onsite between 800 to 1200 oak trees, to impact 70 oak trees. The applicant's representative was also in support of private driveways instead of creating public streets which would further reduce grading impacts.

34. During the March 17, 2004 public hearing, the Commission inquired about the amount of runoff the project site currently created and how the proposed development would mitigate this problem. The applicant's representative stated that the project would mitigate the runoff problem with engineered stabilization grading and debris basins approved by Public Works.

35. During the March 17, 2004 public hearing, the Commission inquired from the RWD about the proposed water tank. The RWD stated that the proposed water tank was planned in capacity only for the proposed development. The Commission inquired if two homes were built would a water tank be required. The RWD stated that any homes built on the project would require a water tank and the size of the water tank would be determined by the number of dwelling units proposed.

36. During the March 17, 2004 public hearing, two persons testified in opposition to the project. Issues raised included inferior redesign; the surrounding community wanted to see a redesigned project that had less units and a smaller water tank.

37. During the March 17, 2004 public hearing, the applicant's representative in rebuttal to the opposition's testimony stated that the project's grading would improve the hillside stabilization by removing unstable terrain. The representative also stated that the proposed location of the water tank would provide optimal water pressure for the proposed development and for fire protection.

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38. During the March 17, 2004 public hearing, the Commission inquired about fuel modification for proposed single family lots adjoining Schabarum Park and how it would be impacted. The applicant stated that the fuel modification issue for adjoining single family lots did not arise during previous discussions with the Los Angeles County Fire Department and will guarantee no fuel modification within Schabarum Park. The project can also create an additional wet zone on single family lots or additional setback requirements to prevent any fuel modification within Schabarum Park.

39. After taking public testimony, the Commission took the matter off calendar for the applicant to work with staff to take in consideration concerns expressed by the Commission; including working on a redesign that would reduce dwelling units, reduce grading, creating private streets or driveways to reduce grading impacts, and prohibiting fuel modification in Schabarum Park.

40. The Recirculated Draft Environmental Impact Report ("RDEIR") for the proposed 47-lot subdivision was released for public comment in February of 2009.

APRIL 8, 2009 PUBLIC HEARING

41. Prior to the April 8, 2009 public hearing, staff received correspondence from six (6) adjoining property owners. Concerns raised include loss of open space; destruction of surrounding hillsides and native habitat for wildlife; and increased traffic along Apple Creek Lane and Dawn Haven Road.

42. During the April 8, 2009 public hearing, the Commission heard a presentation from staff describing the redesigned project which proposed a gated single-family residential development consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots. The OTP increased the removal to 126 oak trees (no heritage oaks) and encroachment into the protected zone of 20 oak trees (no heritage oaks). A reduction in 336,600 cubic yards of total grading, from 1,360,000 cubic yards (690,000 cubic yards of cut and 670,000 cubic yards of fill) to 1,023,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with an additional 10,000 cubic yards of imported material listed, but anticipated to be balanced onsite.

43. During the April 8, 2009 public hearing, staff gave a short presentation requesting guidance from the Commission on the appropriate density, grading amounts and increased removal of oak trees for the proposed project also stating that the applicant was requesting a continuance to continue to work with staff.

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44. During the April 8, 2009 public hearing, the Commission inquired from County Counsel on standard practice regarding opening a public hearing when the applicant was requesting a continuance and was not prepared to give testimony. County Counsel stated that the public hearing could be opened with testimony taken from all parties. In the discussion considering the continuance request, your Commission preferred to defer questions and detailed discussion on the project to the continued public hearing, and instructed the applicant to return to the Subdivision Committee (SCM), settle all differences with Staff, and work with the 4th Supervisorial District Office.

45. During the April 8, 2009 public hearing, the Commission stated that the applicant and staff were seeking guidance on how to proceed with the project and also stated their concern with becoming "referees" between staff and the applicant.

46. During the April 8, 2009 public hearing, the applicant's representative stated that staff's analysis and presentation of the proposed project was erroneous and not consistent with DEIR. The applicant's representative stated that staff mentioned impacts to oaks but did not mention oak mitigation which had been approved by the Los Angeles County Forester, and requested a 60-day continuance of the public hearing in order to meet with staff and discuss the errors and inconsistencies in the staff analysis.

47. During the April 8, 2009 public hearing, the applicant gave a brief history on the proposed project and stated that the project had reduced grading and units. He also stated that the redesigned project is removing an additional 14 oak trees from the previous design of 50 lots due to additional grading that is required to stabilize the existing terrain consisting of loose fill material that was deposited onsite from the adjoining subdivision's development.

48. During the April 8, 2009 public hearing, four persons testified in opposition to the project. Issued raised included increased traffic along Apple Creek Lane and through the community, construction traffic would add dust and mud through the community, and the destruction of the surrounding wildlife habitat by the proposed subdivision. Those opposed to the project also testified against the loss of hillside open space and existing trails that lead to Schabarum Park.

49. During the April 8, 2009 public hearing, the applicant in rebuttal to the opposition's testimony, stated that the proposed project would donate undisturbed open space to the Puente Hills Landfill Native Habitat Preservation Authority or the San Gabriel Mountains Regional Conservancy. The applicant also stated that they would be willing to voluntarily donate Lot No. 58, a 10-acre parcel, to the Los

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Angeles County Department of Parks and Recreation ("Parks & Rec") as an offsite mitigation parcel for the separate library project proposed within Schabarum Park.

50. On April 8, 2009, after taking all public testimony from the applicant and his representatives and five individuals in opposition, the Commission continued the public hearing to July 15, 2009 and instructed staff to work with the applicant and the Fourth Supervisorial District Office on a design all parties could support.

51. On April 22, 2009 staff received a detailed letter describing the applicant's concerns with staff's analysis of the project. Issues described in the letter included consistency with the General Plan, Plan and development within an SEA. The letter also raised issues with staff's interpretation of the oak mitigation plan as it did not fully describe the project's mitigation of replacing the 126 oak trees to be removed with 277 oak trees.

52. On June 10, 2009, and June 25, 2009, staff met with the applicant and his representatives to discuss the issues raised in their April 22, 2009 letter to the Acting Director of Regional Planning and included discussion of open space dedication consisting of undisturbed open space, Lot No. 57 (69 acres) and Lot No. 58, a 10-acre lot proposed to be dedicated to Parks & Rec, as mitigation for an offsite library project proposed within adjacent Schabarum Park. Other issues discussed included Hillside Management/Midpoint with staff informing the applicant that the project would need to clearly state community benefits in order to increase density from the mid-point density of 42 dwelling units. Staff also stated that the Commission has historically used the mid-point density as a benchmark to allow an increase in density with additional community benefits or amenities and Fuel Modification/Brush Clearance in which the applicant stated that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet. Staff inquired whether proposed Lot No. 15 could be used as a tot lot or private park lot, thereby eliminating the need for brush clearance within Schabarum Park. The applicant declined to offer this lot as an amenity, and reiterated the community benefits/amenities that the project was already providing. The applicant also stated that existing homes nearby already require brush clearance, and would prepare an exhibit depicting brush clearance within Schabarum Park.

53. On June 30, 2009, staff received a letter dated June 29, 2009, from the applicant requesting a continuance of the July 15, 2009 Commission public hearing to allow time for staff and the applicant to resolve a few remaining issues regarding the project's design and its environmental impacts.

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JULY 15, 2009 PUBLIC HEARING

54. During the July 15, 2009 public hearing, the Commission heard a brief presentation from staff which included a continuation request from the applicant. Staff and the applicant had been working together to prepare the Final EIR and resolve outstanding issues. The Commission continued the public hearing to August 19, 2009 and instructed staff to continue working with the applicant to resolve outstanding issues.

AUGUST 19, 2009 PUBLIC HEARING

55. On August 6, 2009 staff submitted a hearing package to your Commission for the August 19, 2009 continued public hearing. On August 10, 2009, staff received a detailed letter describing the applicant's concerns with the August 6, 2009 staff analysis. On August 11, 2009, staff met with the applicant and his representatives to discuss those issues which included Staff and the applicant agreeing to provide an onsite private hiking trail ("Trail") to be owned and maintained by the homeowners association ("HOA"), would satisfy staff's concern for continued trail access within the project site. Staff also recommended an irrevocable easement to the public for continued pedestrian access to be reviewed by staff. The proposed Trail will be contiguous with the west and southwest lot lines of Lot No. 56. It was also concluded, based on the additional correspondence from the RWD dated August 10, 2009, that a proposed Trail within the water tank access road would be allowed. The applicant also agreed to construct and maintain a picnic/view area with tables and seating, as an additional open space amenity.

56. During the August 19, 2009 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant as well as the public regarding the proposed development.

57. During the August 19, 2009 public hearing, staff gave a presentation which discussed the outcome of the previous public hearings heard by the Commission on January 14, 2004, March 17, 2004, April 8, 2009 and July 15, 2009. Also discussed was staff's meeting with the applicant on August 11, 2009 which discussed issues such as public pedestrian access along the proposed access driveway of Lot No. 50 (water tank lot) to connect with existing trails in Schabarum Park. The open space trails that will be provided by the applicant are contiguous with the west and southwest lot lines of Lot No. 56, and a portion of the trails will be located within the water tank access road; and fuel modification/brush clearance that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet.

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58. During the August 19, 2009 public hearing, the Commission inquired on the grading design of the manufactured slopes of the proposed project not having contour cuts. The Public Works representative stated that the slope cuts had been reviewed and approved by Public Works, and recommended the applicant discuss further regarding grading design.

59. During the August 19, 2009 public hearing, the Commission also stated that they had concerns with the addition of a picnic/rest area with benches as it would create maintenance and public nuisance problems for the homeowner's association while increasing the cost of HOA fees, and inquired on the amount of fees that would be required for the proposed development. Staff stated that the applicant estimated between $600.00 to $800.00 per month in fees to maintain manufactured slopes, landscaping in common areas, private driveway and fire lane, private and future street and trails.

60. During the August 19, 2009 public hearing, the applicant gave a brief history on the project and discussed public benefits that the project will be providing such as a Trail to be owned and maintained by HOA, stabilization grading of loose fill material that was inappropriately deposited onsite and to voluntarily donate Lot No. 58, a 10-acre parcel, to Parks & Rec as an offsite mitigation parcel for the separate library project proposed within Schabarum Park. The applicant also stated that they agreed to replant the mitigation oak trees, a total of 277 trees for the removal of 126 trees (a 2.2 to 1 replacement ratio) and were providing 89 percent of the project as open space which consisted of both undisturbed and disturbed terrain, and was in excess of the required 70 percent open space for non-urban hillside projects.

61. During the August 19, 2009 public hearing, one person testified in opposition to the proposed project. Issues raised included project's impact to mule fat vegetation and its relocation which may not provide long-term stability, project's density and oak tree removal mitigation. The opposition stated that the proposed density of 47 dwelling units was inappropriate for hillside development that would require substantial grading that would destroy existing sloping terrain. The opposition also raised concerns with the proposed replacement oak tree mitigation plan that would be in effect for only seven years and was not sufficient time to determine survivability of replacement oak trees.

62. During the August 19, 2009 public hearing, in rebuttal to the opposition's comments the applicant's representative stated that the project's density was consistent with the Plan, General Plan and zoning. The applicant's representative also stated that the project's oak tree mitigation plan and mule fat replacement plan have been cleared by the Los Angeles County Forester and Fire Warden and

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included in the Final EIR.

63. During the August 19, 2009 public hearing, the Commission stated their desire that all open space be maintained by a public agency or non-profit organization. The applicant's representative stated that public agencies or non-profits would not accept manufactured slopes and would be best maintained by HOA. The applicant stated that the project was providing 89 percent open space of which 23 acres (22 percent) are manufactured slopes. The applicant also stated that the San Gabriel Regional Mountains Conservancy had stated their interest in accepting the undisturbed open space lots.

64. During the August 19, 2009 public hearing, the Commission also stated that they did not want any picnic areas or benches as these areas could become nuisances along proposed trails and preferred rocks or boulders as sitting areas.

65. The Commission also stated that they could not support this project if fuel modification/brush clearance was required within Schabarum Park in order to accommodate a structure being constructed within Lot No. 15. A smaller structure should be sited on the lot that would eliminate the need for fuel modification/brush clearance within Schabarum Park.

66. On August 19, 2009, the Commission continued the public hearing to September 16, 2009, and instructed staff to prepare draft findings and conditions for approval. The Commission also instructed staff to specifically prepare condition requiring a six-foot wide trail easements with rocks or boulders for sitting for public use to be maintained by the HOA, and another condition that prohibits any fuel modification/brush clearance within Schabarum Park for a structure to be sited on Lot No. 15.

67. The site is physically suitable for the type of development and density being proposed, since the property has adequate building sites to be developed in accordance with the County grading ordinance, has access to a County-maintained street, will be served by public sewers, will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs, and will have geologic hazards mitigated in accordance with the requirements of Public Works.

68. As a condition of approval of this grant, the permittee shall be required to comply with the development standards of the R-A-1 zone pursuant to Sections 22.20.440, 22.56.205 and 22.56.215 of the County Code, except as otherwise modified herein.

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69. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project on geotechnical, biological resources, visual/landforms, traffic and access and air quality/climate change. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Recirculated Draft EIR dated January 2009 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact are incorporated herein by this reference, as if set forth in full.

70. The Commission reviewed and considered the Final EIR and found that it reflects the independent judgment of the County. As stated in the Final EIR and Findings of Fact, implementation of the project will result in specifically identified significant effects upon the environment. Identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions for this project.

71. A Mitigation Reporting and Monitoring Program ("MMP") consistent with the conclusions and recommendations of the Final EIR was prepared, and its requirements are incorporated into the conditions of approval for this project.

72. The MMP in conjunction with the Final EIR identified in detail how compliance with its measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

70. This project does not have "no effect" on fish and wildlife resources. Therefore, the project is not exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

72. Approval of this grant is conditioned on the permittee's compliance with the attached conditions of approval as well as the conditions of approval for Vesting Tentative Tract Map No. 51153 and Oak Tree Permit Case No. 92027.

73. 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 Plan policies.

74. 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

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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;

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;

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;

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

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

K. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;

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

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

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

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the Final EIR was completed in compliance with CEQA and the State and County guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the project; indicates that it certified the Final EIR at the conclusion of its hearing on the project and adopted the Findings of Fact, and MMP, finding that pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation, as stated in the Findings of Fact, and

2. Approves Conditional Use Permit Case No. 92027 subject to the attached conditions.

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DEPARTMENT OF REGIONAL PLANNING
CONDITIONAL USE PERMIT CASE NO. 92-027-(4) **Exhibit "A" Date: 1-7-2008**

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1. This grant authorizes the use of the 114.3-acre subject property for a clustered residential subdivision in a non urban hillside management area within a Sensitive Ecological Area Area ("SEA") and density-controlled development as well as onsite project grading that exceeds 100,000 cubic yards and a request for a modification to allow 15-foot high retaining wall within front yard setback. The proposed subdivision consists of a maximum of 47 single-family lots, as depicted on the approved Exhibit "A" dated January 7, 2008, 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 entity making use of this grant.

3. This grant shall not be effective for any purpose and cannot be used 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 conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required fees have been paid pursuant to Condition Nos. 9 and 51. Notwithstanding the foregoing, this condition No. 3, and Condition Nos. 10, 11and 12 shall be effective immediately upon final approval of this grant by the County.

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. Prior to the use of this grant, the terms and conditions of the grant shall be recorded 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, as applicable, of the subject property.

7. 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.

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8. If 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 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 inspections shall be the amount equal to the recovery cost at the time of payment (currently $150.00 per inspection).

9. Within three days of the approval date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code for Project No. 92027-(4), which includes Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027. The project impacts fish and wildlife and in order to defray the cost of wildlife protection and management, the permittee is responsible for the payment of fees established by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is **$2,843.25**. No land use project subject to this requirement is final, vested or operative until the fee is paid.

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 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 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 of 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

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

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The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code ("County Code").

12. This grant shall expire unless used within two years after the recordation of the final map for Vesting Tentative Tract Map No. 51153. In the event that Vesting Tentative Tract Map No. 51153 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 vesting tentative tract map. An amended tentative tract map approved for Vesting Tentative Tract Map No. 51153 may, at the discretion of the Director of the Department of Regional Planning ("Director of Planning"), constitute a revised Exhibit "A." All revised plans require the written authorization of the property owner.

14. All development shall comply with the requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property unless 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. Submit a copy of the project Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review and approval. The CC&Rs shall include all of the project conditions, and include language that those conditions required to be in the CC&Rs may not be amended or Planning.

16. The development of the subject property shall comply with all requirements and conditions approved for Vesting Tentative Tract Map No. 51153 and Oak Tree Permit Case No. 92027.

17. The permittee or successor in interest, shall provide a minimum of 101.7 acres or 89 percent open space, which includes natural, undisturbed areas; graded slopes and unpaved debris basin area as follows: natural, undisturbed total areas (78.3 acres) - Lot No. 57 (69.0 acres) and Lot No. 58 (portion - 9.3 acres); graded slopes total areas (21.5 acres) – Lot No. 51(6.4 acres), Lot No. 53 (3.0 acres), Lot No. 54 (1.7 acres), Lot No. 55 (5.0 acres), Lot No. 56 (4.7 acres) and Lot No. 58 (portion – 0.7 acres); unpaved debris basin total area (1.8 acres) Lot No. 52 (1.8 acres).

18. The permittee shall dedicate open space Lot Nos. 57 and 58 to a public agency to the satisfaction of Regional Planning. The dedication shall contain language requiring that access for emergency purposes shall not be prohibited over said open space lots.

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19. The permittee shall provide for the ownership and maintenance of private and future street Lot No. 48, private driveway and fire lane Lot No. 49 and open space Lot Nos. 51 and 53 through 56 by the homeowners' association to the satisfaction of Regional Planning.

20. The permittee or successor in interest shall dedicate a six-foot-wide access easement alignment, contiguous with the west lot line and southwest lot line of Lot No. 56 that may be used for public access to adjacent open space. The subdivider or successor in interest shall also provide or ensure that rocks or boulders are available for sitting. To the extent necessary, the alignment and rocks or boulders will owned and maintained by the homeowners association or successor in interest or public agency to the satisfaction of Regional Planning. Submit a copy of the CC&R's or other documents to the Director of Planning for review prior to final map approval.

21. No fuel modification/brush clearance of any kind will be allowed within Schabarum Park to accommodate a structure to be sited on Lot No. 15 If a structure cannot be sited on Lot No. 15 that does not require fuel modification/brush clearance on Schabarum Park then no building permits shall be issued.

22. This project is approved as a density-controlled development in which the areas of the proposed lots may be averaged to collectively conform to the minimum lot area requirements of the R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area) in accordance with Section 22.56.205 of the County Code. In accordance to Exhibit "A" dated January 7, 2008 that was approved at public hearing.

23. All commonly owned areas within the density-controlled development, shall be permanently reserved as open space. Such reservation shall be by establishment of a homeowners association, maintenance district or other appropriate means or methods to ensure the permanent reservation and continued perpetual maintenance of required commonly owned areas.

24. As a means to further ensure the permanent reservation of commonly owned areas, no dwelling unit shall be sold, conveyed or otherwise alienated or encumbered separately from an undivided interest in any commonly owned areas comprising a part of such development. Such undivided interest shall include either an undivided interest in the commonly owned areas or a share in the corporation or voting membership in an association owning the commonly owned areas.

25. All dwelling units within the density-controlled development shall be single-family residences.

26. Prior to the issuance of any grading and/or building permit, site plans covering the development shall be submitted to and approved by the Director of Planning indicating that the proposed grading and/or construction:

    a. complies with the conditions of this grant and the standards of the zone; and

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b. is compatible with hillside and SEA resources.

27. No structure shall exceed 35 feet in height, except for chimneys and rooftop antennas. Prior to any issuance of any building permit, a site plan including exterior elevations and major architectural features shall be submitted to and approved by the Director of Planning, as a revised Exhibit "A," to ensure compliance.

28. All utilities shall be placed underground. Prior to the issuance of any building permit, the permittee shall provide evidence that contractual arrangements have been made with the local utilities to install underground all new facilities necessary to furnish services in the proposed development.

29. 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").

30. Detonation of explosives or any other blasting device or material is prohibited unless required permits have been obtained and adjacent property owners have been notified.

31. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m., and Saturday between the hours of 8:00 a.m. and 5:00 p.m. Sunday or holiday operations are prohibited. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby residences and neighborhoods. Generator and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences.

32. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Public Works.

33. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after construction or grading activities is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high wind (i.e. greater than 20 mph average over one hour) to prevent excessive amounts of dust.

34. The permittee shall, upon commencement of any grading activity allowed by this grant, diligently pursue all grading to completion.

35. No construction equipment or vehicles, including construction crew's personal vehicles, shall be parked or stored on any existing public or private streets.

36. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect as required throughout the life of this permit.

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37. All construction and development within the subject property shall comply with the applicable provisions of the Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County.

38. 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 property, or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

39. In the event any such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence. Paint utilized in covering such markings shall be of a color that matches, as closely as possible the color of the adjacent surfaces.

40. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with the ordinances and County Building and Plumbing Codes.

41. 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 disposal facilities shall be provided to the satisfaction of said department.

42. If during construction of the project, soil contamination is suspected, construction in the area shall stop, and appropriate health and safety procedures shall be implemented to the satisfaction of Public Health. If it is determined that contaminated soils exist, remediation shall be conducted to the satisfaction of Public Health and the California Regional Water Quality Control Board.

43. Prior to the issuance of any building permit, the permittee shall demonstrate compliance with State Seismic Hazard Safety laws to the satisfaction of Public Works.

44. Prior to the issuance of any grading permit, the project design shall provide for the filtering of flows to capture contaminants originating from the project site to the satisfaction of and approval by Public Works.

45. The permittee shall comply with the Standard Urban Stormwater Mitigation Plan requirements to the satisfaction of Public Works.

46. During construction, all large-size truck trips shall be limited to off-peak commute periods.

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47. During construction, the permittee shall obtain a Caltrans transportation permit as necessary for any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on state highways.

48. All graded slopes (cut and fill) shall be revegetated. Prior to the issuance of any grading or building permit, three copies of a landscape plan, which may be incorporated into a revised Exhibit "A," shall be submitted to and approved by the Director of Planning. The landscape plan shall show size, type, and location of all plants, trees, and sprinkler facilities, including all landscaping and irrigation. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, and shall use reclaimed water.

    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 the Los Angeles County Forester and Fire Warden ("Forester and Fire Warden"). 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. No invasive species are permitted.

    The landscaping plan must show that landscaped areas shall contain minimum 100 percent locally indigenous species, including trees, shrubs and ground covering. However, if the permittee demonstrates to the satisfaction of the Director of Planning that compliance with this requirement is not possible due to County fire safety requirements, then the Director of Planning may determine that a lower percentage of such planting shall be required. In those areas where the Director of Planning approves a lower percentage, the amount of such required locally indigenous vegetation shall be at least 75 percent. The landscaping will include trees, shrubs and ground covering at a mixture and density determined by the Director of Planning and the Forester and Fire Warden. Fire retardant plants shall be given first consideration.

    Timing of Planting. Prior to the issuance of grading or building permits for any development, the permittee shall submit a landscaping phasing plan for the landscaping associated with the 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.

49. The permittee shall record a covenant with the County agreeing to comply with the required environmental mitigation measures in the Mitigation Monitoring Program ("MMP"). Prior to recordation of the covenant, submit a copy of the covenant, with MMP to be attached, to the Director of Planning for review and approval.

50. The environmental mitigation measures are incorporated and made conditions of this grant. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to the Director of Planning for approval, until such time as all mitigation measures have been

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implemented and completed. Additional reports shall be submitted as required by the Director of Planning.

51. Within three days of the approval of this grant, 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 Mitigation Monitoring Program. 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 MMP.

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FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
OAK TREE PERMIT CASE NO. 92027

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing in the matter of Oak Tree Permit Case No. 2007-00006-(5) on January 14, 2004, March 17, 2004, April 8, 2009, July 15, 2009, August 19, 2009 and September 16, 2009. Oak Tree Permit Case No. 92027 was heard concurrently with Vesting Tentative Tract Map No. 51153 and Conditional Use Permit Case No. 92027.

2. The subject site is located at the southerly terminus of Apple Creek Lane and south of Dawn Haven Road in the Hacienda Heights Zoned District. Access to the subject property is provided by the southerly extension of Apple Creek Lane.

3. The irregularly -shaped property is 114.3 gross acres (111.6 net acres) in size with slight to steeply sloping terrain topography. Based on the applicant's submitted slope density analysis, there are 20.8 acres in 25 percent slope, 52.3 acres in 25 to 50 percent , and 41.2 acres in over 50 percent slope categories.

4. Oak Tree Permit Case No. 92027 is a request to authorize the removal of 126 trees of the Oak genus *Quercus agrifolia* (Coast Live Oak) identified as Tree Numbers 64 through 102, 104 through 142, 241, 242, 258 through 261, 267 through 276, 280, 281, 283, 308, 309, 319, 320, 321, 322, 334 through 342, 359 through 369, 372, 396 through 401, 402 this grant also allows the encroachment into the protected zone of 20 oak trees of the Oak genus of Tree Numbers 15, 16, 17, 58 through 63, 137, 235, 239, 240, 243, 262, 318, 323, 332, 333 and 358 on the applicant's Oak Tree Report prepared by L. Newman Design Group, dated December 6, 2006 and revised November 26, 2007 . None of the oak trees are considered heritage oak trees.

5. The applicant has submitted an Oak Tree Report prepared by L. Newman Design Group, dated December 6, 2006 and revised November 26, 2007, that identifies and evaluates 402 oak trees on the subject property.

6. The Los Angeles County Forester and Fire Warden ("County 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. There are 126 oak trees to be removed. A total of 252 mitigation trees are required for mitigation. The permittee is providing mitigation trees of the Oak genus at a ratio of 2.2 to 1 trees for each tree removed for a total of 277 oak trees. The applicant shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved removal and encroachments.

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7. Vesting Tentative Tract Map No. 51153 is a related request to create 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots on approximately 114.3 gross acres.

8. Conditional Use Permit Case No. 92027 is a related request to ensure compliance with the requirements of nonurban hillside management, Significant Ecological Area ("SEA") and density-controlled development, as well as onsite project grading that exceeds 100,000 cubic yards, and a request for a modification to allow 15-foot high retaining wall within front yard setback.

JANUARY 14, 2004 PUBLIC HEARING

9. Thirteen (13) comment letters and comments on the DEIR were submitted to the Commission including from the Wildlife Corridor Conservation Authority, the Puente Hills Native Habitat Preservation Authority, the South Coast Air Quality Management District, and the cities of La Habra and La Habra Heights. The 13 letters were in opposition to the project, with concerns related to traffic impacts (residents in the surrounding community expressed concern about adverse traffic impacts with access on Apple Creek Lane and existing congestion on Dawn Haven and Colima Road); grading impacts (concerns were raised regarding the dramatic alteration of terrain that has a history of geologic instability); and loss of open space (when they purchased their homes in the 1970s, residents in the development to the north had been led to believe that the subject property was open space dedicated to Los Angeles County as part of the park system and expressed concern about the loss of this open space and ecological impacts). Comments on the DEIR primarily raised concerns regarding the significant impacts on biotic resources, the loss of wildlife habitat, and the proposed oak tree removals.

10. During the January 14, 2004 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.

11. During the January 14, 2004 public hearing, staff gave a presentation stating that the proposed development consisted of 50 dwelling units, two open space lots and two public facility lots on 114.3 gross acres. Staff also raised issues related to the proposed development such as density transfers between 50 percent or greater slopes, the creation of building pads that will extend 60 to 150 feet above existing residences, private yards being included within open space calculations and substantial community opposition.

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12. During the January 14, 2004 public hearing, the Commission inquired from staff if the proposed project exceeded the maximum of 75 dwelling units with one means of access consisting of Apple Creek Lane. Staff stated that the project was below the maximum with only 56 dwelling units off a single means, consisting of the proposed 50 dwelling units and six existing dwelling units.

13. During the January 14, 2004 public hearing, the applicant's representative gave a presentation detailing the history of the creation of the existing private parcel of land that encompasses the project site as community members were under the impression that the project site had been intended for a park site and owned by Los Angeles County. The representative also stated that the project site would create 680 car trips; an increase from the existing 200 car trips a day. The applicant's representative also discussed the planned removal of 0.6 acres of existing Mule fat vegetation due to the extension of Apple Creek Lane that could be mitigated by replanting on another location within the project site.

14. During the January 14, 2004 public hearing, three members of the surrounding community, consisting of two homeowners and one member of the Hacienda Heights Improvement Association ("HHIA"), gave testimony in opposition to the project. Issues raised included the destruction of the existing hills and natural habitat of the existing wildlife, unstable hillsides which create mudslides during rainy season, and loss of open space.

15. During the January 14, 2004, the Commission inquired from the HHIA if they had met with the applicant and if a reduction in density had ever been discussed. The HHIA stated that they had met with the applicant and at the meeting were told the project scope and the project suggestions they provided were never taken.

16. During the January 14, 2004 public hearing, the applicant's representative in rebuttal to the opposition's testimony stated that the project's grading would mitigate the unstable hillside and was a public benefit. The applicant's representative also stated that the project site could accommodate 74 dwelling units per County guidelines but is proposing a clustered project of 50 lots.

17. During the January 14, 2004 public hearing, the Commission inquired about the proposed water tank and if its size was determined by the number of dwelling units. The applicant's representative stated that the size of the water tank was determined by the Rowland Water District ("RWD") based on required water pressure for the proposed development.

18. After taking public testimony, the Commission continued the public hearing to March 17, 2004 to allow time for the applicant to redesign the proposed project and work with staff and the community.

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MARCH 17, 2004 PUBLIC HEARING

19. Two comment letters were submitted to the Commission for the March 14, 2004 public hearing. The two letters were in opposition to the project, with concerns related to loss of open space; to protect SEA and surrounding hillsides from development; unstable terrain; surrounding hills with history of mudslides and landslides; and proposed 50 single family homes and water tank will create unacceptable visual impacts.

20. During the March 17, 2004 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant's representatives as well as the public regarding the proposed development.

21. During the March 17, 2004 public hearing, staff gave a short presentation on the proposed project stating that the conceptual redesigned project still consisted of 50 single family lots and had significant open space preservation, as well as reduction of impact to oak woodland, and a minor reduction in the amount of grading from 690,000 cubic yards of cut to 640,000 cubic yards of cut.

22. During the March 17, 2004 public hearing, staff clarified two items the Commission had inquiries on during the January 14, 2004 public hearing. One inquiry consisted of any transitional lots being proposed; none were proposed and would not be permitted by the Los Angeles County Department of Public Works ("Public Works"). The second inquiry consisted of how many units would be taking access from Apple Creek Lane and if it exceeded the maximum threshold of 75 dwelling units allowed for a single means of access. The project is proposing 50 dwelling units and currently 13 homes were accessing Apple Creek Lane for a total of 63 homes, which is still below the maximum of 75 dwelling units.

23. During the March 17, 2004 public hearing, staff suggested that the applicant redesign the project with private driveways which would allow a reduction in grading.

24. During the March 17, 2004 public hearing, the applicant's representative gave a presentation which detailed an alternative conceptual project consisting of reduced grading by 150,000 cubic yards (11 percent), and balancing all grading onsite. The alternative conceptual project also depicted shifting water tank from the east side of project to west side of project which reduces grading. The project also includes the addition of five acres of undisturbed open space to a total of 83 acres; and a reduction of impacts to oak woodland, currently onsite between 800 to 1200 oak trees, to impact 70 oak trees. The applicant's representative was also in support of private driveways instead of creating public streets which would further reduce grading impacts.

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25. During the March 17, 2004 public hearing, the Commission inquired about the amount of runoff the project site currently created and how the proposed development would mitigate this problem. The applicant's representative stated that the project would mitigate the runoff problem with engineered stabilization grading and debris basins approved by Public Works.

26. During the March 17, 2004 public hearing, the Commission inquired from the RWD about the proposed water tank. The RWD stated that the proposed water tank was planned in capacity only for the proposed development. The Commission inquired if two homes were built would a water tank be required. The RWD stated that any homes built on the project would require a water tank and the size of the water tank would be determined by the number of dwelling units proposed.

27. During the March 17, 2004 public hearing, two persons testified in opposition to the project. Issues raised included inferior redesign; the surrounding community wanted to see a redesigned project that had less units and a smaller water tank.

28. During the March 17, 2004 public hearing, the applicant's representative in rebuttal to the opposition's testimony stated that the project's grading would improve the hillside stabilization by removing unstable terrain. The representative also stated that the proposed location of the water tank would provide optimal water pressure for the proposed development and for fire protection.

29. During the March 17, 2004 public hearing, the Commission inquired about fuel modification for proposed single family lots adjoining Schabarum Park and how it would be impacted. The applicant stated that the fuel modification issue for adjoining single family lots did not arise during previous discussions with the Los Angeles County Fire Department and will guarantee no fuel modification within Schabarum Park. The project can also create an additional wet zone on single family lots or additional setback requirements to prevent any fuel modification within Schabarum Park.

30. After taking public testimony, the Commission took the matter off calendar for the applicant to work with staff to take in consideration concerns expressed by the Commission, including working on a redesign that would reduce dwelling units, reduce grading, creating private streets or driveways to reduce grading impacts, and prohibiting fuel modification in Schabarum Park.

31. The Recirculated Draft Environmental Impact Report ("RDEIR") for the proposed 47-lot subdivision was released for public comment in February of 2009.

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APRIL 8, 2009 PUBLIC HEARING

32. Prior to the April 8, 2009 public hearing, staff received correspondence from six (6) adjoining property owners. Concerns raised include loss of open space; destruction of surrounding hillsides and native habitat for wildlife; and increased traffic along Apple Creek Lane and Dawn Haven Road.

33. During the April 8, 2009 public hearing, the Commission heard a presentation from staff describing the redesigned project which proposed a gated single-family residential development consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots. The OTP increased the removal to 126 oak trees (no heritage oaks) and encroachment into the protected zone of 20 oak trees (no heritage oaks). A reduction in 336,600 cubic yards of total grading, from 1,360,000 cubic yards (690,000 cubic yards of cut and 670,000 cubic yards of fill) to 1,023,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with an additional 10,000 cubic yards of imported material listed, but anticipated to be balanced onsite.

34. During the April 8, 2009 public hearing, staff gave a short presentation requesting guidance from the Commission on the appropriate density, grading amounts and increased removal of oak trees for the proposed project also stating that the applicant was requesting a continuance to continue to work with staff.

35. During the April 8, 2009 public hearing, the Commission inquired from County Counsel on standard practice regarding opening a public hearing when the applicant was requesting a continuance and was not prepared to give testimony. County Counsel stated that the public hearing could be opened with testimony taken from all parties. In the discussion considering the continuance request, your Commission preferred to defer questions and detailed discussion on the project to the continued public hearing, and instructed the applicant to return to the Subdivision Committee (SCM), settle all differences with Staff, and work with the 4th Supervisorial District Office.

36. During the April 8, 2009 public hearing, the Commission stated that the applicant and staff were seeking guidance on how to proceed with the project and also stated their concern with becoming "referees" between staff and the applicant.

37. During the April 8, 2009 public hearing, the applicant's representative stated that staff's analysis and presentation of the proposed project was erroneous and not consistent with DEIR. The applicant's representative stated that staff mentioned impacts to oaks but did not mention oak mitigation which had been approved by

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the Los Angeles County Forester, and requested a 60-day continuance of the public hearing in order to meet with staff and discuss the errors and inconsistencies in the staff analysis.

38. During the April 8, 2009 public hearing, the applicant gave a brief history on the proposed project and stated that the project had reduced grading and units. He also stated that the redesigned project is removing an additional 14 oak trees from the previous design of 50 lots due to additional grading that is required to stabilize the existing terrain consisting of loose fill material that was deposited onsite from the adjoining subdivision's development.

39. During the April 8, 2009 public hearing, four persons testified in opposition to the project. Issued raised included increased traffic along Apple Creek Lane and through the community, construction traffic would add dust and mud through the community, and the destruction of the surrounding wildlife habitat by the proposed subdivision. Those opposed to the project also testified against the loss of hillside open space and existing trails that lead to Schabarum Park.

40. During the April 8, 2009 public hearing, the applicant in rebuttal to the opposition's testimony, stated that the proposed project would donate undisturbed open space to the Puente Hills Landfill Native Habitat Preservation Authority or the San Gabriel Mountains Regional Conservancy. The applicant also stated that they would be willing to voluntarily donate Lot No. 58, a 10-acre parcel, to the Los Angeles County Department of Parks and Recreation ("Parks & Rec") as an offsite mitigation parcel for the separate library project proposed within Schabarum Park.

41. On April 8, 2009, after taking all public testimony from the applicant and his representatives and five individuals in opposition, the Commission continued the public hearing to July 15, 2009 and instructed staff to work with the applicant and the Fourth Supervisorial District Office on a design all parties could support.

42. On April 22, 2009 staff received a detailed letter describing the applicant's concerns with staff's analysis of the project. Issues described in the letter included consistency with the General Plan, Plan and development within an SEA. The letter also raised issues with staff's interpretation of the oak mitigation plan as it did not fully describe the project's mitigation of replacing the 126 oak trees to be removed with 277 oak trees.

43. On June 10, 2009, and June 25, 2009, staff met with the applicant and his representatives to discuss the issues raised in their April 22, 2009 letter to the Acting Director of Regional Planning and included discussion of open space dedication consisting of undisturbed open space, Lot No. 57 (69 acres) and Lot No. 58, a 10-acre lot proposed to be dedicated to Parks & Rec, as mitigation for an

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offsite library project proposed within adjacent Schabarum Park. Other issues discussed included Hillside Management/Midpoint with staff informing the applicant that the project would need to clearly state community benefits in order to increase density from the mid-point density of 42 dwelling units. Staff also stated that the Commission has historically used the mid-point density as a benchmark to allow an increase in density with additional community benefits or amenities and Fuel Modification/Brush Clearance in which the applicant stated that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet. Staff inquired whether proposed Lot No. 15 could be used as a tot lot or private park lot, thereby eliminating the need for brush clearance within Schabarum Park. The applicant declined to offer this lot as an amenity, and reiterated the community benefits/amenities that the project was already providing. The applicant also stated that existing homes nearby already require brush clearance, and would prepare an exhibit depicting brush clearance within Schabarum Park.

44. On June 30, 2009, staff received a letter dated June 29, 2009, from the applicant requesting a continuance of the July 15, 2009 Commission public hearing to allow time for staff and the applicant to resolve a few remaining issues regarding the project's design and its environmental impacts.

JULY 15, 2009 PUBLIC HEARING

45. During the July 15, 2009 public hearing, the Commission heard a brief presentation from staff which included a continuation request from the applicant. Staff and the applicant had been working together to prepare the Final EIR and resolve outstanding issues. The Commission continued the public hearing to August 19, 2009 and instructed staff to continue working with the applicant to resolve outstanding issues.

AUGUST 19, 2009 PUBLIC HEARING

46. On August 6, 2009 staff submitted a hearing package to your Commission for the August 19, 2009 continued public hearing. On August 10, 2009, staff received a detailed letter describing the applicant's concerns with the August 6, 2009 staff analysis. On August 11, 2009, staff met with the applicant and his representatives to discuss those issues which included Staff and the applicant agreeing to provide an onsite private hiking trail ("Trail") to be owned and maintained by the homeowners association ("HOA"), would satisfy staff's concern for continued trail access within the project site. Staff also recommended an irrevocable easement to the public for continued pedestrian access to be reviewed by staff. The proposed

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Trail will be contiguous with the west and southwest lot lines of Lot No. 56. It was also concluded, based on the additional correspondence from the RWD dated August 10, 2009, that a proposed Trail within the water tank access road would be allowed. The applicant also agreed to construct and maintain a picnic/view area with tables and seating, as an additional open space amenity.

47. During the August 19, 2009 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant as well as the public regarding the proposed development.

48. During the August 19, 2009 public hearing, staff gave a presentation which discussed the outcome of the previous public hearings heard by the Commission on January 14, 2004, March 17, 2004, April 8, 2009 and July 15, 2009. Also discussed was staff's meeting with the applicant on August 11, 2009 which discussed issues such as public pedestrian access along the proposed access driveway of Lot No. 50 (water tank lot) to connect with existing trails in Schabarum Park. The open space trails that will be provided by the applicant are contiguous with the west and southwest lot lines of Lot No. 56, and a portion of the trails will be located within the water tank access road, and fuel modification/brush clearance that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet.

49. During the August 19, 2009 public hearing, the Commission inquired on the grading design of the manufactured slopes of the proposed project not having contour cuts. The Public Works representative stated that the slope cuts had been reviewed and approved by Public Works, and recommended the applicant discuss further regarding grading design.

50. During the August 19, 2009 public hearing, the Commission also stated that they had concerns with the addition of a picnic/rest area with benches as it would create maintenance and public nuisance problems for the homeowner's association while increasing the cost of HOA fees, and inquired on the amount of fees that would be required for the proposed development. Staff stated that the applicant estimated between $600.00 to $800.00 per month in fees to maintain manufactured slopes, landscaping in common areas, private driveway and fire lane, private and future street and trails.

51. During the August 19, 2009 public hearing, the applicant gave a brief history on the project and discussed public benefits that the project will be providing such as a Trail to be owned and maintained by HOA, stabilization grading of loose fill material that was inappropriately deposited onsite and to voluntarily donate Lot

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No. 58, a 10-acre parcel, to Parks & Rec as an offsite mitigation parcel for the separate library project proposed within Schabarum Park. The applicant also stated that they agreed to replant the mitigation oak trees, a total of 277 trees for the removal of 126 trees (a 2.2 to 1 replacement ratio) and were providing 89 percent of the project as open space which consisted of both undisturbed and disturbed terrain, and was in excess of the required 70 percent open space for non-urban hillside projects.

52. During the August 19, 2009 public hearing, one person testified in opposition to the proposed project. Issues raised included project's impact to mule fat vegetation and its relocation which may not provide long-term stability, project's density and oak tree removal mitigation. The opposition stated that the proposed density of 47 dwelling units was inappropriate for hillside development that would require substantial grading that would destroy existing sloping terrain. The opposition also raised concerns with the proposed replacement oak tree mitigation plan that would be in effect for only seven years and was not sufficient time to determine survivability of replacement oak trees.

53. During the August 19, 2009 public hearing, in rebuttal to the opposition's comments the applicant's representative stated that the project's density was consistent with the Plan, General Plan and zoning. The applicant's representative also stated that the project's oak tree mitigation plan and mule fat replacement plan have been cleared by the Los Angeles County Forester and Fire Warden and included in the Final EIR.

54. During the August 19, 2009 public hearing, the Commission stated their desire that all open space be maintained by a public agency or non-profit organization. The applicant's representative stated that public agencies or non-profits would not accept manufactured slopes and would be best maintained by HOA. The applicant stated that the project was providing 89 percent open space of which 23 acres (22 percent) are manufactured slopes. The applicant also stated that the San Gabriel Regional Mountains Conservancy had stated their interest in accepting the undisturbed open space lots.

55. During the August 19, 2009 public hearing, the Commission also stated that they did not want any picnic areas or benches as these areas could become nuisances along proposed trails and preferred rocks or boulders as sitting areas.

56. The Commission also stated that they could not support this project if fuel modification/brush clearance was required within Schabarum Park in order to accommodate a structure being constructed within Lot No. 15. A smaller structure should be sited on the lot that would eliminate the need for fuel modification/brush clearance within Schabarum Park.

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57. On August 19, 2009, the Commission continued the public hearing to September 16, 2009, and instructed staff to prepare draft findings and conditions for approval. The Commission also instructed staff to specifically prepare condition requiring a six-foot wide trail easements with rocks or boulders for sitting for public use to be maintained by the HOA, and another condition that prohibits any fuel modification/brush clearance within Schabarum Park for a structure to be sited on Lot No. 15.

58. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project on geotechnical, biological resources, visual/landforms, traffic and access and air quality/climate change. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Recirculated Draft EIR dated January 2009 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact are incorporated herein by this reference, as if set forth in full.

59. The Commission reviewed and considered the Final EIR and found that it reflects the independent judgment of the County. As stated in the Final EIR and Findings of Fact, implementation of the project will result in specifically identified significant effects upon the environment. Identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions for this project.

60. A Mitigation Reporting and Monitoring Program ("MMP") consistent with the conclusions and recommendations of the Final EIR was prepared, and its requirements are incorporated into the conditions of approval for this project.

61. The MMP in conjunction with the Final EIR identified in detail how compliance with its measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

62. This project does not have "no effect" fish and wildlife resources. Therefore, the project is not exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

63. 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 Department of Regional Planning ("Regional Planning"), 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian

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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 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 126 oak trees and encroachment into the protected zone of 20 oak trees is necessary for development reasons as continued existence of the trees at the present location frustrates the planned improvements and 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. 92027 is approved subject to the attached conditions established by the Commission

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DEPARTMENT OF REGIONAL PLANNING
OAK TREE PERMIT CASE NO. 92027

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

1. This grant allows the removal of 126 oak trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 64 through 132, 138 through 142, 241, 242, 258, 259, 260, 261, 267 through 276, 280, 281, 283, 308, 309, 319 through 322, 334 through 342, 359 through 369, 372, 396 through 402. This grant also allows the encroachment into the protected zone of 20 oak trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 15, 16, 17, 58 through 63, 137, 235, 239, 240, 243, 262, 318, 323, 332, 333 and 358 on the applicant's site plan map and Oak Tree Report.

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 for any purpose and cannot be used 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 their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 5, and until all required fees have been paid pursuant to Condition Nos. 10 and 10. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 28, 29, and 30 shall be effective immediately upon final approval of this grant by the County.

4. 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 $300.00. such fees shall be used to compensate Forester $100.00 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. The fees provide for one initial inspection of temporary fencing (required to secure the protected zone of all remaining Oak trees), prior to the commencement of construction and two subsequent annual inspections until the conditions of approval have been met.

5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded 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, as applicable, of the subject property.

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6. 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.

7. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions.

8. 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.

9. No Oak tree shall be removed upon until the permittee has obtained all permits and approvals required for the work which necessitates such removal.

10. Within three (3) days of the approval date of this grant, 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 does not 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 **$2,843.25.**

11. The term "Oak Tree Report" refers to the document on file at Regional Planning by L. Newman Design Group, the consulting arborist, dated December 6, 2006 and revised November 26, 2007.

12. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning ("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 Forester any failure to fully comply with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

13. 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. 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.

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14. The permittee shall provide mitigation trees of the Oak genus at a ratio of 2.2 to 1 trees for each tree removed for a total of 277 oak trees. The applicant shall provide mitigation trees of the Oak genus species at a ratio of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.

15. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.

16. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia* grown from local seed source.

17. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Additional mitigation trees shall be planted within one (1) year of the death of any tree, which results from its permitted encroachment. Mitigation trees shall be planted either on site or at an off-site location approved by the Forester.

18. The permitte shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The seven-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 seven (7) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.

19. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

20. Encroachment within the protected zone of any additional trees of the Oak genus on the project site is prohibited.

21. Should encroachment within the protected zone of any additional trees of the Oak genus on the project site not permitted by this grant result in its injury or death within seven (7) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal".

22. No planting or irrigation system shall be installed within the drip line of any Oak tree that will be retained.

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23. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

24. 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.

25. 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.

26. 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.

27. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or as to be a nuisance.

28. The permittee shall defend, indemnify and hold harmless Los Angeles County (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 such claim, action, or proceeding and the County shall reasonably cooperate in the defense.

29. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of $5,000, from which actual costs shall be billed an 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:

DRAFT

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.

30. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 51153. In the event that the vesting 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.

31. 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.

DRAFT

RP(RC)

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SUBDIVISION
TRACT NO. 51153 (Rev.)

TENTATIVE MAP DATED 01-07-2008
EXHIBIT MAP DATED 01-07-2008

The following reports consisting of 15 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.

2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.

3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.

4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Underground of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.

5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

7. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.

8. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, right to grade, and maintenance purposes, etc., in documents over the common private driveways to the satisfaction of Public Works.

9. Provide a separate lot for Apple Creek Lane, a private and future street.

10. Grant ingress/egress and utility easements to the public over the private and future or future streets.

11. Show open space note and dedicate residential construction rights over the open space lots.

12. Quitclaim or relocate easements running through proposed structures.

13. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.

14. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.

15. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

16. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of $2,000 (Minor Land Divisions) or $5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation.

DGR

Prepared by Diego G. Rivera Phone (626) 458-4349 Date Rev. 06-24-2008

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
1 Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT MAP 51153
SUBDIVIDER Palmdale Summit / Pacific Communities
ENGINEER DH Civil Engineering
GEOLOGIST & SOILS ENGINEER Global Geo-Engineering

TENTATIVE MAP DATED 1/7/08 (Revision)
LOCATION Hacienda Heights
APN 8294-030-001

Soils Engineering Report Dated 8/16/07, 2/26/07, 12/27/06
Geology and Soils Engineering Report Dated 1/2/08, 10/19/06, 2/27/06, 11/7/05, 7/18/05

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 2/21/08 is attached.

Prepared by _____ Reviewed by _____ Date 2/7/08
Charles Nestle

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 2.0
Job Number GMPH
Sheet 1 of 1

Review No. 7

DISTRIBUTION:
___ Drainage
___ Grading
___ Geo/Soils Central File
___ District Engineer
___ Geologist
___ Soils Engineer
___ Engineer/Architect

Tentative Tract Map	51153
Location	Hacienda Heights
Developer/Owner	Pacific Communities Builder
Engineer/Architect	DH Civil Engineering
Soils Engineer	Global Geo-Engineering, Inc. (1975-04)
Geologist	Global Geo-Engineering, Inc.

Review of:
Tentative Tract Map and Exhibit Dated by Regional Planning **1/7/08** (rev.)
Site Plot Plan Dated by the Processing Center 7/25/07
Geotechnical Report and Addenda Dated **1/2/08**, 8/16/07, 2/26/07, 12/27/06, 10/19/06, 2/27/06, 11/7/05, 7/18/05
Geotechnical Report by Consolidated Geosciences Dated 1/3/02, 12/4/01, 10/26/01, 8/24/01, 7/18/01, 2/20/01, 9/14/00, 6/20/00, 4/19/00, & 7/9/99
Previous Review Sheet Dated 9/20/07

ACTION:
Tentative Map feasibility is recommended for approval, subject to conditions below.

REMARKS:

1. At the grading plan stage, submit two sets of grading plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plans stage, submit all grading plan reports to the Soils Section for verification that the completed work complies with County codes and policies.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67587
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by _____ Date 2/21/08
Yoshiya Morisaku

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.
P:\Yosh\51153TentTc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 51153

TENTATIVE MAP DATED 01-07-2008
EXHIBIT MAP DATED 01-07-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Prior to approval of any grading plan, notarized covenants, in a form approved by Public Works, shall be obtained from all impacted offsite property owners, as determined by Public Works, and shall be recorded by the applicant. The number of offsite covenants will be determined by Public Works based on proposed off-site grading work which must be prepared by the applicant's consultants and submitted to Public Works for review and approval, in a format acceptable to Public Works. By acceptance of this condition, the applicant acknowledges and agrees that this condition does not require or otherwise involve the construction or installation of an offsite improvement, and that the offsite covenants referenced above do not constitute an offsite easement, license, title or interest in favor of the County. Therefore, the applicant acknowledges and agrees that the provisions of Government Code Section 66462.5 do not apply to this condition and that the County shall have no duty or obligation to acquire by negotiation or by eminent domain any land or any interest in any land in connection with this condition.

2. Show disposition of all the easements (i.e. quit claimed, relocate, or easement holder permission will be obtained).

3. Provide landscaping plans per grading ordinance (Section 3316.3 of chapter 33, of LACO Building Code).

4. Submit the following agency approvals:

   a. A permit/letter of non-jurisdiction may be required from State of California Department of Fish and Game.

   b. A permit/letter of non-jurisdiction may be required from State of California Regional Water Quality Control Board.

   c. A permit/letter of non-jurisdiction may be required from Army Corps of Engineers.

   d. Provide soil/geology approval of the grading plan by the Geotechnical & Materials Engineering Division (GMED).

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

5. Submit a grading plan for approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the SUSMP devices if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals.

6. Provide a draft copy of the CC&Rs

Name _____ Date 2/11/08 Phone (626) 458-4921

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A minimum centerline curve length of 100 feet shall be maintained on Apple Creek Lane.

2. The minimum centerline radius is 350 feet on Apple Creek Lane.

3. Permission is granted for street grades up to 15 percent on Apple Creek Lane only at locations to the satisfaction of Public Works.

4. Provide 50 feet of landing at a maximum grade of 4 percent on Apple Creek Lane at the "private driveway and fire lane" to the satisfaction of Public Works.

5. Dedicate complete vehicular access rights to all lots on Apple Creek Lane.

6. Make an offer of private and future right of way 32 feet from centerline on Apple Creek Lane.

7. Make an offer of additional private and future right of way on Apple Creek Lane in the vicinity of the gated entrance to construct a minimum turnaround radius of 32 feet and parkway of 12 feet to the satisfaction of Public Works. Whenever there is an offer of a private and future street, provide a drainage statement/letter

8. Label all interior access except Apple Creek Lane as "private driveway and fire lane." The use of the private driveway and fire lane in lieu of public streets or private and future streets must be approved by the Advisory Agency. If not approved, the subdivider is responsible to revise the streets (and the tentative map) to conform with standard requirements.

9. Construct the gated entrance on Apple Creek Lane with a minimum turnaround radius of 32 feet and parkway of 12 feet to the satisfaction of Public Works. The details of the gated access as shown on the tentative map are not necessarily approved.

10. Construct curb, gutter, base, pavement, and sidewalk within the tract boundaries on Apple Creek Lane to the satisfaction of Public Works. We have no objection to the use of the alternate street section.

11. Construct a slough wall outside the street right of way when the height of the slope is greater than five feet above the sidewalk and the sidewalk is adjacent to the

street right of way. The wall shall not impede any required line of sight.

12. Remove the existing temporary turnaround on Apple Creek Lane and, if necessary, construct off-site full street improvements; including curb, gutter, base, pavement, and sidewalks; plant street trees; and install street lights; from Apple Creek Lane southerly to the northerly tract boundary of the subdivision to the satisfaction of Public Works.

13. Comply with the following street lighting requirements:

    a. Provide street lights on concrete poles with underground wiring within the tract boundaries on Apple Creek Lane to the satisfaction of Public Works. The operation and maintenance of the street lights on the private and future street shall be the responsibility of the Developer/Home Owners Association until such time as the street is accepted for maintenance by the County. Submit street lighting plans as soon as possible for review and approval to the Street Lighting Section of the Traffic and Lighting Division. For additional information, please contact the Street Lighting Section at (626) 300-4726.

    b. The proposed development or portions thereof, are not within an existing Lighting District. Annexation and assessment balloting are required. Upon tentative map approval, the applicant shall comply with conditions listed below in order for the Lighting District to pay for the future operation and maintenance of the street lights. The Board of Supervisors must approve the annexation and levy of assessment (should assessment balloting favor levy of assessment) prior to filing of the final subdivision maps for each area with the Registrar-Recorder/County Clerk.

        (1) Request the Street Lighting Section to commence annexation and levy of assessment proceedings.

        (2) Provide business/property owner's name(s), mailing address(es), site address, Assessor Parcel Number(s), and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.

        (3) Submit a map of the proposed development including any roadways conditioned for street lights that are outside the proposed project area to Street Lighting Section. Contact the Street Lighting Section for map requirements and with any questions at (626) 300-4726.

    c. The annexation and assessment balloting process takes approximately ten to twelve months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans or in filing the final subdivision map for

recordation. Information on the annexation and the assessment balloting process can be obtained by contacting Street Lighting Section at (626) 300-4726.

d. For acceptance of street light transfer of billing, the area must be annexed into the Lighting District and all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, all street lights in the development, or the current phase of the development, have been energized, and the developer has requested a transfer of billing at least by January 1 of the previous year, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year. The transfer of billing could be delayed one or more years if the above conditions are not met.

14. Plant street trees within the tract boundaries on Apple Creek Lane.

15. Construct drainage improvements and offer easements needed for street drainage or slopes to the satisfaction of Public Works.

16. Install postal delivery receptacles in groups to serve two or more residential units.

17. Prior to final map approval, enter into an agreement with the County franchised cable TV operator (if an area is served) to permit the installation of cable in a common utility trench to the satisfaction of Public Works, or provide documentation that steps to provide cable TV to the proposed subdivision have been initiated to the satisfaction of Public Works.

18. Underground all existing service lines and distribution lines that are less than 50 KV and new utility lines to the satisfaction of Public Works and Southern California Edison. Please contact Construction Division at (626) 458-3129 for new location of any above ground utility structure in the parkway.

19. Additional comments:

- The traffic study for Tract No. 51153 was reviewed by Public Works and no mitigation measures are required. Please see attached letter from our Traffic and Lighting Division dated January 25, 2007 for comments.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: T-4

January 25, 2007

Mr. Scott Sato, P.E.
Urban Crossroads, Inc.
41 Corporate Park, Suite 300
Irvine, CA 92606

Dear Mr. Sato:

PACIFIC HEIGHTS DEVELOPMENT
TENTATIVE TRACT NO. 51153
REVISED TRAFFIC IMPACT STUDY (APRIL 28, 2003)
HACIENDA HEIGHTS AREA

As requested, we have reviewed the above-mentioned document. The proposed project is located at the southerly terminus of Apple Creek Lane south of Colima Road between Hacienda Boulevard and Azusa Avenue in the unincorporated County of Los Angeles area of Hacienda Heights.

The proposed project consists of the development of 47 single-family residences. The project is estimated to generate approximately 450 vehicle trips daily, with 35 and 47 vehicle trips during the a.m. and p.m. peak hours, respectively.

We generally agree with the study that the traffic generated by the project alone will not significantly impact the County and County/City intersections in the area.

We also agree with the study that the project will not have any significant impacts to the Congestion Management Program monitored intersections, arterials, or freeways.

Caltrans has reviewed the proposed project and determined that the project will not have a significant impact to their facilities. No further information is required.

If you have any questions regarding our review of the Traffic Study, please contact Mr. Patrick Arakawa of our Traffic Studies Section at (626) 300-4867.

Very truly yours,

DONALD L. WOLFE
Director of Public Works

William Winter

WILLIAM J. WINTER
Assistant Deputy Director
Traffic and Lighting Division

EMD:cn
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cc: Caltrans (Cheryl Powell)
Department of Regional Planning (Rudy Silvas)

bc: Land Development (Chong, Witler)

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 51153 (Rev.)

TENTATIVE MAP DATED 01-07-2008
EXHIBIT MAP DATED 01-07-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. The subdivider shall install and dedicate main line sewers and serve each lot with a separate house lateral or have approved and bonded sewer plans on file with Public Works.

2. A sewer area study for the proposed subdivision (PC11994AS, dated 06-19-2007) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. The subdivider shall send a print of the land division map to the County Sanitation District with a request for annexation. The request for annexation must be approved prior to final map approval.

4. Easements are required, subject to review by Public Works to determine the final locations and requirements.

DGK
Prepared by Tony Khalkhali Phone (626) 458-4921 Date 02-14-2008
tr51153s-rev11.doc

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT MAP NO. 51153
CUP No. 92-027

TENTATIVE MAP DATE: 01/07/2008

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study which was conceptually approved on 06/12/2008to the satisfaction of Public Works.

Name _____ Date 06/24/2008 Phone (626) 458-4921
Andrew Ross

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 51153 (Rev.)

TENTATIVE MAP DATED 01-07-2008
EXHIBIT MAP DATED 01-07-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all lots in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division and that water service will be provided to each lot.

3. If needed, construct off-site water main line to serve the proposed development to the satisfaction of Public Works.

4. Easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

5. Submit landscape and irrigation plans for each open space lot in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

DGR
Prepared by Lana Radle Phone (626) 458-4921 Date 02-14-2008
tr51153w-rev11.doc

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

RP - Ramon

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision: TR 51153 Map Date January 07, 2008

C.U.P. 92-027 Vicinity LaHabra

☐ **FIRE DEPARTMENT HOLD** on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881–2404.

☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.

☐ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.

☐ Where driveways extend further than 300 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

☒ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.

☒ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.

☐ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).

☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.

☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.

☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.

☐ The Fire Department has no additional requirements for this division of land.

Comments: **Access as shown on the Tentative Map is adequate.**

By Inspector: Juan C. Padilla Date February 21, 2008

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Subdivision No. TR 51153 Tentative Map Date January 07, 2008

Revised Report yes

☐ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.

☒ The required fire flow for public fire hydrants at this location is **1250** gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 1 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☒ Fire hydrant requirements are as follows:

Install 4 public fire hydrant(s). Upgrade / Verify existing ____ public fire hydrant(s).

Install ____ private on-site fire hydrant(s).

☒ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☒ Location: As per map on file with the office.
- ☐ Other location: ____

☒ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.

☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.

☐ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.

☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.

☐ Upgrade not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: **The Fire Department accepted the Rowland Water District's Draft Environmental Impact Report response in lieu of a fire flow test. In the report, Rowland Water District indicates that the water system will be designed to supply our minimum fire flow requirements.**

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date February 21, 2008

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION REPORT

Tentative Map #	**51153**	DRP Map Date:**01/07/2008**	SCM Date:**02/25/2008**	Report Date: **02/10/2009**
Park Planning Area #	**9**	**HACIENDA HEIGHTS**		Map Type:**REV. (REV RECD)**

Total Units **47** = Proposed Units **47** + Exempt Units **0**

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

1) the dedication of land for public or private park purpose or,
2) the payment of in-lieu fees or,
3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	**0.49**
IN-LIEU FEES:	**$109,206**

Conditions of the map approval:

The park obligation for this development will be met by:

The payment of $109,206 in-lieu fees.

Trails:

No trails.

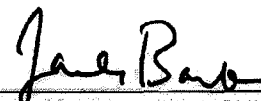
Comments:

****The In-Lieu Fee has been updated to $109,206 from $105, 738 to reflect the fee schedule at the time Map 51153 was advertised for public hearing in February 2009**

*****Advisory: the Representative Land Values (RLVs) in Los Angeles County Code (LACC) Section 21.28.140 are used to calculate park fees and are adjusted annually, based on changes in the Consumer Price Index. The new RLVs become effective July 1st of each year and may apply to this subdivision map if first advertised for hearing before either a hearing officer or the Regional Planning Commission on or after July 1st pursuant to LACC Section 21.28.140, subsection 3. Accordingly, the park fee in this report is subject to change depending upon when the subdivision is first advertised for public hearing.**

Contact Patrocenia T. Sobrepeña, Departmental Facilities Planner I, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, California, 90020 at (213) 351-5120 for further information or an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements contact Trail Coordinator at (213) 351-5135.

By: 

James Barber, Developer Obligations/Land Acquisitions

Supv D 4th
February 10, 2009 13:47:21
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LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION WORKSHEET

Tentative Map # 51153	DRP Map Date: 01/07/2008	SMC Date: 02/25/2008	Report Date: 02/10/2009
Park Planning Area # 9	HACIENDA HEIGHTS		Map Type: REV. (REV RECD)

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

(P)eople x (0.003) Goal x (U)nits = (X) acres obligation

(X) acres obligation x RLV/Acre = In-Lieu Base Fee

Where:

P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.

Goal = The subdivision ordinance allows for the goal of 3.0 acres of park land for each 1,000 people generated by the development. This goal is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units **47** = Proposed Units **47** + Exempt Units **0**

	People*	Goal 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.50	0.0030	47	0.49
M.F. < 5 Units	2.70	0.0030	0	0.00
M.F. >= 5 Units	2.30	0.0030	0	0.00
Mobile Units	2.78	0.0030	0	0.00
Exempt Units			0	
			Total Acre Obligation =	0.49

Park Planning Area = **9 HACIENDA HEIGHTS**

Goal	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.49	$222,869	**$109,206**

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
			Total Provided Acre Credit:	**0.00**	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.49	0.00	0.00	0.49	$222,869	**$109,206**

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN FREEDMAN
Acting Chief Deputy

Environmental Health
ANGELO BELLOMO, REHS
Director of Environmental Health

Bureau of Environmental Protection
Land Use Program
5050 Commerce Drive, Baldwin Park, CA 91706-1423
TEL (626)430-5380 · FAX (626)813-3016
www.lapublichealth.org/eh/progs/envirp.htm

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February 21, 2008

RFS No. 08-0002694

Tract Map No. 51153

Vicinity: Hacienda Heights

Vesting Tentative Map Date: January 7, 2008 (11th Revision)

The County of Los Angeles Department of Public Health has no objection to **Vesting Tentative Tract Map 51153.** The following conditions still apply and are in force:

1. Potable water will be supplied by the **Rowland Heights Water District**, a public water system.

2 Sewage disposal will be provided through the public sewer and wastewater treatment facilities of **Los Angeles County Sanitation District 21** as proposed.

If you have any questions or need additional information, please contact me at (626) 430-5380.

Respectfully;

Becky Valenti, E.H.S. IV
Land Use Program

SIGNIFICANT ECOLOGICAL AREAS (SEA) BURDEN OF PROOF FINDINGS

A. The requested development is designed to be highly compatible with the biotic resources present, and includes setting aside appropriate and sufficient undisturbed areas.

The County of Los Angeles (the "County") finds that the Project is highly compatible with the biotic resources present on the site because of the Project's design, adequate mitigation measures and the conservation of a substantial amount of undisturbed open space.

The Project's dwelling units are clustered at the north end of the property to minimize biological impacts. The north end of the property is considered the least biologically sensitive area of the site because it primarily contains non-native grassland habitat. This clustered design allows the more sensitive habitats (i.e., oak woodlands, scrub habitats, and riparian woodlands) to remain largely intact and preserved in perpetuity by the Project's mitigation measures.

In particular, approximately 68.5 percent of the site (approximately 78.3 acres) would be donated as open space in an undeveloped condition. The project was designed to be consistent with protection and avoidance of the biological resources of primary importance to the integrity of the Powder Canyon SEA. Whereas there are small impacts to coastal sage scrub (3.34 acres), mulefat (.53 acres), and oak woodlands (5.36 acres), these impacts are offset by large-scale impact avoidance and mitigation. As a result, the Project's Final Environmental Impact Report (the "Final EIR") determined that all of the Project's impacts to biotic resources present on the site are less than significant after implementation of mitigation measures.

B. That the requested development is designed to maintain water bodies, watercourse, and their tributaries in a natural state.

The County finds that the Project is designed to maintain water bodies and watercourses and their tributaries in a natural state based on the discussion below, which summarizes the conclusions of the Final EIR and the biota report and jurisdictional delineation contained therein.

The jurisdictional delineation prepared by Glenn Lukos Associates concluded that the project does not have a significant impact on bodies of water, watercourses or their tributaries in a natural state. As discussed below, most of the drainages onsite are disturbed. In addition, the Project was designed to protect federal and/or state-listed species (threatened or endangered) and their habitats. There are no listed species found in the onsite tributary areas.

The hydrologic state of Drainages A, B, and C has been altered; with all three drainages connecting to underground storm drain facilities. Drainage A drains to a culvert under Nicoya Drive and will not be altered by the Project. No impacts are anticipated.

Drainage B, located on the northern portion of the Project site and terminating at Apple Creek Lane has been altered where the lower portion of the drainage has been modified into an existing detention area. The existing storm drain at the terminus of Drainage B will be extended underground of the proposed project for a distance of approximately 700 feet.

Drainage C consists of a short swale/erosional feature located in the northwestern portion of the site that is directed into an underground storm drain behind a private residence. The drainage is characterized by low volume and flows that are infrequent or of short duration. All of Drainage C will be disturbed for geotechnical remediation and construction of homes. Nearly all of the impacts to mule fat scrub in Drainage B and C are required for geotechnical remediation and the construction of the water-detention facility and storm drain connection south of Apple Creek Lane.

No other natural water bodies, watercourse or tributaries exist on the site. The Final EIR concluded that impacts to the onsite drainages are considered less than significant with mitigation.

C. That the requested development be designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

The County finds that the requested development is designed so that the adjacent wildlife movement area is undisturbed based on the project's proximity to existing residential development, the location of the development footprint, and the substantial amount of preserved open space associated with the Project.

In particular, the clustering of the proposed development adjacent to existing areas of residential development avoids significantly disturbing wildlife movement corridors. As described in the August 2009 Biota Report (page 34), the Pacific Heights Site is located in a "cul-de-sac" of existing residential development and is outside of the expected primary movement corridor for wildlife species that occur on the site. The wildlife corridor analysis in the Biota Report and Final EIR conclude that the southern portions of the site are more likely to be used for wildlife movement than the northern portions of the site due to habitats and proximity to existing residential development. Accordingly, the proposed Project footprint is the biologically preferred location for this development on the site.

In addition, the Project design retains approximately 89% (101.4 acres) of open space on the site, which is adjacent to the existing Puente Hills open space and Schabarum Park. Accordingly, the project design facilitates habitat continuity and continued use of adjacent existing open space for wildlife movement.

Furthermore, cumulative impacts to wildlife movement in general are not expected due to the high percentage of existing permanent open space preservation in the western portions of the Puente Hills. This existing open space preservation, coupled with the addition of approximately 78.5 acres of open space proposed for preservation by this project indicates that the Project is designed to not interfere with the natural state of the adjacent wildlife corridor. The Biota Report and Final EIR concluded that the impacts to wildlife movement is less than significant.

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.

The County finds that the Project retains sufficient natural vegetative cover and open space between the proposed dwelling units and biotic resources in the vicinity. Specifically, the preserved open space, fuel modification zones, and topography of the project site will adequately buffer the proposed development from undeveloped open space areas. Existing residential units boarder the Project site along its entire northern boundary. An open space buffer (containing Southern California Edison utility lines) and existing residential units boarder the Project site's western boundary. Schabarum Park boarders the Project site on the east, but virtually all of the land along that interface will be preserved as open space. A small fraction of the development footprint, located in the far northeast corner of the property, would be developed. In that area, the dwelling units are set back from the property line by substantial distances. The graded areas closest to the eastern property line will be revegetated according to the Final EIR's biology and landscape mitigation measures and applicable fuel modification standards. Lastly, the southern area of the Project site contains expansive open space that adequately buffers the development footprint from additional open space beyond the southern property boundary.

Furthermore, proposed landscaping to screen the development from open space areas will include 277 replacement oaks onsite. Furthermore, all night lights in the developed areas will be shielded and directed away from the preserved open space areas to limit light and glare spilling into the adjacent natural areas and potentially disrupting nocturnal wildlife activity. It should also be noted that per the California Department of Fish and Game letter dated, April 2, 2009, received by the Impact Analysis Section of the Department of Regional Planning in response to the January 2009 Recirculated Draft EIR for this project, states that "The Department appreciates the incorporation of native plant species into the project and establishing a significant buffer from wildlife areas. The fuel modification zones would minimize indirect impacts to the wildlife breeding, foraging, and shelter."

E. That where necessary, fences or walls are provided to buffer important habitat areas from development.

The County finds that the Project contains appropriate fencing. Pursuant to the mitigation measures in the Final EIR, fencing shall be installed and buried six inches below ground where residential lots abut natural areas to provide an additional buffer and discourage human and domestic animal intrusion into the SEA.

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

The County finds that the road and utilities serving the Project do not conflict with critical resources. In particular, all roads and utilities serving the project enter from the existing development to the north of the property and will not cross preserved open space areas. The extension of Apple Creek Lane, the storm drain connection and the construction of the detention facility will result in the removal of mulefat scrub habitat in

the existing man-made detention/desilting area. However, the Final EIR concluded that impacts to mulefat scrub are less than significant after implementation of mitigation described in mitigation measure M-B-4 of the Final EIR for this project. The construction and use of the water tank for the Project will require removal of oak trees and limited associated habitat. Those impacts, however, are fully mitigated under state law and the County's requirements, by mitigation measures in the Final EIR. No roads or utilities will conflict with wildlife movement in the open space to the south of the Project site because all project features are clustered on the northern portion of the site.

HILLSIDE MANAGEMENT BURDEN OF PROOF FINDINGS

A. That the proposed project be 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.

The County finds that the Project is designed to protect the safety of the existing and future community because the Project stabilizes the existing unstable geologic conditions. Geologic, seismic and slope instability issues are addressed in detail in Section 4.2 in the 2003 Draft EIR, January 2009 Recirculated EIR, and the Final EIR. The geotechnical studies demonstrate that the Project will not create significant threats to life and/or property due to geologic, seismic, or slope instability hazard. Furthermore, the Project will remediate existing unstable areas on site that currently threatens the neighborhood to the north of the project site.

The project fuel modification plan, and installation of a water tank with capacity for 1,250 gallons per minute flow for two hours for fire fighting will ensure no significant fire hazard.

Flood, mud flow and erosion hazard issues are addressed in detail in Section 4.3 in the 2003 Draft Environmental Impact Report and in Section 3 of the Final EIR. The associated drainage studies demonstrate that the Project will not create significant threats to life and/or property due to flood, mud flow and erosion hazard. Drainage studies indicate that storm water discharge will be reduced between 2 to 77 percent at four existing storm drain inlets along the northern boundary of the project site after which, in combination with the remediation of unstable slope areas and the construction of the proposed retaining wall, will aid in preventing further mudslides into the adjacent neighborhood located north of the project site.

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

The County finds that the Project through mitigation is compatible with the biotic, cultural, scenic and open space resources in the area based on the discussion below and the impact analysis contained in the Final EIR.

Specifically, the Project is in a designated Significant Ecological Area (Powder Canyon SEA) and has been designed to be compatible with the biotic resources therein. SEATAC has reviewed the project many times and acknowledged the Project's downsizing and the incorporation of additional project design features and biological mitigation measures. At its meeting in August 2008, SEATAC determined that this project need not return to SEATAC for approval. In addition, the Final EIR concluded that all biotic impacts are considered less than significant with mitigation.

Specifically, impacts to biological resources and the corresponding mitigation measures are described in Section 4.4 in the 2009 RDEIR, Final EIR and Biota Report. All impacts to coastal safe scrub, mulefat scrub and oak woodlands are fully mitigated as required under CEQA and as requested by SEATAC and all County agencies with jurisdiction over the site. Section 9.0 of the Biota Report and page 4-21 of the 2009 RDEIR describes measures that have been incorporated into the Project at the suggestion of SEATAC to maintain the integrity of the SEA. These measures include buffer zones, homeowner education regarding wildlife and the use of native plant species in landscaping, interpretive signage, shielded night lighting and fencing, and the preservation of substantial open space.

There are no cultural resources on the site (See Section 4.8 in the 2003 Environmental Impact Report). By donating the upper 68.5 percent of the property as undeveloped permanent open space, clustering the proposed development in the north of the property adjacent to existing development, and by landscaping graded slopes to mimic a natural hillside, the Project is compatible with existing scenic resources of the area. Scenic resources are addressed in Section 4.7 in the 2003 DEIR and 2009 RDEIR.

C. 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.

The County finds that the Project is conveniently served by commercial facilities because it is conveniently served by neighborhood shopping and commercial facilities along nearby Colima Road. The Project will be served by essential public services without imposing undue costs on the total community. The Project is consistent with the objectives and policies of the General Plan as described in Section 3.3 "Consistency With General Plan Zoning" of the Final EIR.

D. 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.

The Project design is the result of a long process of innovation and cooperation with the Los Angeles County Department of Regional Planning, SEATAC, the Los Angeles County Department of Forestry, the Los Angeles County Fire Department, the Los Angeles County Department of Public Works, the Rowland Water District, and the local

community. The result is a plan that is compatible with hillside and SEA objectives, ensures protection of the permanent open space in the area, and adequately mitigates all impacts to a level considered less than significant, as described in section 4.4 of the 2009 RDEIR and Final EIR. The visual quality of the dwelling units to be constructed on the site is consistent with modern building standards and compliments the existing adjacent residential community character. The Project complies with all of the applicable density provisions and only proposes an overall density of .41 units per acre, which is less intense than the surrounding community Furthermore, the project site has been designed as a density controlled development on mostly non-native grassland areas with smaller lot sizes in and effort to reduce impacts to surrounding habitats, vegetation communities, and wildlife. A trail system along the northern boundary of the site has also been incorporated as a project design feature to access adjacent open space areas. This trail will benefit not only future community residents, but also current neighboring residents as well.

CONDITIONAL USE PERMIT BURDEN OF PROOF FINDINGS

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

C. That the proposed site is adequately served:

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

Answers:

A.1. The proposed development is a single-family residential development very similar to existing residential development adjacent to the project site. Continuation of the existing development pattern will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding areas.

A.2. Because the proposed development is similar to and compatible with existing adjacent development, it will not materially affect the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

A.3. A Geotechnical Study has been approved by County. A drainage study has also been approved by the County to avoid any potential menace to the public health, safety or general welfare created by development of the Project.

B The Project's site plan has been developed in consultation with County staff and according to County standards to ensure adequacy of all development features. the Project complies with all applicable zoning and building standards.

C.1. The Final EIR contains a traffic study that was reviewed and approved by the County and demonstrates that the existing streets are adequate for the traffic generated by the proposed development.

C.2. The site is currently open space so there are no existing utilities. All necessary utilities will be installed in conjunction with Project development. The Project site is located in a area when extension of utility service is feasible and evidenced by existing surrounding residential communities that are currently served by all applicable utilities.

Findings of Fact

Pacific Heights Subdivision Project
Final Environmental Impact Report

Prepared for
Los Angeles County
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

September 2009

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Attachment A Mitigation Monitoring and Reporting Program

Chapter 1 Introduction

1.1 INTRODUCTION

The content and format of this California Environmental Quality Act ("CEQA") Findings of Fact is prepared pursuant to Sections 15091 and 15093 of the State CEQA Guidelines and Section 21081 of the Public Resources Code. The Final Environmental Impact Report (the "Final EIR") for the Pacific Heights Subdivision ("proposed project") identified potentially significant environmental impacts associated with implementation of the proposed project. However, the Los Angeles County Department of Regional Planning ("County") finds that the inclusion of certain mitigation measures as part of project approval will reduce all potentially significant effects to a less-than-significant level.

As required by CEQA, the County, in adopting these Findings of Fact ("Findings"), also adopts a Mitigation Monitoring and Reporting Program ("MMRP") for the proposed project, which is incorporated by reference and made a part of these findings as Attachment A. The MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the proposed project.

In accordance with CEQA and the CEQA Guidelines, the County adopts these Findings as part of the certification of the Final EIR for the proposed project. Pursuant to Public Resources Code Section 21082.1(c)(3), the County also finds that the Final EIR reflects the County's independent judgment as the Lead Agency for the proposed project.

1.2 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of this CEQA Findings of Fact is designed to meet the current requirements of CEQA and the CEQA Guidelines.[1,2] The Findings of Fact is organized into the following sections:

- **Chapter 1, Introduction** outlines the organization of this document and identifies the location and custodian of the record of proceedings.
- **Chapter 2, Environmental Setting and Project Description** describes the location and characteristics of the site, project overview, project design standards, project objectives and benefits, and the required permits and approvals for the project.
- **Chapter 3, CEQA Review and Public Participation** describes the steps the County of Los Angeles ("County") has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final EIRs.
- **Chapter 4, No Environmental Effects** provides a summary of those environmental issue areas where no impacts would occur.
- **Chapter 5, Less-Than-Significant Environmental Effects** provides a summary of insignificant impacts and a finding adopting the EIR's conclusions of insignificance.

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1 California Environmental Quality Act (CEQA), Public Resources Code (PRC), §21000 et al., 2006.
2 CEQA Guidelines, CCR, Title 14, Division 6, Chapter 3, §15000 et al., 2006.

- **Chapter 6, Less-Than-Significant Environmental Effects with Mitigation Incorporated** provides a summary of potentially significant environmental effects for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental effects to less than significant levels.
- **Chapter 7, Significant and Unavoidable Environmental Effects** provides a summary of potentially significant environmental effects for which no feasible mitigation measures are identified or for which implementation of identified feasible mitigation measures would not avoid or substantially reduce the environmental effects to less than significant levels, or would have the potential to cause greater environmental impacts than the project.
- **Chapter 8, Findings Regarding Project Alternatives** provides a summary of the alternatives considered for the project.
- **Chapter 9, Mitigation Monitoring and Reporting Program** provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a program for reporting and monitoring.
- **Chapter 10, Findings Regarding Changes to the Draft Environmental Impact Report (EIR) and Recirculation** provides a summary of the changes to the Draft EIR in response to public comments received and findings that changes to the Draft EIR did not require recirculation of the Draft EIR for public review.
- **Chapter 11, Statement of Overriding Considerations** provides a summary of all of the project's significant unavoidable adverse impacts. In addition, this section identifies the project's substantial benefits that outweigh and override the project's significant unavoidable impacts, such that the impacts are considered acceptable.

1.3 STATUTORY REQUIREMENTS

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21081 *et seq.*), and particularly the CEQA Guidelines (the Guidelines) (14 Cal. Code Regulations, Section 15091 *et seq.)*, require that:

> *"No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless both of the following occur:*
>
> *(a) The public agency makes one or more of the following findings with respect to each significant effect:*
>
> *(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant environmental effects on the environment.*
>
> *(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

In short, CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the proposed project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the proposed project lies with another agency. (CEQA Guidelines, Section 15091[a], [b].)

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant effects on the environment (see, Pub. Res. Code Section 21081[b]). The CEQA Guidelines state in Section 15093 that:

"If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable."

As discussed in this Findings of Fact and stated in Chapter 7 (Significant and Unavoidable Environmental Effects), the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1). The proposed project does not result in any unavoidable significant environmental effects.

1.4 LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS

The documents and other materials that constitute the record of proceedings upon which the County project approval is based are located at 320 West Temple Street, Hall of Records, Room 382, Los Angeles, California 90012. The County of Los Angeles Department of Regional Planning is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) California Code of Regulations Title 14, Section15091(e).

Chapter 2 Environmental Setting and Project Description

2.1 ENVIRONMENTAL SETTING

2.1.1 Existing Land Uses

The 114.3-acre Pacific Heights project site is located in the community of Hacienda Heights in unincorporated southeast Los Angeles County, slightly more than a mile south of the Pomona Freeway (I-60) and east of Hacienda Boulevard. The community of Hacienda Heights is located north of La Habra Heights, north and east of Whittier, west of Rowland Heights, and south of the City of Industry. Hacienda Heights is at the southern end of the San Gabriel Valley, along the north slope of the Puente Hills. The project consists of 47 single-family residences, a water tank, and supporting manufactured slopes and infrastructure on 36 acres of the 114.3-acre site.

The property is located within a Hillside Management Area (HMA) as designated by the County of Los Angeles. The site is also entirely within a Significant Ecological Area #17 (SEA #17), known as the Powder Canyon/Puente Hills SEA. Habitats on the site include oak woodland, coastal sage scrub, non-native grassland, mulefat scrub, and sycamore riparian woodland. Access to the site is through Apple Creek Lane to the north of the site. Apple Creek Lane is a residential street stubbed out at the property line. Approximately 1,500 feet to the north of the site is Colima Road, the nearest arterial street.

2.1.2 Surrounding Land Uses

The project site is bordered by residential neighborhoods of the Hacienda Heights community to the north and west, Schabarum County Regional Park to the east, and mostly undeveloped land to the south. The zoning designation for existing neighborhoods to the north and west is Residential Planned Development (RPD) for approximately seven units (6,000 square foot lots) per acre. The undeveloped land to the south is managed by the Puente Hills Landfill Native Habitat Preservation Authority. Schabarum Regional Park to the east of the site consists of about 640 acres, 97 acres of which are developed with park facilities such as trails, an 18-station fitness course, 2 enclosed group picnic areas (with water, electricity and play areas), playing fields, an equestrian area (parking and staging area), and an administrative and community building.

The proposed development will be adjacent to existing homes along the entire 2,035-foot north property line. Building setbacks from existing homes north of the project will range from 155 to 350 feet. The development will extend for a distance of 850 feet along the west property line with building setbacks from existing residences west of the project a minimum of 275 feet. Along the east property line, adjacent to Schabarum Park, the development will extend along 850 feet of the 2,787- foot boundary.

There will be no development along the south property line. Proposed building setbacks to the property line will range from 1,400 feet to 2,000 feet. The project's proposed land uses are similar to those of adjacent areas. The existing developed areas to the north and west of the project, adjacent to the developed portion of the site, are zoned Residential Planned Development (RPD-6,000–7U) for approximately seven units (6,000 square-foot lots) per acre.

The proposed project has been designed as a Density Controlled Development in an effort to reduce disturbance to surrounding vegetation and wildlife, and maintain 78.3 acres (68.5 percent) of the site as undeveloped open space in perpetuity. Therefore, average lot sizes are smaller than are customarily permitted in this zone, and as such a Conditional Use Permit (CUP) is required. The proposed project would not encroach onto land within Schabarum Regional Park to the east. Most (75 percent) of the development frontage along the east property line consists of cut and fill slopes with a grading setback averaging approximately 40 feet. There is one lot (Lot 13) and a water tank along the east development frontage. The dedication of approximately 68.5 percent of the property as permanent open space will ensure continuity of habitat and no future developments along the south property boundary, which is adjacent to the existing conservation area, and along most of the east boundary, which is adjacent to Schabarum Regional Park.

2.2 PROJECT OVERVIEW

The proposed project site is subject to requirements and provisions of Los Angeles County's General Plan policies for development in a Non-Urban Hillside Management Area (HMA), and the Hillside Management Ordinance (HMO § 22.56.215). Accordingly, a minimum of 70 percent of the net area of the Project site must consist of open space, which may represent a combination of landscaped and undeveloped open space. As mentioned, the proposed project consists of 47 single-family lots (8.9 acres/0.078%), a water tank (0.6 acres/0.005%), supporting open space manufactured slopes (23.1 acres/0.202%), and private driveways and fire lanes (3.2 acres/0.028%) on 36 acres/0.315% of a 114.3-acre site. The remaining 78.3 net acres (68.5%) of the site will remain as undeveloped open space. The total combined open space on-site will be approximately 101.4 net acres (88.7%) of the project site.

The graded area will be approximately 36 acres, ranging in elevation from approximately 650 feet above mean sea level (MSL) to 950 feet above MSL. Land elevation of the project site ranges from 650 feet to 1,200 feet above mean sea level. Total material graded will be approximately 506,700 cubic yards cut and 516,700 cubic yards fill, for a total of 1,023,400 cubic yards handled. Earthwork calculations are based on preliminary engineering plans. It is not expected that import of fill material will be required. A balance is anticipated on site through construction activities that will generate excess dirt including but not limited to excavation required for dry and wet underground utilities, street over-cut, and footing from walls and homes etc. Average cut depth is 20 feet and average fill depth is 19 feet.

Residential lot sizes range from 5,002 square feet to 16,715 square feet, averaging 8,268 square feet. Lot street frontage averages 69 feet and ranges from 41 to 135 feet. In addition to the 47 residential lots there would be eight open-space lots. Approximately 78.3 acres or approximately 68.5 percent of the site would be preserved as undeveloped open space and managed for long-term conservation value.

A 500,000-gallon-capacity water tank with a 32 foot high wall shell, 30 foot working water level, and 54 foot diameter, will be located at an elevation 898 feet above MSL in the southwest corner of the development. The new water tank and access road will be dedicated to the Rowland Water District as one of the open space lots. Access to the water tank will be through a 24,877 square-foot road on-site. The Project will include a floodwater detention basin with a debris basin upstream.

Access to the site will be through Apple Creek Lane, which is an existing residential street stubbed out at the property line. Access will include a gated entrance and 2,635 lineal feet of on-site private driveway and firelane. Former access was to include 2,640 lineal feet of on-site public residential streets. Construction activities will be scheduled in compliance with existing County Requirements, which include specifications regarding days and hours during which construction activities would be prohibited.

2.3 DISCRETIONARY ACTIONS

The implementation of the project would require the involvement of agencies other than the County of Los Angeles. Other agencies, known at this time, that may need to utilize the information in the EIR in issuing subsequent permits and approvals are listed below.

2.3.1 County of Los Angeles

As the Lead Agency under CEQA, the County of Los Angeles will provide environmental review and clearance for all project-related permits and approvals, including but not limited to those listed below.

- Tentative Tract Map TR 51153 for construction of 47 single-family homes
- Conditional Use Permit No. 92-027 for development within the Powder Canyon/Puente Hills Significant Ecological Area (SEA), and in a Hillside Management Area
- Oak Tree Permit No. 92-027 for removal of 112 oak trees
- Final tract map for construction of 47 single-family homes
- Final improvement plans for streets, drainage, water, sewer, grading, etc.

2.3.2 The County Sanitation Districts of Los Angeles County

- Annexation to Sanitation District No. 21

2.3.3 The Rowland Water District

- Annexation to and service by the Rowland Water District

2.3.4 The U.S. Army Corps of Engineers

- 404 permit for fill into waters of the U.S.

2.3.5 The California Fish and Game Department

- 1603 Streambed Alteration Agreement.

2.3.6 The Los Angeles Regional Water Quality Control Board

- National Pollutant Discharge Elimination System (NPDES) permit for grading projects

Chapter 3 CEQA Review and Public Participation

The Pacific Heights Project Final EIR, together with the Pacific Heights Project Draft EIR (November 2003), and the Pacific Heights Project Recirculated Draft EIR (January 2009), comprise the Pacific Heights Project Final EIR as defined by CEQA Section 15132. The original Draft EIR and the Recirculated Draft EIR (January 2009) are incorporated by reference into the Final EIR. The collective analysis is available to the public for review at the following locations:

- Rowland Heights Library; 1850 Nogales Street; Rowland Heights, CA 91748
- La Puente Library; 15920 East Central Avenue; La Puente, CA 91744
- L.A County Department of Regional Planning; Hall of Records, Room 382; 320 West Temple Street; Los Angeles, CA 90012
- Hacienda Heights Library; 16010 La Mode Street; Hacienda Heights, CA 91745

Responses to all comments received on the Draft EIR and the Recirculated Draft EIR have been prepared in accordance with CEQA Guidelines §15088(c), which specifies that the focus of responses to comments should be on the disposition of significant environmental issues as raised in the comments. The Final EIR includes written comments received by mail and electronic-mail on the Recirculated Draft EIR and the Draft EIR, verbal comments received at public meetings, written responses to the written and verbal comments, and changes to the Draft EIR.

Chapter 4 No Environmental Effects

Section 15128 of CEQA requires an EIR to contain a statement briefly indicating the reasons why the lead agency determined that various possible significant effects actually were not significant and were not discussed in detail in the EIR. Based on the Draft EIR, Recirculated Draft EIR, and Final EIR for the proposed project, the County of Los Angeles finds that the proposed project would have no environmental effects in the following environmental issue areas:

- Noise
- Air Quality
- Mineral Resources
- Agricultural Resources
- Environmental Safety
- Population/Housing/Employment/Recreation
- Land Use

Because the finding of No Impact was made in the Initial Study, these environmental issue areas were not carried forward for analysis in the Draft EIR, the Recirculated Draft EIR, or the Final EIR.

4.1 NOISE

The project site is not located near a high noise source, the project is not considered a sensitive noise receptor, and the project is not considered to substantially increase ambient noise levels.

4.1.1 Findings

Construction would be scheduled in compliance with existing County Requirements, which include specifications regarding days and hours during which construction activities would be prohibited. Construction noise will be minimized through compliance with the provisions and restrictions in the County Noise Control Ordinance Chapter 12.12. Therefore, no significant impact would occur.

4.2 AIR QUALITY

The proposed project does not exceed the State's criteria for regional significance (500 dwelling units for residential uses, or 40 gross acres of development). The project is not considered a sensitive use. The 47-unit project does not exceed the 166-unit AQMD threshold of potential significance per screening tables of the CEQA Air Quality Handbook. The project will not increase local emissions to a significant extent due to increased traffic congestion or use of a parking structure.

The project will not generate nor is it in close proximity to sources that create obnoxious odors, dust, and/or hazardous emissions. The project will not conflict with or obstruct implementation of the applicable air quality plan. The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. Lastly, the proposed project is consistent with the Air Quality Management Plan.

4.2.1 Findings

The Southern California Air Quality Management Plan (AQMP) is based on population and growth estimates from the Southern California Association of Governments (SCAG) 1989 Growth Management Plan. The SCAG growth estimates are based on applicable General Plan and zoning designations applicable at the time the Growth Management Plan was prepared. The total number of homes proposed for the project is well below and consistent with the applicable zoning designation and Hacienda Heights Community General Plan of 1978, which is used as a basis for the AQMP. The project is therefore consistent with the AQMP. The project is consistent with the SCAG Regional Comprehensive Plan for the same reason as for the AQMP. Therefore, "no" impact would occur.

4.3 MINERAL RESOURCES

There are no known mineral resources on the project site.

4.3.1 Findings

No significant impact would occur

4.4 AGRICULTURAL RESOURCES

The project site contains no agricultural resources.

4.4.1 Findings

No significant impact would occur.

4.5 ENVIRONMENTAL SAFETY

The project is a residential project and will not use, handle, store, emit or transport hazardous materials. There is no known soil toxicity or currently existing hazardous materials on the site. The site is not near an airport and would not impair implementation of an adopted emergency response plan or emergency evacuation plan.

4.5.1 Findings

No significant impact would occur.

4.6 POPULATION/HOUSING/EMPLOYMENT/RECREATION

The project will not cumulatively exceed regional or local population projections. There are no growth-inducing impacts. The project will not displace existing housing or result in a substantial job/housing imbalance. Although the project will not result in the need for expansion of or new recreational facilities, the project will be required to pay in-lieu fees for the acquisition of future parkland in accordance with the Quimby Act provisions of the County subdivision ordinance. No people will be displaced by the project.

4.6.1 Findings

No significant impact to population, housing, employment or recreation would occur.

4.7 LAND USE

The proposed project is located in the Significant Ecological Area (SEA) land use designations of the Los Angeles County General Plana. The Hacienda Heights Community Plan (HHCP) designates the project site as N-2 (Non-Urban 2) 0.3 to 1.0 dwelling units per acre and within the Powder Canyon SEA. A Conditional Use Permit (CUP) is required for the project, to ensure consistency with Plan designations and zoning.

4.7.1 Findings

No significant impact to land use would occur (please see Section 6.3 for discussion of development within the Powder Canyon/Puente Hills Significant Ecological Area [SEA]).

4.8 COUNTY FINDING

Based on the analysis contained in the Draft EIR, Recirculated Draft EIR and Final EIR, the County adopts the FEIR's conclusions of no significant impacts with respect to the above environmental issue areas.

Chapter 5 Avoidance or Reduction of Potential Impacts to Less Than Significant Environmental Effects

The County of Los Angeles finds that, based on the Draft EIR, Recirculated Draft EIR, and the Final EIR, the proposed project would result in less-than-significant environmental effects with no mitigation required for some or all impacts to the issue areas listed below:

- Biological Resources
- Visual Resources
- Traffic and Access
- Public Services and Utilities
- Climate Change

5.1 BIOLOGICAL RESOURCES

Catalina mariposa lily. The sensitive plant most likely to occur in the project area is the Catalina mariposa lily. This species, included on CNPS List 4, is not considered extremely rare. While it has not been recorded on the project site during intensive seasonal surveys conducted since 1992 (last survey 1999), it has the greatest potential for occurrence of any sensitive plant species known to occur in this region.

Lighting effects on nocturnal wildlife. Nighttime illumination is known to adversely impact animals in natural areas. Nighttime light can disturb resting behavior and can potentially alter breeding cycles and nesting behavior. Within the project area there are land uses that are sources of nighttime light, including adjacent residential areas and their use of street lamps. Project operation would incrementally increase nighttime light in an area proximal to natural areas, and may adversely impact the species composition that occurs in these areas.

Effects of humans and domestic animal on existing wildlife. It is expected that the development would result in an increase in use of the adjacent natural areas by domestic animals.

Habitat value in SEA #17. The proposed project would directly impact sensitive vegetation within SEA #17, including 5.36 acres of oak tree habitat containing 126 coast live oak trees. However, the project would also preserve approximately 68.5 percent of the site in an undeveloped condition as donated open space, including 6.37 acres of oak woodland habitat. This southern, higher elevation portion of the site contains the highest quality oak woodlands and coastal sage scrub vegetation, as well as the southern sycamore riparian woodland.

5.1.1 Findings

Catalina mariposa lily. Loss of Catalina mariposa lilies (if present) would not represent a significant impact, due to their wide distribution in the Los Angeles area. Directed pre-grading surveys would be undertaken for the Catalina mariposa lily in non-native grasslands and oak woodlands during the March though May flowering period. Should the Catalina mariposa lily be discovered during pre-grading surveys, salvage of plant materials would be undertaken for relocation to the proposed donation and preservation area according to a plan approved by the

Department of Regional Planning prior to issuance of the grading permit. Plant locations would be marked during the flowering season, and bulbs would be salvaged following the flowering and fruiting period in the summer months. Bulbs and seeds would be stored in a cold, dark place loosely packed in peat moss and replanted in similar habitat in the proposed donation and preservation area during the fall. Therefore, impacts would be less than significant.

Lighting effects on nocturnal wildlife. The applicant would ensure, through CC&Rs for the residents, that night lights in the developed area be shielded and directed away from the preservation area to limit light and glare spilling into the adjacent natural areas and potentially disrupting nocturnal wildlife activity. Additionally, private security lights would be controlled by motion detectors. Therefore, impacts would be less than significant.

Effects of humans and domestic animal on existing wildlife. The applicant would ensure that fencing is installed where residential lots abut natural areas to discourage human and domestic animal intrusion into the SEA. Impacts would be less than significant.

Habitat value in SEA #17. The proposed project is not within the Powder Canyon watershed, therefore it is not likely to affect that larger portion of the SEA. The proposed project is not expected to substantially affect local wildlife movement corridors in the SEA. In addition, the applicant would develop an educational flyer, given to all homeowners, prior to occupancy of their home, according to project CC&R's, to explain the habitat value of the adjacent SEA, and the positive economic effect such an amenity has on property values. Everyday methods to limit degradation of the adjacent natural areas shall be explained, including limiting noise and light glare, and the negative impact domestic cats and dogs can have on wildlife species in natural areas. In addition, the flyer would strongly discourage the use of invasive, non-native plants such as pampas grass (Cortaderia sellowiana), fountain grass (Pennisetum spp.), ice plant (Delosperma spp.), periwinkle (Vinca major), trailing lantana (Lantana camara), German ivy (Senecio mikaniodes), Spanish broom (Spartium junceum), French broom (Genista monspessulanus), blue gum (Eucalyptus globulus), pepper trees (Schinus spp.), and tree of heaven (Ailanthus altissima) in areas approaching natural open space. Therefore, impacts would be less than significant.

Implementation of the following mitigation will ensure avoidance and reduction of potential impacts to less than significant environmental effects.

M-B-5: The applicant shall receive final approval of the fuel modification plan and plant pallet from the Los Angeles County Fire Department and the Department of Regional Planning, and incorporate the guidelines described in the Biota Report (Appendix III). Approved plantings shall be especially concentrated along the outer edge of Zone C, to help create a buffer between the development envelope and the adjacent undisturbed native vegetation. Fuel modification maintenance shall be the responsibility of the homeowner's association. The planting pallet for landscaped areas in Zone B will include drought tolerant vegetation native to Puente Hills, to the extent that the use of vegetation native to Puente Hills is in compliance with the County's Drought Tolerant Landscaping Ordinance and Los Angeles County Fire Department's planting requirements for Zone B.

M-B-7: Catalina mariposa lilies have not been recorded from the site, but have the greatest potential of sensitive plants to occur. Directed pre-grading surveys shall be

undertaken for the Catalina mariposa lily in non-native grasslands and oak woodlands during the March though May flowering period. Should the Catalina mariposa lily be discovered during pre-grading surveys, salvage of plant materials shall be undertaken for relocation to the proposed donation and preservation area according to a plan approved by the Department of Regional Planning prior to issuance of the grading permit. Plant locations shall be marked during the flowering season, and bulbs shall be salvaged following the flowering and fruiting period in the summer months. Bulbs and seed shall be stored in a cold, dark place loosely packed in peat moss and replanted in similar habitat in the proposed donation and preservation area during the fall.

M-B-8: The applicant shall ensure, through CC&Rs for the residents, that night lights in the developed area be shielded and directed away from the preservation area to limit light and glare spilling into the adjacent natural areas and potentially disrupting nocturnal wildlife activity. Additionally, private security lights shall be controlled by motion detectors.

M-B-9: The applicant shall ensure that fencing shall be installed where residential lots abut natural areas to discourage human and domestic animal (dog) intrusion into the SEA.

M-B-10: The applicant shall develop an educational flyer, given to all homeowners according to Project CC&Rs, to explain the habitat value of the adjacent SEA, and the positive economic effect such an amenity has on property values. This flyer will be distributed to homeowners prior to occupancy of their home. Everyday methods to limit degradation of the adjacent natural areas shall be explained, including limiting noise and light glare, prevention of activities that could attract coyotes (Canis lupus), bobcats (Lynx rufus) and other wildlife into the residential zone, and the negative impact domestic cats and dogs can have on wildlife species in natural areas. In addition, the flyer shall strongly discourage the use of rodenticides that may be harmful to large mammals including coyotes, bobcats and mountain lions and invasive, non-native plants such as pampas grass (Cortaderia sellowiana), fountain grass (Pennisetum spp.), ice plant (Delosperma spp.), periwinkle (Vinca major), trailing lantana (Lantana camara), German ivy (Senecio mikaniodes), Spanish broom (Spartium junceum), French broom (Genista monspessulanus), blue gum (Eucalyptus globulus), pepper trees (Schinus spp.), and tree of heaven (Ailanthus altissima) in areas approaching natural open space. The Applicant will provide the adjacent management agencies, limited to the Puente Hills Landfill Native Habitat Preservation Authority, the Los Angeles County Department of Parks and Recreation, and the recipient of the undeveloped open space, with the language in educational materials for review.

M-B-11: No sycamore trees or oaks shall be removed as a result of Zone B fuel modification activities.

M-B-12: To reduce the potential impacts to the San Diego Ring-neck snake's habitat at the northern edge of this taxon's range, revegetation of 277 replacement oak trees on the north east portion of the site, outside of grading limits and fuel modification zones shall be conducted. In addition, 6.37 acres of existing oak

woodland shall be preserved as natural undisturbed open space. A coordinated sweep of the area to be affected by the removal of oak trees will be conducted to remove and relocate any of the San Diego ringneck snake species into the existing oak woodland area to remain. All coordination must be conducted through the Department of Regional Planning.

M-B-13: To avoid direct loss of bats, if present on the project site, that could result from the removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), grading and construction will take place, to the extent feasible , outside of maternity roosting season (March 1 to September 30). Where this is not feasible, a qualified bat specialist (i.e., a person holding a state collection permit and memorandum of understanding with the CDFG allowing handling and collection of bats) will conduct a pre-construction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree identified as potentially supporting an active maternity roost will be closely inspected by the bat specialist a maximum of 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats. Trees determined to be maternity roosts will be mapped and 250-foot avoidance perimeter will be marked around any roosts located. These trees will be left in place until the end of the maternity season (September 30).

The bat specialist will document all monitoring activities and will prepare a summary report upon completion of tree disturbance activities within each pertinent area of the Tentative Tract Map. Reports will cover the following topics:

- The number and type of affected trees determined to support roosting bats prior to disturbance;
- Any actions undertaken to safely exclude roosting bats prior to disturbance and the results of those actions;
- Tree temporarily avoided to protect roosting bats; and
- Roosting bats found (alive or dead) after trees were removed or relocated.

This report will be provided to the LA County Department of Regional Planning within 30 days following the completion of tree removals.

5.2 VISUAL RESOURCES/LANDFORM

The visual impacts analysis for the proposed project was based upon an assessment of the existing visual character of the landscape and the degree to which the proposed project would change those views. An assessment was also made regarding potential degradation of rare or scenic features in the region, and on the effect of the project on light and glare. Currently, the site is undeveloped and thus is not a source of light or glare. No adjacent or nearby properties are exposed to any impacts associated with light and glare emanating from the project site. The surrounding area, consisting primarily of single-family development and open space, is also not a substantial source of light and glare.

5.2.1 Findings

A new source of light and glare would be visible from cars descending from the project along the proposed extension of Apple Creek Lane. This light from vehicles would be visible from the southernmost existing three or four residences along the west side of Apple Creek Lane. Light and glare from the proposed project would also be visible from the surrounding neighborhood, Colima Road and the Pomona Freeway. However, given the location and source of the lights (a residential neighborhood), light and glare from the project is not expected to interfere with normal nighttime activities, nor be hazardous to motorists, bicyclists, or pedestrians.

Implementation of the following mitigation will ensure avoidance and reduction of potential impacts to less than significant environmental effects.

M-V-3: Control of Night Lighting. Prior to issuance of grading or building permits (whichever comes first), the project proponent shall prepare a lighting plan for review and approval by the Department of Regional Planning, demonstrating that the illumination resulting from all community exterior lighting is confined to the project site, and adjacent properties are protected from glare. Methods to achieve this shall include, but not be limited to, the following: (1) use of soft light intensity fixtures, and (2) use of shields on the back of lights, or other screening methods.

5.3 TRAFFIC AND ACCESS

Roadway traffic loads are typically evaluated at roadway intersections and using the Level of Service (LOS) method. LOS is based upon the ratio of roadway traffic volume to roadway traffic capacity (volume/capacity or v/c ratio) and ranges from "A" (best case) to "F" (worst case) as described below.

LOS A: Free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. The general level of comfort and convenience provided to the motorist, passenger or pedestrian is excellent.

LOS B: Stable flow, but the presence of other users in the traffic stream begins to be noticeable. The level of comfort and convenience is somewhat less than at LOS A, because the presence of others in the traffic stream begins to affect individual behavior.

LOS C: Stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The general level of comfort and convenience declines noticeably at this level.

LOS D: High-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experience a generally poor level of comfort and convenience.

LOS E: Operating conditions at or near the capacity level. All speeds are reduced to low but relatively uniform level. Freedom to maneuver within the traffic stream is extremely difficult. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high.

LOS F: Forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount, which can traverse the point.

An intersection capacity utilization (ICU) analysis was performed for twelve key intersections as recommended by the Los Angeles County Department of Public Works (LACDPW) to determine LOS for existing conditions. The Draft EIR (2003) determined that all study area intersections are currently operating at Level of Service "D" or better during peak hours, except for Hacienda Boulevard at the I-60 westbound ramps and at Colima Road, and Azusa Avenue at the I-60 eastbound ramps and at Colima Road. Existing conditions traffic was adjusted to account for ambient growth to the year 2005 to provide an adequate traffic baseline against which to compare project-related impacts. Ambient growth was estimated based on a 1.0 percent annual growth rate of existing traffic volumes over a three year period (2005) for a total of 3.0 percent. Also included in the future year analysis were other developments proposed within a one-and-a-half-mile radius of the project site according to Los Angeles County procedures. The results of this analysis determined that additional project-related traffic would result in no significant impact to LOS at study area intersections.

An ICU analysis was also performed in December 2006 as agreed upon in the Memorandum of Understanding (MOU) with the LACDPW. No changes to local circulation have been identified as a result of the 2006 analysis. Development of the proposed project would result in a minor increase in additional traffic, due to an increase in local and collector roads through the area. However, the proposed project would result in no significant impacts to LOS at study area intersections.

5.3.1 Findings

Although impacts would be less than significant without mitigation measures, implementation of the following mitigation would further reduce and/or avoid less than significant impacts to Traffic and Access.

M-T-2: The developer shall provide a stop sign, stop bar and stop legend at the southbound approach of the southerly extension of Apple Creek Lane at Pacific Heights Drive.

M-T-3: The developer shall provide a stop sign, stop bar and stop legend at the northbound approach of Summit Place at Pacific Heights Drive.

M-T-4: The developer shall review sight distance with the internal project intersections with respect to Caltrans and Los Angeles County sight distance standards at the time of preparation of final grading, landscape and street improvement plans.

M-T-5: The developer shall implement internal traffic signing and striping in conjunction with detailed construction plans for the project.

5.4 PUBLIC SERVICES AND UTILITIES

Water demand. Water service for the project area is currently provided by the Rowland Water District ("RWD"). Water supplies for the RWD are obtained from the Metropolitan Water District. According to the RWD, current water supplies are sufficient to meet the demand of the proposed project.

Solid waste disposal. Private haulers provide solid waste disposal and recycling services within Los Angeles County. The largest haulers serving the area are Waste Management, BFI-Allied and Athens Disposal. The private hauler that services the Hacienda Heights area is Waste Management. The choice of which landfill to use is made by the refuse hauler.

Sewage Disposal. Sewer services in the project area are provided by the Los Angeles County Department of Public Works and by the Los Angeles County Sanitation District No. 21. Results of area study for the local sewer collection system (Drafe EIR, Appendix X), which was conducted under the guidelines of the Los Angeles County Department of Public Works, indicate that the local sewer system between the proposed project and the trunk sewer is currently running at 22 percent to 88 percent total capacity, with total capacity representing the pipe at 3/4 full. The wastewater generated by the Pacific Heights project would be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry. The San Jose Creek Water Reclamation Plant has a design capacity of 100 mgd and currently (Year 2000) processes an average flow of 88.3 mgd. Based on information provided by the Los Angeles County Sanitation Districts, the project is expected to produce 13,000 gallons of wastewater flow per day. This flow represents approximately 0.1 percent of the 11.7 mgd difference between the 100 million gallon/day current capacity of and input to the San Jose Creek Water Reclamation Plant.

Educational Facilities. The site is in the Hacienda La Puente Unified School District. Grazide Elementary School at 2850 Leopold Avenue is the closest elementary school to the project site and is one mile away. According to the District, the current capacity at Grazide Elementary School is 555 students, and the enrollment is 542. The closest middle school is Mesa Robles Middle School located at 16060 Mesa Robles, about two miles away. At Mesa Robles Middle School the current middle school capacity is 573 students, and the enrollment is 576. Glen A. Wilson High School, located less than two miles away at 16455 Wedgeworth Drive, provides secondary education for neighborhood residents. Enrollment at the high school (1,752) is well under its capacity of 2,138 students. Student generation rates used by the Hacienda La Puente Unified School District are: 0.30 students/dwelling unit for elementary school; 0.10 students/dwelling unit for middle school; and, 0.15 students/dwelling unit for high school.

Fire Protection. Fire protection and paramedic services for the site are provided by the Los Angeles County Fire Department. Fire Station #118, which serves the site, is located at 17056 East Gale Avenue in the City of Industry near the corner of Azusa Avenue and Gale Avenue, 2.6 miles from the site. The next nearest station is Fire Station 43 at 921 S. Stimson in the City of Industry, approximately 3.1 miles from the site. Fire Station 91 at 2691 S. Turnbull Canyon Road in Hacienda Heights, approximately 3.8 miles from the site, also serves the project area.

Sheriff Protection. The Los Angeles County Sheriff Department provides law enforcement and protection for the site area. The City of Industry Sheriff Station, located at 150 North Hudson Avenue, 4.2 miles from the project site, serves all of Hacienda Heights as well as the surrounding area. The City of Industry Sheriff Station has 211 sworn personnel and serves an area of approximately 65 square miles. The population in this service area is approximately 183,200. This amounts to a ratio of one officer per 868 in population, which is below the department's service ratio minimum of one officer per 1,000 in population for Los Angeles County. According to the Sheriff's Department the Industry station is currently at capacity for the service area population. Sheriff response time to the site area averages 4.6 minutes for emergency calls, 8.2 minutes for priority calls, and 19.1 minutes for routine calls.

Library Service. The project area is served by the County of Los Angeles Public Library, Hacienda Heights branch at 16010 La Monde Street, approximately two miles from the site. The library is 10,398 square feet in size and contains approximately 123,568 books and other library materials. According to the Public Library, the Hacienda Heights area is currently underserved in terms of library facility space and library material items to meet present and predicted future needs. Library fees are set according to library planning area. The Pacific

Heights project is in Planning Area 4, which has current (September 2002) fees of $638 per dwelling unit. This fee will be used to provide a library facility including land, library building, site amenities, finishings, equipment, and library books and materials, provided the population increase warrants a new facility.

5.4.1 Findings

Water demand. According to the Rowland Water District, the Pacific Heights project would require approximately 67,680 gallons of water per day (approximately 1,440 gallons per dwelling unit per day, including landscaping. This amounts to approximately a 0.4 percent increase in demand to the Rowland Water District, and 14 percent of the current capacity of the Apple Creek Lane water line currently terminating at the property line. The Rowland Water District has sufficient water supply and capacity to serve the project, and considers the impact of the project on overall capacity and service insignificant. Impacts related to water demand would be less than significant.

Solid waste disposal. Based on an expected project population of 173, and the U.S. Environmental Protection Agency estimate of 4.4 pounds of solid waste per person per day, the project is expected to produce approximately 761 pounds of solid waste per day. If 50 percent recycling is achieved (a Los Angeles County goal), the amount of material sent to landfills would be 380 pounds per day, or 69 tons per year. The project would produce an incremental increase of approximately 0.001 percent to 0.003 percent, depending on the amount of recycling, in the 13,200 tons daily loading to the Puente Hills Landfill. This would not overburden the landfill and is not considered significant.

Project construction would produce debris through vegetation clearing and the discarding of scrap building materials and packaging, which would go to the Puente Hills Landfill. According to the project applicant, this material amounts to a maximum of three cubic yards per house, which would be 150 cubic yards for the entire project. Assuming a typical specific weight of 440 pounds per cubic yard, this amounts to a total of 33 tons, or approximately ten percent of the expected yearly solid waste output of the subdivision, and 0.0004 percent of the approximate remaining capacity of the landfill. This amount of waste would not overburden the landfill and is not considered significant.

Sewage Disposal. The project would not overburden the San Jose Creek Water Reclamation Plant. Additionally, with the project in place, the local sewer system would be at 30 percent to 89 percent capacity. This sewer system was designed to accept and convey the project-related increase in sewer flow without exceeding capacity. Impacts to wastewater treatment and sewer capacity are less than significant.

Educational Facilities. Based on the student generation rates, development of the project's 47 residential units would statistically result in 15 new students for Grazide Elementary School, 5 new students for Mesa Robles Middle School, and 8 new students for Glen A. Wilson High School. The proposed project would not result in any significant impacts to the middle school. Grazide Elementary School and Glen A. Wilson High School have capacity for the new students and would not be significantly affected.

Fire Protection. The project would increase the number of homes that might potentially need the services of the Los Angeles County Fire Department by 47. The Fire Department has stated that the proposed project would not justify new fire protection resources (See Fire Department letter

dated January 30, 2001 in Appendix XII of the Draft EIR). Thus, the proposed project would result in a less than significant impact to immediate fire protection services.

Sheriff Protection. The project would incrementally increase the need for Sheriff protection in the area. Based on the current level of service, the project would result in an increase of 0.09 percent in required staffing. Response times would be similarly affected. According to the Sheriff's Department, this increase would have "very minimal impact on law enforcement operations" (Appendix XII of the Draft EIR, Sheriff's Department letter dated May 2, 2000). Thus, the proposed project would result in a less than significant impact to sheriff protection.

Library Service. As of September 10, 2002, the Library uses planning standards of 0.5 gross square feet per capita, 2.0 library items per person, and an average household size of 3.09 persons. Based on these Library planning standards, the Pacific Heights development would result in an expected subdivision population of 155 persons, which would result in a project-generated need for 310 additional library items and 78 extra square feet of library space (Draft EIR). The project-related demand on library services would be minimal. The incremental increase in the need for library services resulting from project implementation would be offset by new property tax revenue generated by the project.

Although impacts to public services and utilities would be less than significant without mitigation measures, implementation of the following mitigation would further reduce less than significant impacts and/or avoid impacts to Public Services.

M-WS-2: The project shall be designed utilizing drought-tolerant landscaping and water-saving irrigation techniques wherever possible as demonstrated in a landscape plan to be reviewed and approved by the Department of Regional Planning and County Forester.

M-SW-1: The developer shall provide prospective homebuyers and the project homeowners association with information regarding suggested participation in the Los Angeles County curbside recycling program.

5.5 CLIMATE CHANGE

In the original Draft EIR for the Pacific Heights Project, air quality impacts were not found to be significant and were eliminated from further discussion. Global climate change ("GCC"), is a change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. The use of electricity and heating, and motor vehicle transportation by the residents of the Pacific Heights residential Project would result in the direct or indirect emission of GHGs (long-term greenhouse gas emissions). The proposed project would also cause greenhouse gas (GHG) emissions during the duration of Project construction (short-term greenhouse gas emissions). The most significant GHG emissions resulting from such residential developments are emissions of carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O). CO2 is considered the most important GHG, due primarily to the large emissions produced by fossil fuel combustion, especially for the generation of electricity and powering of motor vehicles. CH4 and N2O also are emitted, through their emission and are much less significant than CO2.

5.5.1 Findings

The Project would have less-than-significant impacts related to Climate Change and no mitigation measures are required. However, additional mitigation measures will be implemented that would further reduce Project emissions. Therefore, implementation of the following mitigation would ensure that emissions are further reduced.

MM CC-1 All residential buildings shall be designed to provide improved insulation and ducting, low E glass, high efficiency air conditioning units, and radiant barriers in attic spaces, as needed, or equivalent to ensure that all residential buildings operate at levels twenty percent (20%) better than the standards presently required by Title 24.

MM CC-2 All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conversation flow rate standards. (3% Reduction)

MM CC-3 Low flush toilets shall be installed within all residential units as specified in California State Health and Safety Code Section 17921.1 (3% Reduction).

MM CC-4 All common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind.

MM CC-5 Landscape designers shall ensure that Project landscaping of common areas uses drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and conserve water and energy. Grass is limited to entrance monument areas and parks. (Estimated at 30 percent reduction. California integrated Waste Management Board, Publication No. 442-96-033, 1996).

MM CC-6 Owners of residential lots shall be given instructions on choosing drought-tolerant and smog tolerant trees, shrubs, and groundcover for landscaping to ensure the long-term viability and promote water conservation. (35 percent reduction. California Integrated Waste Management Board, Publication No. 442-96-033, 1996).

MM CC-7: All residential units shall have exterior electrical outlets to supply electric landscape equipment. (20 percent reduction, URBEMIS2007 9.2.2).

In addition, this analysis assumes that construction activities will be conducted in accordance with the provisions required under South Coast Air Quality Management District ("SCAQMD") Rules. However, implementing the following mitigation measures would further reduce the emissions from the project.

MM CC-8: High-volume, low-pressure (HVLP) spray guns will be used to apply architectural coatings.

MM CC-9: Unpaved and unvegetated exposed dirt surfaces, created by the project's construction, that have not otherwise been stabilized, will be watered three times daily.

MM CC-10: Ground cover in disturbed areas will be replaced quickly.

MM CC-11: Stockpiles will be covered with a tarp when material is not being added or removed.

MM CC-12: All haul roads will be watered three times daily.

MM CC-13: The speed on unpaved roads within the construction area will be restricted to less than 15 mph.

MM CC-14: Architectural coatings with the lowest available VOC content will be used.

In addition, a construction management plan will be developed and implemented with the following measures:

1. Configure construction parking to minimize traffic interference.
2. Provide temporary traffic controls during all phases of construction to maintain traffic flow. Re-route construction activities that affect traffic flow on the retrial system to off-peak hours to the degree practicable.
3. Consolidate truck deliveries when possible.
4. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
5. Maintain equipment and vehicle engines in good condition and in proper tune in accordance with the manufacturer's specifications.
6. Suspend use of all construction equipment operations during second stage smog alerts.
7. Use electricity from power poles rather than temporary diesel or gasoline powered generators.

The Project does not result in significant cumulative impacts for GHG emissions and although no mitigation measures were required, the mitigation measures provided above ensure no significant cumulative impacts.

Chapter 6 Less-than-Significant Environmental Effects with Mitigation Incorporated

Based on analysis included in the Draft EIR, the Recirculated Draft EIR, and the Final EIR, the County of Los Angeles has determined that the proposed project has potentially significant environmental effects that could be reduced to less-than-significant levels with the implementation of mitigation measures. Based upon substantial evidence in the record, "changes or alterations have been required or incorporated into the proposed project which avoid or substantially lessen the significant effects as identified in the Final EIR" (Guidelines Section 15091), and, thus, that adoption of the mitigation measures set forth below will reduce the significant or potentially significant effects for impacts to the issue areas listed below:

- Geology / Soils
- Flood Hazard / Water Quality
- Biological Resources
- Cultural Resources
- Paleontological Resources
- Visual Resources / Landform
- Traffic and Access
- Public Services and Utilities

6.1 GEOLOGY/SOILS

Total material graded as part of the revised Project will be approximately 506,700 cubic yards cut and 516,700 cubic yards fill, for a total of 1,023,400 yards handled. A balance is anticipated on site through construction activities that will generate excess dirt including but not limited to excavation required for dry and wet underground utilities, street over-cut, and footing from walls and homes. Average cut depth is 20 feet and average fill depth is 19 feet. The purpose of the remedial work for this tract is to remove the existing uncertified fill (Map symbol Quf), colluvium soils (Map Symbol Qcol), several surficial failure areas (Map symbol Qsf), and a landslide mass (Map Symbol Qls) and replace with compacted fill which will stabilize the subject areas. Without the removal of this material, there is a potential of the landslide affecting the subject development and the adjacent area downslope from the tract.

The debris basin is designed to contain the total debris production delivered from the landslide mass during a capital flood, plus the debris production that would normally be produced by the watershed. The basin capacity is 4.42 acre-feet which is significantly greater than the anticipated debris flow, and is considered adequate for the anticipated debris flow.

Impacts to Geology / Soils that are reduced to less-than-significant levels as a result of mitigation measures included under the proposed project. These impacts and mitigation measures are discussed below.

I-GS-1: Landslide and Surficial Failures. Damage to existing and proposed development caused by earth movement. The project entails grading and alteration of topography including cut and fill slopes steeper than 25 percent. Portions of the fill slope would be contained by a retaining wall. Cut and fill areas could be structurally unstable, resulting in possible landslides and surficial failures.

Earth movement could be seismically induced. Specific areas of impact as a result of earth movement include:

- The landslide area (Qls on Figure 4.2-1) located on the south side of the canyon upstream of the detention basin could deliver landslide material to the proposed detention basin and to the developed area north of the detention basin.
- Various surficial failures occur on the property as shown by Qsf on Figure 4.2-1. Movement of soils in these areas could damage proposed or existing improvements.
- The proposed water tank would exert loads that could lead to earth instability in the area of the tank.
- The detention basin sides could be subject to rapid drawdown failure.
- Constructed cut and fill slopes could be subject to structural failure and/or surface erosion and deposition on downstream property.

I-GS-2: Expansive Soils. Expansive soils are not known to exist on the site, but could be discovered during site grading.

I-GS-3: Corrosive Soils. Corrosive soils are not known to exist on the site, but could be discovered during site grading.

I-GS-4: Unsuitability of Existing Artificial Fill as a Base for Construction. Irregular subsidence of soils below proposed structures, resulting to damage to the structure.

I-GS-5: Slopes of over 25 percent. Grading during construction would alter topography with existing slopes of over 25 percent, which can result in geologic hazards through slope instability.

Mitigation Measures for Geology / Soils:

M-GS-1: Implementation of the following measures, which are based on requirements and recommendations from the Geotechnical Report, would ensure protection of the existing site and future development from grading and earth moving related landslides and surficial failure:

- During grading, the developer shall remove all material in existing uncertified fill (Quf), colluvium soils (Qcol), surficial failures (Qsf), and landslide mass (Qls), within the graded area and replace it with compacted fill.
- During the design phase, the developer shall design the debris basin with a minimum capacity of 0.91 acre-feet.
- During project design and construction, stabilization fill keys shall be designed by a registered geotechnical engineer and installed as directed by the geotechnical engineer.
- During construction, the developer shall utilize cohesive soils and clayey siltstone bedrock materials in the engineered fill slopes of the detention basin to ensure slope stability.

- Prior to construction, a geotechnical engineer shall provide foundation criteria and setback requirements to mitigate adverse bedding conditions at the water tank site. The proposed cuts shall be mapped during grading to confirm previously mapped geology.
- After grading, constructed cut and fill slopes shall be planted or otherwise protected by the developer as soon as practical to minimize the potential for slope erosion. The plant mix, method of application and maintenance requirements shall be subject to the approval of a registered landscape architect.
- During construction, the developer shall ensure the anchoring of landscape irrigation pipes to slope faces, and avoid placing pipes in trenches excavated into slope faces.
- Slope irrigation shall be kept to the minimum necessary for maintenance of slope vegetation. If automatic timing devices are utilized on irrigation systems, provisions shall be made for interrupting normal irrigation during periods of rainfall.
- Though not a requirement, consideration should be given to the installation of near-surface moisture monitoring and control devices. Such devices can aid in the maintenance of relatively uniform and reasonably constant moisture conditions. Slopes should not be over-irrigated.
- Heavy ground cover combined with over-watering is a common condition resulting in surficial slope failures.
- Drainage on cut and fill slopes shall be controlled according to a system designed by the project civil engineer and reviewed for geotechnical adequacy by the geotechnical engineer.
- Maintenance requirements for the cut and fill slopes shall include provision for the control and elimination of animal burrows.
- Roof drainage, yard drainage, and water from swimming pools shall not be directed onto graded or natural slopes.
- Cut and fill slopes established by site grading shall not be modified by fill or excavation after construction is complete unless so directed or approved by a registered geotechnical engineer.
- The slopes of the debris and detention basins shall be inspected as part of a regular maintenance schedule, and repairs made during routine cleaning or otherwise as necessary.

M-GS-2: During the 40-scale grading plan review stage of the project, a geotechnical engineer shall address the following issues to the satisfaction of the County Department of Public Works prior to issuance of building permits:

- Settlement analysis of deep fills;
- Recommendations for slope setbacks;

- Geotechnical recommendations for retaining walls (The applicant will post bonds according to the county's requirements to guarantee the completion of grading and retaining walls);
- Results of expansion potential testing, including mitigative measures, as necessary;
- Results of corrosion series testing, including mitigative measures, as necessary;
- Substantiating data obtained by means of drilling and sampling of the undocumented fill soils to verify depth of fill soils.

M-GS-3: Soil expansion testing should be conducted during rough grading. Highly expansive materials shall be blended with granular materials or soils with low expansion potential such as conglomerate and silty sandstone.

M-GS-4: Site materials shall be tested for corrosion potential. A full corrosion series shall be run on a sufficient number of representative samples of the onsite soils and bedrock materials. A suitable concrete type shall be provided based on the test results. Additional soluble sulfate testing shall be performed near the completion of rough grading.

M-GS-5: All artificial fills shall be removed full depth and replaced with compacted fill.

6.1.1 Findings

Implementation of Mitigation Measures M-GS-1 through M-GS-5 would ensure that potential impacts associated with landslides and surficial failures, expansive soils, corrosive soils, unsuitability of existing artificial fill, and slope hazards would be avoided and substantially lessened. The County of Los Angeles finds that implementation of the mitigation measures described above would effectively reduce potentially significant impacts related to Geology/Soils to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

6.2 FLOOD HAZARD/WATER QUALITY

The proposed project includes the construction of a detention basin and modification to the watershed through site grading that would result in a post-development discharge reduction of 2 to 77 percent at the four watershed discharge points along the northern property line, which is a beneficial impact of the proposed project. Another beneficial impact involves the reduction in debris (sediment) delivery to the neighborhood to the north. Sediment accumulation into existing residential yards is an existing and problematic condition. The proposed development would stabilize the slopes and eliminate the potential for this to occur. The proposed streets, storm drains and detention basin will have capacity to convey all flows intercepted by or generated on the proposed project. There would be no adverse impact on downstream property through floodplain encroachment or flow diversion.

Water Quality impacts would be reduced to less-than-significant levels as a result of mitigation measures included under the proposed project. This impact and associated mitigation measures are discussed below.

I-FHWQ-1: Project construction could result in temporary sediment production and construction-related discharge of oil, gas and other contaminants which could be washed into and pollute downstream receiving waters. Post-construction urban streets and landscape fertilizing could result in pollutants being washed into receiving waters during rainfall events.

The proposed project is clustered at the north end of the property, leaving approximately 68.5 percent of the project site in an undeveloped condition, and preserving sycamore riparian area. The proposed project is in conformance with the Los Angeles County Urban Stormwater Mitigation Plan ("USMP") requirements to concentrate or cluster development on portions of the site while leaving the remaining land in a natural undisturbed condition, limit clearing and grading of native vegetation to the minimum amount necessary, and preserve riparian areas and wetlands.

Mitigation Measure for Flood Hazard/Water Quality:

M-FHWQ-1 Prior to construction, the project developer shall develop and implement a Stormwater Pollution Prevention Plan ("SWPPP") and Urban Stormwater Mitigation Plan ("USMP") to minimize water quality impacts through best management practices ("BMPs") in compliance with the National Pollutant Discharge Elimination System ("NPDES") State General Construction Permit and the Los Angeles County Municipal Storm Water Permit.

6.2.1 Findings

Implementation of Mitigation Measure M-FHWQ-1 would ensure that the proposed project is in compliance with all applicable water quality permits and regulations. The County of Los Angeles finds that implementation of Mitigation Measure FHWQ-1 would effectively reduce potentially significant Flood Hazard and Water Quality impacts to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1). .

6.3 BIOLOGICAL RESOURCES

The proposed project would impact sensitive vegetation within the Powder Canyon Significant Ecological Area (SEA #17), including 5.36 acres of oak tree habitat containing 146 coast live oak trees. However, the project would also preserve approximately 68.5 percent of the site in a natural condition as donated open space, including 6.37 acres of undisturbed oak woodland habitat. The preserved portion of the site contains the highest quality oak woodlands and coastal sage scrub vegetation, as well as the southern sycamore riparian woodland.

The proposed project is not within the Powder Canyon watershed, therefore it is not likely to affect that larger portion of the SEA. The proposed project will not substantially affect local wildlife movement corridors in the SEA.

The Hacienda Heights Community General Plan (HHCGP) requires a conditional use permit and findings that the development is consistent with HHCGP policies for development within the SEA. The project applicant is seeking a conditional use permit, and the County has prepared findings that indicate that the project is consistent with development in an SEA and within a hillside management area.

Biological Resources impacts are reduced to less-than-significant levels as a result of mitigation measures to be implemented as part of the proposed project. These impacts and mitigation measures are discussed below.

I-B-1: The project would result in the loss of 3.34 acres of coastal sage scrub vegetation.

I-B-2: The project would result in the loss of 5.36 acres of coast live oak woodland vegetation.

I-B-3: The project would result in the loss of 126 coast live oak trees, and encroachment onto 20 other coast live oak trees.

I-B-4: The project would result in the loss of 0.53 acres of mulefat scrub vegetation.

I-B-5: The Project will have potential impacts to the San Diego ringneck snake within the snake's habitat at the northern edge of this taxon's range (While this is a potentially Significant Impact per CEQA, it will be mitigated to a less than significant level per the proposed mitigation measures described in M-B-12).

I-B-6: The Project could adversely affect nesting birds that may be breeding on the site at the time of construction.

I-B-7: The Project would result in the loss of potential additional federal wildlife species of concern and California wildlife species of special concern habitat (if present).

Effects of fuel modification plan. Fuel modification impacts are limited to the natural vegetation within that portion of Zone A adjacent to Lot 15, Zone B adjacent to Lots 15 and 33, and to the Zone C thinning areas. These impacts are outside the grading limits. The natural vegetation outside of the grading limits and within recommended Zone A is 0.04 acre of coastal scrub. The natural vegetation outside of the grading limits and within the recommended Zone B is 0.23 acre of coastal scrub, 0.42 acre of non-native grassland and 0.32 acres of coast live oak woodland. The natural vegetation outside of the grading limits and within recommended Zone C is 0.20 acre of coastal scrub and 0.79 acre of coast live oak woodland. Zone C is a thinning zone, and as such the impacts to non-native grassland are less than significant because some of this vegetation on the Project site is currently mowed for fire protection. However, thinning fire-risk plant species from coastal sage scrub vegetation, including California sagebrush, flat-top or California buckwheat (*Eriogonum fasciculatum*), and sages (*Salvia spp.*), would be an impact to this habitat. These impacts, in the aggregate, are considered potentially significant.

All other areas of Zone B would consist of manufactured slopes planted with vegetation native to Puente Hills, to the extent that the use of vegetation native to Puente Hills is in compliance with the County's Drought Tolerant Landscaping Ordinance and the Los Angeles County Fire Department's planting requirements for Zone B. (Refer to mitigation measure M-B-5 of the Final EIR) Impacts to coastal sage scrub and coast live oak woodland are less than significant after implementation of the mitigation measures described in Mitigation Measure M-B-1 through M-B-3 and M-B-5 of the Final

EIR. (Also refer to the Biological Mitigation Plan/ Fuel Modification Plan in Appendix F of the Biota Report found in Appendix III of the Final EIR)

Mitigation Measures for Biological Resources:

M-B-1: Prior to final map recordation, in compliance with the State of California's Oak Woodland Conservation Act (Public Resources Code (PRC) 21083.4(b)(1) & (2) of the CEQA), the applicant shall conserve existing undisturbed oak woodlands and replacement oak mitigation areas on-site, as illustrated in Figure 4.4-1, of this Recirculated Draft EIR, through the use of an irrevocable conservation easement that will include the oak mitigation areas, as well as, the entire undeveloped open space to be donated. The location of onsite oak replacement areas will be reviewed and approved by the Los Angeles County Department of Regional Planning and Los Angeles County Forester to ensure that replacement oak tree planting areas are suitable for successful growth and survivability. Maintenance of these areas will be funded by the homeowner's association for the required seven year maintenance period. Conservation easement rights will be held by either a responsible and qualified conservation organization, the County of Los Angeles Department of Parks and Recreation, or the Project's homeowner's association. The responsible entity shall oversee and ensure proper maintenance of the existing oak woodlands and replacement oak mitigation areas. After the required seven year maintenance period terminates long-term maintenance of these areas will be taken over by the land title holder.

Also, prior to final map recordation, the applicant shall dedicate in fee title, as open space, the undeveloped portion of the site, as illustrated on figure 2-3_of this EIR, and including existing oak woodlands and replacement oak mitigation areas, to either a responsible and qualified conservation organization, the County of Los Angeles Department of Parks and Recreation, or the Project's homeowner's association. The undeveloped portions of the site shall be managed and maintained for its habitat values. Table 4.4-2 presents the approximate acreage of the various plant communities to be preserved.

Table 4.4-2 Plant Communities to be Preserved at the Pacific Heights Project Site

Plant Community	Approximate Net Acreage on Site	Net Acreage to be Preserved[1]	Percent of Plant Community to be Preserved	Percent of Total Preservation	Preserved: Impacted Ratio
Coastal Scrub	18.62	15.28	82%	21%	4.5:1
Sumac Scrub	40.84	38.66[2]	94%	53%	17.7:1
Non-Native Grassland	39.15	10.88[2]	28%	14%	0.4:1
Foothill Sycamore Riparian Woodland	0.96	0.96	100%	1%	Not Applicable
Mexican Elderberry	0.93	0.81	87%	1%	7:1
Mulefat Scrub	0.53	0.00	0%	0%	Not Applicable
Coast Live Oak Woodland	11.73	6.37	54%	9%	1:1
Disturbed/Developed	1.33	0.74	55%	1%	1.5:1
Non-Native Trees	0.21	0.00	2%	0%	Not Applicable
Total	**114.3**	**73.7**	**64%[1]**	**100%**	

[1] All areas are approximate and subject to acceptance. Net acreage shown accounts for open space in a natural ungraded state, outside of fuel modification zones. An additional 2 acres will be preserved as undeveloped

open space within a fuel modification zone. [2] 2.59 acres will be used as an oak tree replacement mitigation area for long-term conservation of oak woodlands; Total area to be preserved including fuel modification zones and oak replacement areas is 78.3 acres.

M-B-2: Prior to issuance of the grading permit, the applicant shall prepare an oak tree and oak woodland habitat mitigation plan, reviewed and approved by the County Forester and Department of Regional Planning, to plant a minimum of 277, 15-gallon, locally obtained oak trees over 2.59 acres on the north east portion of the site or in a suitable onsite area approved by the Department of Regional Planning and the County Forester(Figure 4.4-1), outside the limits of grading and fuel modification zones (a 2.2:1 ratio). Oak tree replacement shall be provided according to the terms listed in the County of Los Angeles Fire Department letter dated June 11, 2008 provided in Figure 4.4-1. Furthermore, replacement Oaks will be planted in areas suitable for growth and development of this tree species. In some cases oak trees may be planted in grasslands with some scattered coastal sage scrub plants present. In areas where Oaks are planted with coastal sage scrub elements present, any native coastal sage scrub plants located within a 20-foot radius of newly-planted oak trees will be transplanted to the nearest coastal sage scrub restoration area onsite.

Additionally, the applicant will place individual flags in field locations to represent the planting site of each tree (1 flag = 1 tree). The County Forester will approve/modify the planting sites as needed with the consulting arborist assisting. Each mitigation tree planted will be identified with a permanent metal tag, which will aid in clarification in future communications and included in the annual mitigation monitoring report prepared by the arborist and submitted to the County Forester for verification. As required by State of California's Oak Woodland Conservation Act (PRC 21083.4(b)(2)(A) of the CEQA) the replacement oaks will be maintained for a period of seven years, instead of the 2 years required by the County Forester under the Los Angeles County Code Title 22, Section 22.56.2180 (A)(6)(b).

M-B-3: The applicant shall restore 4.84 acres of existing disturbed coastal sage scrub on-site. The restoration shall occur on-site outside of both the fuel modification zones and the grading limits. Coastal sage scrub restoration will include 1) removal of weeds and non-native vegetation from planting area, 2) establishment of a temporary irrigation system, 3) planting of native shrub species from 1-gallon containers at approximately 5-foot on center, and 4) weed removal, plant replacement, and general monitoring four times per year during the first year and once per year for the following four years. A coastal sage scrub restoration plan, including a planting palette, will be approved by the County of Los Angeles prior to issuance of a grading permit for the site. The plan will include a five year maintenance and monitoring period or until the restoration area reaches a minimum of 65 percent cover of native shrubs.

M-B-4: The applicant shall mitigate the project's impact on 0.53 acres of mulefat scrub by ensureing at least an equal replacement (minimum 1:1 ratio) of the affected habitat, and as necessary additional onsite and or offsite restoration and/or enhancement. Any modifications to habitat replacement acreages shall be determined through the processes for obtaining the CDFG Streambed Alteration Agreement, the applicable RWQCB authorization, and if necessary a USACE Section 404 permit. In connection

with habitaat repacement a mulefat scrub mitigation plan will be approved by the CDFG prior to issuance of a grading permit for the site. In addition, the applicant will preserve 1.29 acres of CDFG jurisdiction associated with Drainage A as identified in the GLA jurisdicational delineation included as Appendix VIII_of the Final EIR. The preserved area includes 1.01 acres of sycamore riparian woodland and 0.10 acres of mule fat scrub.

M-B-5: The applicant shall receive final approval of the fuel modification plan and plant pallet from the Los Angeles County Fire Department and the Department of Regional Planning, and incorporate the guidelines described in the Biota Report (Appendix III). Approved plantings shall be especially concentrated along the outer edge of Zone C, to help create a buffer between the development envelope and the adjacent undisturbed native vegetation. Fuel modification maintenance shall be the responsibility of the homeowner's association. The planting pallet for landscaped areas in Zone B will include drought tolerant vegetation native to Puente Hills, to the extent that the use of vegetation native to Puente Hills is in compliance with the County's Drought Tolerant Landscaping Ordinance and Los Angeles County Fire Department's planting requirements for Zone B.

M-B-6: The applicant shall survey for nesting birds, including coastal California Gnatcatcher, Cooper's hawk and rufous-crowned sparrow, in proposed disturbed areas prior to any clearing and grubbing that may occur during the active nesting period for these species from the months of February 15_to August 30, and notify the Department of Regional Planning and California Department of Fish and Game of the results. All active bird nests will be mapped and a 200-foot avoidance perimeter will be marked around each nest located, except as otherwise approved by the California Department of Fish and Game. A monitor with expertise in Coastal California Gnatcatcher, approved by the California Department of Fish and Game and the Department of Regional Planning, shall be present during all construction activities within 500 feet of coastal sage scrub habitat if construction occurs during the breeding season. If a Coastal California Gnatcatcher is observed in the project area_by the approved project monitor,_work will be avoided within 500' of the coastal sage scrub habitat that the Coastal California gnatcatcher was found in, until the approved project monitor determines that the nest is no longer active. The habitat avoidance buffer may be adjusted based on topographical features with the concurrence of the United States Fish and Wildlife Service.

M-B-12: To reduce the potential impacts to the San Diego Ring-neck snake's habitat at the northern edge of this taxon's range, revegetation of 277 replacement oak trees on the north east portion of the site, outside of grading limits and fuel modification zones shall be conducted. In addition, 6.37 acres of existing oak woodland shall be preserved as natural undisturbed open space. A coordinated sweep of the area to be affected by the removal of oak trees will be conducted to remove and relocate any of the San Diego ringneck snake species into the existing oak woodland area to remain. All coordination must be conducted through the Department of Regional Planning.

6.3.1 Findings

The Project would disturb two state-designated sensitive habitats (also habitats restricted in distribution in Los Angeles County): coast live-oak woodland and coastal sage. Approximately 5.36 acres of coast live oak woodland, including 146 oak trees (126 removed, 20 potentially impacted), would be impacted. Coastal sage scrub impacts are 3.34 acres.

Mitigation for these impacts is described in measures M-B-1 to M-B-3. The oak tree mitigation plan will be prepared separate and distinct from the October 16, 2008 Oak Woodland Mitigation Plan Feasibility Report contained in Appendix VI of the Final EIR, with one that has been revised, reviewed and approved by the County Forester and the Department of Regional Planning. The donation of habitat represents 6.37 acres of existing oak woodland, 2.59 acres of replacement oak woodland, and approximately 67.33 acres of coastal scrub, foothill sycamore riparian woodland and other natural communities. This includes an estimated 500 to 900 existing mature oak trees donated for long-term preservation. A total of 15.28 acres of coastal sage would be preserved in dedicated open space. The donation and conservation of the undeveloped portion of the land provides for the long-term integrity of the remainder of the on-site SEA by preserving the land from potential future development.

The area of disturbance, in the aggregate, would be potentially significant prior to implementation of mitigation measures M-B-1 through M-B-3 and M-B-5. However, after implementation of these measures as described, impacts would be less than significant.

The County of Los Angeles finds that the implementation of Mitigation Measures M-B-1 through M-B-6 would effectively reduce potentially significant impacts related to biotic resources. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

6.4 CULTURAL RESOURCES

A cultural resources study (archaeological assessment) was conducted on the project site to identify cultural resources that may be affected by development of the proposed project. The study included a records search and field reconnaissance. The record search conducted by the South Central Coastal Information Center indicated that approximately 40 percent of the area within a one-mile radius of the project area has been previously surveyed for cultural resources.

Review of the California State Historic Resources Inventory, the National Register of Historic Places, the California Register of Historical Places, the California Historical Landmarks list, the California Points of Historical Interest list, and the City of Los Angeles Historic-Cultural Monuments list indicate that there are no known records of resources within project boundaries included in any of these listings.

A review of the Sacred Lands File by the Native American Heritage Commission also indicated that there are no known Native American cultural resources within or adjacent to the proposed project area (Appendix VII [Draft EIR]). Archaeological resources investigations include a 1991 archaeological survey of the entire Pacific Communities site (Appendix VII [Draft EIR]). No cultural resources were recorded during the 1991 survey. The record search also indicated that there are no

known precontact or post-contact archaeological or architectural resources within or adjacent to the proposed project area.

Cultural Resources impacts are reduced to less-than-significant levels as a result of mitigation included under the proposed project. This impact and the associated mitigation measure are discussed below.

I-CR-1: Site grading and construction may uncover unknown archaeological resources.

Mitigation Measure for Cultural Resources:

M-CR-1: A qualified archaeologist shall be retained to monitor ground-disturbing activities at all times during construction. The applicant shall inform the Los Angeles County Department of Regional Planning (DRP), in writing, the name, qualification, and contact information of the archaeologist within 90 days after the approval of the Conditional Use Permit. The archaeologist shall prepare and submit a report to the DRP for review after completion of site grading to address the applicant's compliance. The applicant shall agree to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the archaeologist can examine them and determine appropriate mitigation measures.

6.4.1 Findings

Implementation of Mitigation Measure M-CR-1 would ensure that the proposed project would not result in a significant impact to unknown cultural resources. The County of Los Angeles finds that implementation of Mitigation Measure CR-1 would effectively reduce potentially significant Cultural Resources impacts to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

6.5 PALEONTOLOGICAL RESOURCES

The project area contains exposed sediments from the Late Miocene age Puente Formation. These sediments were deposited on the floor of a subsiding marine basin that occupied the region approximately 6 million years ago. Exposed over most of the site are siltstones of the Yorba member of the Puente Formation. These sediments were deposited in a deep marine embayment that occupied the region 8 million years ago. The records of the Natural History Museum of Los Angeles County report three fossil occurrences within two miles of the project site. The site-specific paleontological survey (Appendix VIII [Draft EIR]) discovered microfossils and fossil gastropods on the Pacific Heights site.

Paleontological Resources impacts are reduced to less-than-significant levels as a result of mitigation measures included under the proposed project. This impact and the associated mitigation measure are discussed below.

I-P-1: Site grading and construction may uncover and destroy unknown paleontological resources on the site.

Mitigation Measure for Paleontological Resources:

M-P-1: A qualified paleontologist shall be on site to monitor ground-disturbing activities.

- The paleontologist shall be allowed to divert or direct grading in the area of an exposed fossil to facilitate evaluation and, if necessary, salvage.
- Because of the small nature of some fossils present in these rock units, matrix samples shall be collected for processing through fine mesh screens.
- Provisions for preparation and curation shall be made before the fossils are donated to their final repository. All fossils collected shall be donated to a public non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County.

6.5.1 Findings

Implementation of Mitigation Measure M-P-1 would ensure that the proposed project would not result in a significant impact to unknown paleontological resources. The County of Los Angeles finds that implementation of Mitigation Measure M-P-1 would effectively reduce potentially significant Paleontological Resources impacts to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

6.6 VISUAL RESOURCES/LANDFORM

The proposed project would affect views of the hills from Colima Road and surrounding residential areas, , but the effect is not considered to a substantial degradation or obstruction for the reasons that: (1) most of the development would be located on lower slopes that are already obstructed from view; (2) the Puente Hills ridgelines and natural upper slopes visible from the scenic highways would not be affected by the project; (3) the proposed development is in character with existing development already visible at the base of the hills; and (4) views of the site's cut and fill slopes will be mitigated by planting natural vegetation on these slopes. Since the project would not result in a substantial degradation or obstruction of an important scenic resource, the impact is considered less than significant, with the exception of the water tank. The water tank would be relocated on top of an existing lower ridgeline on the western portion of the development, and would be visible from intermittent vantage points on Colima Road. The water tank will be screened from view by implementation of the mitigation discussed below. In addition, while views of the proposed retaining wall at the two locations where it will be a maximum height of 15 feet will be obscured from view on Anvil Tree Lane due to existing landscaping and only partially visible east of Cranberry Lane due to existing backyard fencing; this is a change to the natural setting and would be a potentially significant impact, prior to mitigation.

I-V-1 Visual Effects from Colima Road. The proposed water tank may be visible from intermittent Vantage Points along Colima Road, a designated scenic highway.

I-V-2 The maximum proposed height of the retaining wall (max. of 14-15 ft.) south of Anvil Tree Ln. and Cranberry Ln. may have a potential to visually impact the current view of the natural setting by the residents in the community to the north of the project site.

Mitigation Measure for Visual Resources:

M-V-1: During construction, the developer shall plant tall vertical landscaping approved by the Los Angeles County Department of Regional Planning and Los Angeles County Fire Department on the south, east, and north sides of the water tank to obscure views of the structure. In addition, the wall at the rear of the lots closest to the north boundary of the property shall be in an earth-toned color. The planting shall be performed according to a planting and screening plan developed by the project proponent and reviewed and approved by the Los Angeles County Department of Regional Planning prior to issuance of grading permits.

M-V-2: The applicant shall mitigate visual impacts due to the retaining through the use of a vegetated keystone or equivalent retaining wall that will allow for natural vegetation to grow between blocks along the wall. Over a period of approximately two years it is anticipated that vegetation will grow sufficiently along the wall to prevent the block wall from being visible. Figures 4.7-18, 4.7-19, and 4.7-20 show an example of a vegetated keystone wall similar to what the applicant is proposing with vegetation growth over a period of two years.

6.6.1 Findings

Implementation of Mitigation Measures M-V-1 and M-V-2 would ensure that the proposed project would not result in a significant impact associated with aesthetics. The County of Los Angeles finds that implementation of the identified mitigation measures would effectively reduce potentially significant Visual Resources impacts to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

6.7 TRAFFIC AND ACCESS

Vehicles and equipment used during construction would access the site via Apple Creek Lane. This would cause a short-term increase in truck traffic on local residential streets. The entry and exit of heavy equipment for site grading would be a one-time occurrence. Construction worker traffic is expected to be lower than the postconstruction daily traffic from the project's 47 lots, and is not considered significant. However, because of the nature of the construction traffic, some of which would consist of heavy equipment, which is not normally seen on these roads, it would be noticeable to local residents. Entry of construction materials is expected to occur sporadically during the construction period, which is expected to last a maximum of two years.

Construction Traffic and Access impacts are reduced to less-than-significant levels as a result of mitigation measures included under the proposed project. This impact and associated mitigation is presented below.

I-T-1: Construction of the project will require the use of local streets to transport heavy equipment and construction materials.

Mitigation Measure for Traffic and Access:

M-T-1 The developer shall limit trucks and other vehicles transporting heavy equipment to nonpeak daylight hours (approximately between 10:00 a.m. and 3:00 p.m.) during the construction period.

M-T-6 Prior to construction, the Applicant will coordinate with the County of Los Angeles, Department of Public Works on a Construction Haul Route Plan. The Plan will be complied with should the importation of 10,000 cubic yards of fill be required.

6.7.1 Findings

If the importation of construction fill becomes necessary as part of the proposed Project, compliance with Mitigation Measure M-T-6 will ensure that impacts are less than significant and requires approval by the Department of Regional Planning and Public Works.

Implementation of Mitigation Measure M-T-1 would ensure that the proposed project would not result in a significant impact associated with construction traffic. The County of Los Angeles finds that implementation of Mitigation Measure M-T-1 would effectively reduce potentially significant Traffic and Access impacts to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

6.8 PUBLIC SERVICES AND UTILITIES

As described above in Section 5.4, water service for the project area is currently provided by the Rowland Water District ("RWD"), which obtains water supply from the Metropolitan Water District. A 10-inch water line with 300 to 400 gallons per minute (gpm) capacity currently exists in Apple Creek Lane adjacent to the site. This water line is supplied by RWD Reservoir 6 located near the intersection of Azusa Avenue and Colima Road. A pump station at Reservoir 6 provides the water pressure needed by the existing neighborhood north of the project. According to the RWD, this pump station has capacity to supply water up to an elevation of 720 feet above MSL; however, most of the proposed homes would be positioned above this elevation and would not be served by existing infrastructure.

As a result, a water tank has been included as part of the proposed project. This tank would be approximately 32 feet high with a diameter of approximately 54 feet, and have a capacity of 500,000 gallons. The water tank is located at an elevation of 898 feet above mean sea level (msl). The tank is required to be at this elevation in order to provide the required flow of 1,250 gpm at 20 pounds per square inch (psi) residual pressure for the proposed lots, as required by the Los Angeles Fire Department.

Public Services impacts reduced to less-than-significant levels as a result of mitigation included under the proposed project. This impact and associated mitigation are discussed below.

I-WS-1: Existing pump capacity in the Rowland Water District water supply system is not sufficient to adequately provide water to the proposed project water tank.

Mitigation Measure for Public Services:

M-WS-1: The applicant shall coordinate with the Rowland Water District regarding the need for additional pumping capacity to serve the proposed water tank and pay for the cost of the necessary required system improvements. The applicant shall coordinate with the Rowland Water District to determine the cost of the necessary required system improvements; once a mutual agreement is determined the applicant will pay for the cost of the necessary required system improvements. These improvements are specifically dedicated to the service of the Pacific Heights project only.

6.8.1 Findings

Implementation of Mitigation Measure M-WS-1 would ensure that pump capacity in the RWD water supply system would be sufficient to adequately provide water to the proposed project's water tank. The County of Los Angeles finds that implementation of Mitigation Measure M-WS-1 would effectively reduce potentially significant Public Services impacts to less-than-significant levels. Accordingly, the County of Los Angeles finds that changes or alterations have been required in the project which avoid or substantially lessen the potentially significant effects identified in the Final EIR, per CEQA Guidelines §15091(a)(1).

Chapter 7 Significant and Unavoidable Environmental Effects

Unavoidable significant environmental effects include project-related impacts that cannot be mitigated to less than significant levels. The proposed project's impacts range from a level of no impacts to a level of potentially significant impacts. All impacts associated with the proposed project would be reduced to less than significant levels with adoption and implementation of the proposed mitigation measures. The proposed project does not result in any unavoidable significant environmental effects.

Chapter 8 Feasibility of Project Alternatives

CEQA requires that EIRs examine feasible mitigation measures and feasible alternatives to a proposed project. In any environmental review, the lead agency must determine the range of alternatives to be examined. As the California Supreme Court has found, "both the California and the federal courts have . . . declared that the 'statutory requirements for consideration of alternatives must be judged against the rule of reason'.

An EIR must describe a reasonable range of alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project, and evaluate the comparative merits of the alternatives. CEQA Guidelines, §15126(d). Not only must the range of alternatives reflect those alternatives capable of attaining the basic objectives of the project, but the alternatives must also comprise actions that can feasibly be implemented.

The California Supreme Court noted that "in determining the nature and scope of alternatives to be examined in an EIR, . . . agencies shall be guided by the doctrine of 'feasibility'. As defined in CEQA, the term "feasibility" involves an assessment of whether the mitigation measures and alternatives are "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, social and technological factors." Accordingly, the alternatives examined in this document are those that were determined to be feasible as a preliminary matter. For purposes of these Findings, the feasibility of each alternative has been evaluated in detail.

As discussed above in Section 7, the proposed project does not result in any significant and unavoidable impacts. All impacts have been reduced to a level considered less than significant with mitigation. Therefore, the County need not make findings regarding the feasibility of the proposed alternatives. Nonetheless, the County has prepared the following findings even though all significant impacts will be mitigated by the proposed mitigation measures.

The following alternatives were analyzed in detail in the Draft EIR, Recirculated Draft EIR, and Final EIR and compared to the proposed project. The objective of the alternatives analysis is to consider a reasonable range of potentially feasible alternatives to foster informed decision-making and public participation. A reasonable range of project alternatives that could feasibly avoid or lessen potentially significant environmental impacts while substantially attaining the basic project objectives include the following:

1) No Project Alternative;
2) 47-Lot Alternative;
3) North Detention Basin Alternative;
4) West Tank – 50 Lot Alternative; and
5) West Tank – 46 Lot Alternative.

A description of each alternative, discussion of associated environmental effects, and comparison with the proposed project are provided below.

8.1 ALTERNATIVE 1: NO PROJECT

The no project alternative would result in a continuation of existing conditions at the project site. The site would remain undeveloped, but open to possible future development for other uses.

8.1.1 Environmental Effects of Alternative 1

The No Project Alternative is considered the environmentally superior alternative, as the project site, without development of the proposed project, would remain unaffected. Were the site to remain undeveloped in the near future, impacts to the environmental issue areas would be less than significant with the proposed project or alternatives with the exception of two issue areas. There are two issue areas where the proposed project will have a beneficial impact and would be preferred over the No Project Alternative. These are Flood Hazard and Geology/Soils. The project will reduce flood peaks exiting onto downstream property related to Flood Hazard, and eliminate soil instabilities that can currently affect existing properties to the north of the project site related to Geology/Soils.

8.1.2 Findings

This alternative would preserve the existing conditions on the project site, and no land use approvals would be adopted by the County. The County finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative because the project will provide benefits to the community, including, but not limited to, correcting hazardous geological conditions that threaten the health, safety and welfare of the community. These benefits would not be obtained if the no project alternative was adopted. The project will also provide market-rate residential units that are consistent with the projections of the General Plan and applicable community plan. Also, the project would preserve in perpetuity existing habitat that will be valuable to local wildlife species. The no project alternative would also provide no economically viable use of the applicant's property, which is a specific economic consideration that makes the no project alternative infeasible.

8.2 ALTERNATIVE 2: 47-LOT ALTERNATIVE

The 47-Lot Alternative was developed with the intention of reducing the amount of grading on the western ridgeline adjacent to the sycamore riparian area. This alternative was developed in response to citizen requests that grading along this ridgeline be reduced for aesthetic purposes. A 140-foot horizontal reduction in the southern limit of grading along the ridgeline is achieved by moving the Summit Place cul-de-sac (Lots 24 to 38 on the 47-Lot Alternative) to the north. As a result of this reduction in the southern extent of the ridgeline grading, the area of the cut slope south and east of Summit Place is larger than for the proposed project. The number of residential lots is reduced to 47. There would be three open space lots, the largest of which would be left in a natural condition. The total graded area is approximately 36.3 acres as opposed to 35.6 for the proposed project. Site preparation will require the cut of approximately 790,000 cubic yards of material. Approximately 552,000 cubic yards of this material will be placed on the site as fill, leaving approximately 223,000 cubic yards of material to be exported (adjusted for shrinkage of fill).

8.2.1 Environmental Effects of Alternative 2

Geology/Soils. The 47-Lot Alternative would require a project-specific geotechnical analysis to account for the revised grading limits. However, no new geotechnical hazards are expected with the 47-Lot Alternative. Geotechnical impacts would be the same as for the proposed project.

Flood Hazard/Water Quality. The 47-Lot Alternative would have the same flood hazard/water quality impacts as the proposed project. The overall graded area is very similar to the proposed project, so the drainage pattern and concept are not appreciably changed by the reduction of three lots.

Biological Resources. The 47-Lot Alternative would result in the disturbance of 37.2 acres of biologic resources on the project site. The disturbance is slightly more than that of the proposed project. Nearly all of the increase in disturbance is to non-native grassland (3% increase) and oak woodland (2% increase). The 47-Lot Alternative would disturb seven additional oak trees than the proposed project.

Visual Resources/Landform. Visual impacts of the 47-Lot Alternative would be slightly less than for the proposed project. There would be a 140-foot horizontal reduction in the southern limit of ridgeline grading on the west side, but this would involve only about 5 feet vertical reduction in visibility. From off-site vantage points, this reduction is considered minimal. The reduction in visual impact would be more pronounced from the bottom of the adjacent canyon (in the vicinity of the sycamore riparian woodland), but there are no visual receptors in that area. Visual impacts for all other parts of the 47-Lot Alternative are identical to those of the proposed project.

Landform alteration, in terms of amount of earth moved, would be substantially greater than for the proposed project. The 47-Lot Alternative requires approximately 100,000 cubic yards more cut than the proposed project (a 15%increase). However, fill is 552,000 cubic yards, leaving approximately 223,000 cubic yards of material for export (adjusted for shrinkage of fill).

Traffic and Access. Access is the same as for the proposed project. The 47 single-family homes are expected to generate an average of 450 trips per day as opposed to 479 for the proposed project. Vehicles per hour during the morning and afternoon peak hours would be 36 and 48 as opposed to 38 and 51 for the proposed project. These slight reductions in traffic generation would not change the conclusions arrived at for the proposed project, regarding long-term traffic.

The 47-Lot Alternative would have substantial short-term construction-related traffic impacts as a result of the 223,000 cubic yards of export required. Assuming the use of 12-cubic-yard-capacity dump trucks, the export of this fill would require approximately 18,600 truck trips, all of which would be through the residential streets in the neighborhood north of the site. As a frame of reference, a 12-yard dump truck is approximately equivalent in size and weight to a typical concrete mixer truck. Assuming one truck trip every five minutes for an eight-hour work day, six days per week, this fill export would take 7.5 months to complete. This would be a substantial adverse significant traffic and safety impact.

Public Services. The 47-Lot Alternative would require approximately 6 percent less water per day for normal use by residents and for landscaping than would the proposed project. The Rowland Water District would have the capacity to serve the project, and the impact of the alternative project on overall capacity and service would be insignificant. A water tank of the similar capacity as for the proposed project (150,000 gallons) would be constructed to ensure an adequate supply for fire

fighting. This alternative would also produce approximately 6 percent less wastewater flow per day and 6 percent less solid waste per day than the proposed project. Impacts are non-significant for the same reasons as for the proposed project.

8.2.2 Findings

Pursuant to Public Resources Code Section 21081(a)(3), 21081(a)(1) and CEQA Guidelines Section 15091(a)(3), the County of Los Angeles finds that specific economic, legal, social, technological, or other considerations make infeasible the 47-Lot Alternative identified in the Final EIR, and based on the analysis in these findings and the Draft EIR, Recirculated Draft EIR, and Final EIR; and that changes or alternations have been required in the project which mitigate or avoid significant effects on the environment.

8.3 ALTERNATIVE 3: NORTH DETENTION BASIN

The North Detention Basin Alternative was developed with the intention of reducing the required cut area and impact to oak woodland and coastal sage scrub by placing the detention basin at the project entrance rather than in the canyon 450 feet south of the north property line. The relocated detention basin allows the lots adjacent to the sycamore riparian habitat area to be located further north than in the proposed project.

The sediment (debris) basin would be located in the same place as in the proposed project, and would be connected to the detention basin by an underground storm drain. The alternative includes the relocated detention basin and a rearrangement of the lots in the vicinity of the "T" intersection at the project entrance.

8.3.1 Environmental Effects of Alternative 3

Geology/Soils. The North Detention Basin Alternative would require a project-specific geotechnical analysis to account for the revised grading limits. However, no new geotechnical hazards are expected with the North Detention Basin Alternative.

Flood Hazard/Water Quality. The overall drainage pattern and post-development discharges of the North Detention Basin Alternative are similar to the proposed project. Placing the detention basin at the north property line, separate from the sediment basin, would not significantly or adversely affect the performance of either. Consequently, flood hazard/water quality impacts are similar to those of the proposed project description.

Biological Resources. The North Detention Basin Alternative would result in the disturbance of 36.2 acres of biologic resources on the project site. The disturbance is less than that of the proposed project. Biological impacts are decreased for non-native grassland (2% decrease), coastal sage scrub (4% decrease), oak woodland (11% decrease), mulefat scrub (12%decrease), and sycamore riparian woodland (none impacted as opposed to 0.04 acre for the proposed project). The North Detention Basin Alternative would disturb 31 fewer oak trees than the proposed project.

Visual Resources/Landform. Visual impacts of the North Detention Basin Alternative, as represented by views from off site, are similar to those of the proposed project. The reduced grading area will not be visible from an off-site location.

Traffic and Access. Access and the number of lots are the same as for the proposed project, therefore long-term traffic impacts are similar to those under the proposed project. The North Detention Basin

Alternative would require the export of approximately 10,000 cubic yards of fill. Assuming 12-yard trucks exiting every five minutes, this export would take about eight working days. A large quantity of this material would be included in the clearing and grubbing export that would occur with all projects.

Public Services. Public service impacts are based primarily on the type of development and the number of housing units proposed. Since these are similar to the proposed project, public services impacts of the North Detention Basin Alternative are the same as the proposed project.

8.3.2 Findings

Pursuant to Public Resources Code Section 21081(a)(3), 21081(a)(1) and CEQA Guidelines Section 15091(a)(3), the County of Los Angeles finds that specific economic, legal, social, technological, or other considerations make infeasible the North Detention Basin Alternative identified in the Final EIR, and based on the analysis in these findings and the Draft EIR, Recirculated Draft EIR, and Final EIR; and that changes or alternations have been required in the project which mitigate or avoid significant effects on the environment.

8.4 ALTERNATIVE 4: WEST TANK – 50-LOT ALTERNATIVE

The West Tank - 50 Lot Alternative was developed with the intention of reducing oak tree impacts from the cut slope below the water tank on the east side. Several lots (Lots 32 to 34 of the proposed project) were removed on the west side to make room for the water tank grading, and these were replaced on the east side (Lots 14 to 16 of the West Tank – 50 Lot Alternative) to maintain 50 lots as in the proposed development. Placement of these lots on the west side of the development increases the total number of lots on the east side and results in a more extensive and higher cut slope on the east side than for the proposed project. This cut slope is necessary for geotechnical stability above the lots on the east side, and to remove a surficial failure (potential landslide) in that area. Since the number of lots in this area is increased with the alternative, occupying more area, the cut slope was increased in area.

Grading for the water tank on the West Tank – 50 Lot Alternative extends 360 feet further southeast along the west ridgeline, and 70 feet higher, than the west ridgeline grading for the proposed project. This grading is required to establish the water tank at an elevation 930 feet above MSL, necessary to achieve the required fire flow pressure of 1,250 psi, and to keep the access road to the water tank at a grade of 12 percent or flatter as required by the Water District.

Except as otherwise described above, the West Tank – 50 Lot Alternative is identical to the proposed project. Potential off-site improvements include restriping of the intersection of Halliburton Road at Colima Road.

8.4.1 Environmental Effects of Alternative 4

Geology/Soils. The West Tank - 50 Lot Alternative would require a project-specific geotechnical analysis to account for the revised grading limits. However, no new geotechnical hazards are expected with the West Tank – 50 Lot Alternative. Geotechnical impacts would be similar to those of the proposed project.

Flood Hazard/Water Quality. The West Tank – 50 Lot Alternative would have similar flood hazard/water quality impacts as the proposed project. The overall graded area is larger, but is similar

to the proposed project. The drainage pattern and concept are not appreciably changed by the relocation of the water tank to the west and replacement of three lots.

Biological Resources. The West Tank – 50 Lot Alternative would result in increased disturbance of biologic resources on the project site. All of the increase is in coastal sage scrub (33% increase) and non-native grassland (3% increase), thereby reducing the area available for on-site mitigation of oak tree habitat. Furthermore, the West Tank – 50 Lot Alternative would disturb five additional oak trees than the proposed project. Consequently, the goal of reducing oak tree impacts by moving the water tank to the west side is not achieved.

Visual Resources/Landform. Potential visual impacts of the West Tank – 50 Lot Alternative would be greater than for the proposed project. There would be a 360-foot horizontal increase in the southern limit of ridgeline grading on the west side, and a 70-foot vertical increase in visibility. Additionally, the eastern cut slope would be more extensive than for the proposed project. Visual would be similar to those of the proposed project. Landform alteration, in terms of amount of earth moved, would be greater than for the proposed project. In comparison to the proposed project, the approximate total volume of cut increases from 690,000 cubic yards to 715,000 cubic yards. The total approximate volume of fill increases from 670,000 cubic yards to 755,000 cubic yards for the West Tank – 50 Lot Alternative.

Traffic and Access. The West Tank - 50 Lot Alternative would have substantial short-term construction-related traffic impacts as a result of approximately 63,000 cubic yards of import required (accounting for shrinkage of fill). Assuming the use of 12-cubic-yard-capacity dump trucks, the import of this fill would require approximately 5,250 truck trips, all of which would be through the residential streets in the neighborhood north of the site. Assuming one truck trip every five minutes for an eight-hour work day six days per week this fill import would take approximately 9 weeks to complete. This would be a substantial adverse traffic and safety impact in excess of the proposed project, which is balanced in terms of cut and fill.

Public Services. Public service impacts are based primarily on the type of development and the number of housing units proposed. Since these are similar to the proposed project, public services impacts of the West Tank – 50 Lot Alternative are the same as the proposed project.

8.4.2 Findings

Pursuant to Public Resources Code Section 21081(a)(3), 21081(a)(1) and CEQA Guidelines Section 15091(a)(3), the County of Los Angeles finds that specific economic, legal, social, technological, or other considerations make infeasible the West Tank 50-Lot Alternative identified in the Final EIR, and based on the analysis in these findings and the Draft EIR, Recirculated Draft EIR, and Final EIR; and that changes or alternations have been required in the project which mitigate or avoid significant effects on the environment. Also, in comparison with the proposed project, the West Tank – 50-Lot Alternative would result in increased impacts to Biological Resources and Visual Resources. Therefore, this alternative is considered environmentally inferior to the proposed project.

8.5 ALTERNATIVE 5: WEST TANK – 46-LOT ALTERNATIVE

The West Tank - 46 Lot Alternative, was developed with the same intention as the West Tank – 50 Lot Alternative, which was to reduce oak tree impacts from the cut slope below the water tank on the east side. Rather than replace the lots removed from the west side by the water tank grading, these lots (Lots 32, 33, and 34 on the proposed project) were removed from the plan. Additionally, the number of lots on the east side of the subdivision were reduced by one, leaving a total of 46 lots rather than 50.

This alternative results in a large cut slope on the east side, required for geotechnical stability, but the cut slope is smaller than for the proposed project. Rather than extend to elevation 980 feet above MSL as in the proposed project, this cut extends to elevation 955 feet above MSL in the West Tank – 46 Lot Alternative (a 25-foot reduction). This eastern cut slope is smaller than that of the proposed project by about one acre, but about two acres of cut slope are added to the west side. Grading for the water tank on the West Tank – 46 Lot Alternative extends 360 feet further southeast along the ridgeline, and 70 feet higher, than the grading for the proposed project.

Potential off-site improvements include restriping of the intersection of Halliburton Road at Colima Road.

8.5.1 Environmental Effects of Alternative 4

Geology/Soils. The West Tank - 46 Lot Alternative would require a project-specific geotechnical analysis to account for the revised grading limits. However, no new geotechnical hazards are expected with the West Tank – 46 Lot Alternative. Geotechnical impacts would be similar to those of the proposed project.

Flood Hazard/Water Quality. The West Tank – 46 Lot Alternative would have similar flood hazard/water quality impacts as the proposed project. The overall drainage pattern and concept would be the same as for the proposed project.

Biological Resources. The West Tank – 46 Lot Alternative would result in slightly increased area of biologic resource impact on the project site. All of the increase is in coastal sage scrub (3 percent increase) and nonnative grassland (1 percent increase). The number of individual oaks affected would be reduced by fourteen, in comparison to the proposed project; although the impact to mapped oak woodland habitat would not be reduced.

Visual Resources/Landform. Visual impacts of the West Tank – 46 Lot Alternative would be greater than for the proposed project. The 20 foot (vertical) and 1-acre reduction in the cut slope on the east side would be offset by the 70-foot (vertical) and 2-acre increase in cut slope on the west side, topped by a water tank. The overall result is an increase in project area potentially visible from Colima Boulevard and the 60 Freeway. Visual impacts for all other parts of the West Tank – 46 Lot Alternative are identical to those of the proposed project. Landform alteration, in terms of amount of earth moved, would be approximately the same as the proposed project.

Traffic and Access. Access is approximately the same as for the proposed project. The 46 single-family homes are expected to generate an average of 441 trips per day as opposed to 479 for the proposed project. Vehicles per hour during the morning and afternoon peak hours would be 35 and 47 as opposed to 38 and 51 for the proposed project. These slight reductions in traffic generation would not change the conclusions arrived at for the proposed project regarding long-term traffic. The West Tank - 46 Lot Alternative short-term construction-related traffic impacts are equivalent to the

proposed project.

Public Services. The West Tank – 46 Lot Alternative would require approximately 66,240 gallons of water per day for normal use by residents and for landscaping. This would amount to an 8 percent reduction below the amount required by the proposed project. The Rowland Water District would have the capacity to serve the project, and the impact of the alternative project on overall capacity and service would be insignificant. A water tank of the similar capacity as for the proposed project (150,000 gallons) would be constructed to ensure an adequate supply for fire fighting. By comparison to the proposed project, the alternative project would use slightly less water in proportion to the reduction in housing units, and would contribute less to the cumulative regional water demand. Water service impacts are not considered significant for the West Tank – 46 Lot Alternative.

This alternative is expected to produce 8 percent less wastewater flow and solid waste per day than would the proposed project. Impacts are non-significant for the same reasons as for the proposed project.

8.5.2 Findings

Pursuant to Public Resources Code Section 21081(a)(3), 21081(a)(1) and CEQA Guidelines Section 15091(a)(3), the County of Los Angeles finds that specific economic, legal, social, technological, or other considerations make infeasible the West Tank 46-Lot Alternative identified in the Final EIR, and based on the analysis in these findings and the Draft EIR, Recirculated Draft EIR, and Final EIR; and that changes or alternations have been required in the project which mitigate or avoid significant effects on the environment.

Chapter 9 Findings on Mitigation Monitoring and Reporting Program

Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the County of Los Angeles finds that implementation of the mitigation measures and project design standards identified in the Draft EIR, the Recirculated Draft EIR, and the Final EIR would substantially lessen the significant environmental effects of the proposed project. These mitigation measures have been required in, or incorporated into the proposed project. In accordance with Section 15091(d), and Section 15097 of the State CEQA Guidelines, which require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, Attachment A (Mitigation Monitoring and Reporting Program) is hereby adopted as the mitigation monitoring and reporting program for the proposed project.

Chapter 10 Statement of Overriding Considerations

Article 7, EIR Process, Section 15093 of the California Environmental Quality Act (CEQA) states:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

As determined through analysis presented in the Draft EIR, the Recirculated Draft EIR, and the Final EIR, the proposed project would not result in any significant and unavoidable impacts. Therefore, in accordance with CEQA, a Statement of Overriding Considerations is not necessary and has not been prepared.

Attachment A Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

No.	Impact Mitigation	Monitoring Agency or Party	Action Indicating Compliance	Implementing Agency or Party	Timing
Geology and Soils / Geotechnical Hazards					
1	**M-GS-1:** Implementation of the following measures, which are based on requirements and recommendations from the Geotechnical Report, would ensure protection of the existing site and future development from grading and earth moving related landslides and surficial failure: • During grading, the developer shall remove all material in existing uncertified fill (Quf), colluvium soils (Qcol), surficial failures (Qsf), and landslide mass (Qls), within the graded area and replace it with compacted fill.	DPW	Issuance of grading permit.	Project Developer	Construction
	• During the design phase, the developer shall design the debris basin with a minimum capacity of 0.91 acre-feet.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• During project design and construction, stabilization fill keys shall be designed by a registered geotechnical engineer and installed as directed by the geotechnical engineer.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• During construction, the developer shall utilize cohesive soils and clayey siltstone bedrock materials in the engineered fill slopes of the detention basin to ensure slope stability.	DPW	Issuance of grading permit.	Project Developer	Construction
	• Prior to construction, a geotechnical engineer shall provide foundation criteria and setback requirements to mitigate adverse bedding conditions at the water tank site. The proposed cuts shall be mapped during grading to confirm previously mapped geology.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• After grading, constructed cut and fill slopes shall be planted or otherwise protected by the developer as soon as practical to minimize the potential for slope erosion. The plant mix, method of application and maintenance requirements shall be subject to the	DPW/DRP	Issuance of grading permit.	Project Developer	Construction

No.	Impact Mitigation	Monitoring Agency or Party	Action Indicating Compliance	Implementing Agency or Party	Timing
	approval of a registered landscape architect.				
	• During construction, the developer shall ensure the anchoring of landscape irrigation pipes to slope faces, and avoid placing pipes in trenches excavated into slope faces.	DPW	Issuance of grading permit.	Project Developer	Construction
	• Slope irrigation shall be kept to the minimum necessary for maintenance of slope vegetation. If automatic timing devices are utilized on irrigation systems, provisions shall be made for interrupting normal irrigation during periods of rainfall.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• Though not a requirement, consideration should be given to the installation of near-surface moisture monitoring and control devices. Such devices can aid in the maintenance of relatively uniform and reasonably constant moisture conditions. Slopes should not be over-irrigated. Heavy ground cover combined with over-watering is a common condition resulting in surficial slope failures.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• Drainage on cut and fill slopes shall be controlled according to a system designed by the project civil engineer and reviewed for geotechnical adequacy by the geotechnical engineer.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• Maintenance requirements for the cut and fill slopes shall include provision for the control and elimination of animal burrows.	DPW	Issuance of grading permit.	Project Developer	Plan Check

Mitigation Monitoring and Reporting Program

No.	Impact Mitigation	Monitoring Agency or Party	Action Indicating Compliance	Implementing Agency or Party	Timing
	• Roof drainage, yard drainage, and water from swimming pools shall not be directed onto graded or natural slopes.	DPW	Issuance of grading permit.	Project Developer	Plan Check
	• Cut and fill slopes established by site grading shall not be modified by fill or excavation after construction is complete unless so directed or approved by a registered geotechnical engineer.	DPW	Issuance of grading permit.	Project Developer	Post-Construction
	• The slopes of the debris and detention basins shall be inspected as part of a regular maintenance schedule, and repairs made during routine cleaning or otherwise as necessary.	DPW	Issuance of grading permit.	Project Developer	Post-Construction
2	**M-GS-2:** During the 40-scale grading plan review stage of the project, a geotechnical engineer shall address the following issues to the satisfaction of the County Department of Public Works prior to issuance of building permits: • Settlement analysis of deep fills • Recommendations for slope setbacks • Geotechnical recommendations for retaining walls. The applicant will post bonds according to the county's requirements to guarantee the completion of grading and retaining walls. • Results of expansion potential testing, including mitigative measures, as necessary • Results of corrosion series testing, including mitigative measures, as necessary • Substantiating data obtained by means of drilling and sampling of the undocumented fill soils to verify depth of fill soils.	DPW	Issuance of building permit.	Project Developer	Plan Check

Mitigation Monitoring and Reporting Program

No.	Impact Mitigation	Monitoring Agency or Party	Action Indicating Compliance	Implementing Agency or Party	Timing
3	**M-GS-3:** Soil expansion testing should be conducted during rough grading. Highly expansive materials shall be blended with granular materials or soils with low expansion potential such as conglomerate and silty sandstone.	DPW	Issuance of grading permit.	Project Developer	Construction
4	**M-GS-4:** Site materials shall be tested for corrosion potential. A full corrosion series shall be run on a sufficient number of representative samples of the onsite soils and bedrock materials. A suitable concrete type shall be provided based on the test results. Additional soluble sulfate testing shall be performed near the completion of rough grading.	DPW	Issuance of grading permit.	Project Developer	Construction
5	**M-GS-5:** All artificial fills shall be removed full depth and replaced with compacted fill.	DPW	Issuance of grading permit.	Project Developer	Construction
Flood Hazard / Water Quality					
6	**M-FHWQ-1:** Prior to construction, the project developer shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and Urban Stormwater Mitigation Plan (USMP) to minimize water quality impacts through best management practices (BMPs) in compliance with the National Pollutant Discharge Elimination System (NPDES) State General Construction Permit and the Los Angeles County Municipal Storm Water Permit.	DPW	Submittal and approval of SWPPP and USMP.	Project Developer	Plan Check

Mitigation Monitoring and Reporting Program

No.	Impact Mitigation	Monitoring Agency or Party	Action Indicating Compliance	Implementing Agency or Party	Timing
Biological / Biotic Resources					
7	**M-B-1:** Prior to final map recordation, in compliance with the State of California's Oak Woodland Conservation Act (Public Resources Code (PRC) 21083.4(b)(1) & (2) of the CEQA), the applicant shall conserve existing undisturbed oak woodlands and replacement oak mitigation areas on-site, as illustrated in Figure 4.4-1, of this Recirculated Draft EIR, through the use of an irrevocable conservation easement that will include the oak mitigation areas, as well as, the entire undeveloped open space to be donated. The location of onsite oak replacement areas will be reviewed and approved by the Los Angeles County Department of Regional Planning and Los Angeles County Forester to ensure that replacement oak tree planting areas are suitable for successful growth and survivability.	DRP and Los Angeles County Forester	Final Map recordation.	Project Developer	Pre-Construction
	Maintenance of these areas will be funded by the homeowner's association for the required seven year maintenance period.	DRP and Los Angeles County Forester	Final Map recordation.	Project Developer	Post-Construction
	Conservation easement rights will be held by either a responsible and qualified conservation organization, the County of Los Angeles Department of Parks and Recreation, or the Project's homeowner's association.	DRP and Los Angeles County Forester	Final Map recordation.	Project Developer	Pre-Construction
	The responsible entity shall oversee and ensure proper maintenance of the existing oak woodlands and replacement oak mitigation areas. After the required seven year maintenance period terminates long-term maintenance of these areas will be taken over by the land title holder.	DRP and Los Angeles County Forester	Final Map recordation.	Conservation entity.	Post-Construction

	Also, prior to final map recordation, the applicant shall dedicate in fee title, as open space, the undeveloped portion of the site, as illustrated on figure 2-3_of this EIR, and including existing oak woodlands and replacement oak mitigation areas, to either a responsible and qualified conservation organization, the County of Los Angeles Department of Parks and Recreation, or the Project's homeowner's association. The undeveloped portions of the site shall be managed and maintained for its habitat values. Table 4.4-2 [presented at the end of this document, following the table] presents the approximate acreage of the various plant communities to be preserved.	DRP and Los Angeles County Forester [1]	Final Map recordation.	Project Developer	Pre-Construction

[1] Refer to Appendix G of the Revised Biota Report, located in Appendix III of the Final EIR, to see the undeveloped portion of the site, including the replacement oak mitigation area.

8	**M-B-2:** Prior to issuance of the grading permit, the applicant shall prepare an oak tree and oak woodland habitat mitigation plan, reviewed and approved by the County Forester and Department of Regional Planning, to plant a minimum of 277, 15-gallon, locally obtained oak trees over 2.59 acres on the north east portion of the site or in a suitable onsite area approved by the Department of Regional Planning and the County Forester, (Figure 4.4-1), outside the limits of grading and fuel modification zones (a 2.2:1 ratio). Oak tree replacement shall be provided according to the terms listed in the County of Los Angeles Fire Department letter dated June 11, 2008 provided in Figure 4.4-1. Furthermore, replacement Oaks will be planted in areas suitable for growth and development of this tree species. In some cases oak trees may be planted in grasslands with some scattered coastal sage scrub plants present. In areas where Oaks are planted with coastal sage scrub elements present, any native coastal sage scrub plants located within a 20-foot radius of newly-planted oak trees will be transplanted to the nearest coastal sage scrub restoration area onsite.	Los Angeles County Forester and DRP [2]	Approval of oak tree and oak woodland habitat mitigation plan.	Project Developer	Pre-Construction

[2] Refer to Appendix G of the Revised Biota Report, located in Appendix III of the Final EIR, to see the undeveloped portion of the site, including the replacement oak mitigation area.

	Additionally, the applicant will place individual flags in field locations to represent the planting site of each tree (1 flag = 1 tree). The County Forester will approve/modify the planting sites as needed with the consulting arborist assisting. Each mitigation tree planted will be identified with a permanent metal tag, which will aid in clarification in future communications and included in the annual mitigation monitoring report prepared by the arborist and submitted to the County Forester for verification. As required by State of California's Oak Woodland Conservation Act (PRC 21083.4(b)(2)(A) of the CEQA) the replacement oaks will be maintained for a period of seven years, instead of the 2 years required by the County Forester under the Los Angeles County Code Title 22, Section 22.56.2180 (A)(6)(b).	Los Angeles County Forester and DRP	Implementation of oak tree and oak woodland habitat mitigation plan.	Project Developer	Pre-Construction and Construction
9	**M-B-3:** The applicant shall restore 4.84 acres of existing disturbed coastal sage scrub on-site. The restoration shall occur on-site outside of both the fuel modification zones and the grading limits. Coastal sage scrub restoration will include 1) removal of weeds and non-native vegetation from planting area, 2) establishment of a temporary irrigation system, 3) planting of native shrub species from 1-gallon containers at approximately 5-foot on center, and 4) weed removal, plant replacement, and general monitoring four times per year during the first year and once per year for the following four years. A coastal sage scrub restoration plan, including a planting palette, will be approved by the County of Los Angeles prior to issuance of a grading permit for the site. The plan will include a five year maintenance and monitoring period or until the restoration area reaches a minimum of 65 percent cover of native shrubs.	DRP	Approval of coastal sage scrub restoration plan.	Project Developer	Pre-Construction and Post-Construction
10	**M-B-4:** The applicant shall mitigate the project's impact on 0.53 acres of mulefat scrub by ensureing at least an equal replacement (minimum 1:1 ratio) of the affected habitat, and as necessary additional onsite and or offsite restoration and/or enhancement. Any modifications to habitat replacement acreages shall be determined through the processes for obtaining the CDFG Streambed Alteration Agreement, the applicable RWQCB authorization, and if necessary a	DRP/CDFG	Approval of Streambed Alteration Agreement	Project Developer	Pre-Construction

	USACE Section 404 permit. In connection with habitat repacement a mulefat scrub mitigation plan will be approved by the CDFG prior to issuance of a grading permit for the site. In addition, the applicant will preserve 1.29 acres of CDFG jurisdiction associated with Drainage A as identified in the GLA jurisdicational delineation included as Appendix VIII_of the Final EIR. The preserved area includes 1.01 acres of sycamore riparian woodland and 0.10 acres of mule fat scrub.				
11	**M-B-5:** The applicant shall receive final approval of the fuel modification plan and plant pallet from the Los Angeles County Fire Department and the Department of Regional Planning, and incorporate the guidelines described in the Biota Report (Appendix III). Approved plantings shall be especially concentrated along the outer edge of Zone C, to help create a buffer between the development envelope and the adjacent undisturbed native vegetation. Fuel modification maintenance shall be the responsibility of the homeowner's association. The planting pallet for landscaped areas in Zone B will include drought tolerant vegetation native to Puente Hills, to the extent that the use of vegetation native to Puente Hills is in compliance with the County's Drought Tolerant Landscaping Ordinance and Los Angeles County Fire Department's planting requirements for Zone B.	Los Angeles County Fire Department and DRP	Approval of the Fuel Modification Plan	Project Developer	Pre-Construction

Mitigation Monitoring and Reporting Program

12	**M-B-6:** The applicant shall survey for nesting birds, including coastal California Gnatcatcher, Cooper's hawk and rufous-crowned sparrow, in proposed disturbed areas prior to any clearing and grubbing that may occur during the active nesting period for these species from the months of-February 15 to August 30, and notify the Department of Regional Planning and California Department of Fish and Game of the results. All active bird nests will be mapped and a 200-foot avoidance perimeter will be marked around each nest located, except as otherwise approved by the California Department of Fish and Game. A monitor with expertise in Coastal California Gnatcatcher, approved by the California Department of Fish and Game and the Department of Regional Planning, shall be present during all construction activities within 500 feet of coastal sage scrub habitat if construction occurs during the breeding season. If a Coastal California Gnatcatcher is observed in the project area by the approved project monitor, work will be avoided within 500' of the coastal sage scrub habitat that the Coastal California gnatcatcher was found in, until the approved project monitor determines that the nest is no longer active. The habitat avoidance buffer may be adjusted based on topographical features with the concurrence of the United States Fish and Wildlife Service.	California Department of Fish and Game and the DRP	Completion of nesting bird survey	Project Developer	Pre-Construction

13	**M-B-7:** Catalina mariposa lilies have not been recorded from the site, but have the greatest potential of sensitive plants to occur. Directed pre-grading surveys shall be undertaken for the Catalina mariposa lily in non-native grasslands and oak woodlands during the March though May flowering period. Should the Catalina mariposa lily be discovered during pre-grading surveys, salvage of plant materials shall be undertaken for relocation to the proposed donation and preservation area according to a plan approved by the Department of Regional Planning prior to issuance of the grading permit. Plant locations shall be marked during the flowering season, and bulbs shall be salvaged following the flowering and fruiting period in the summer months. Bulbs and seed shall be stored in a cold, dark place loosely packed in peat moss and replanted in similar habitat in the proposed donation and preservation area during the fall.	DRP	Completion of pre-grading sensitive-plant surveys.	Project Developer	Pre-construction
14	**M-B-8:** The applicant shall ensure, through CC&Rs for the residents, that night lights in the developed area be shielded and directed away from the preservation area to limit light and glare spilling into the adjacent natural areas and potentially disrupting nocturnal wildlife activity. Additionally, private security lights shall be controlled by motion detectors.	DRP	Approval of CC&Rs.	Project Developer	Post-Construction
15	**M-B-9:** The applicant shall ensure that fencing shall be installed where residential lots abut natural areas to discourage human and domestic animal (dog) intrusion into the SEA.	DRP	Approval of fencing plans.	Project Developer	Construction
16	**M-B-10:** The applicant shall develop an educational flyer, given to all homeowners according to Project CC&Rs, to explain the habitat value of the adjacent SEA, and the positive economic effect such an amenity has on property values. This flyer will be distributed to homeowners prior to occupancy of their home. Everyday methods to limit degradation of the adjacent natural areas shall be explained, including limiting noise and light glare, prevention of activities that could attract coyotes (*Canis lupus*), bobcats (*Lynx rufus*) and other wildlife into the residential zone, and the negative impact domestic cats and dogs can have on wildlife species in natural areas. In addition, the flyer shall strongly discourage the use of rodenticides that may be harmful to large mammals including coyotes, bobcats	DRP	Distribution of flyer.	Project Developer	Post-Construction

	and mountain lions and invasive, non-native plants such as pampas grass (*Cortaderia sellowiana*), fountain grass (*Pennisetum spp.*), ice plant (*Delosperma spp.*), periwinkle (*Vinca major*), trailing lantana (*Lantana camara*), German ivy (*Senecio mikaniodes*), Spanish broom (*Spartium junceum*), French broom (*Genista monspessulanus*), blue gum (*Eucalyptus globulus*), pepper trees (*Schinus spp.*), and tree of heaven (*Ailanthus altissima*) in areas approaching natural open space. The Applicant will provide the adjacent management agencies, limited to the Puente Hills Landfill Native Habitat Preservation Authority, the Los Angeles County Department of Parks and Recreation, and the recipient of the undeveloped open space, with the language in educational materials for review.				
17	**M-B-11:** No sycamore trees or oaks shall be removed as a result of Zone B fuel modification activities.	Los Angeles County Forester and DRP	Implementation of construction plans	Project Developer	Construction
18	**M-B-12:** To reduce the potential impacts to the San Diego Ring-neck snake's habitat at the northern edge of this taxon's range, revegetation of 277 replacement oak trees on the north east portion of the site, outside of grading limits and fuel modification zones shall be conducted. In addition, 6.37 acres of existing oak woodland shall be preserved as natural undisturbed open space. A coordinated sweep of the area to be affected by the removal of oak trees will be conducted to remove and relocate any of the San Diego ringneck snake species into the existing oak woodland area to remain. All coordination must be conducted through the Department of Regional Planning.	DRP	Implementation of oak tree and oak woodland mitigation plan.	Project Developer	Pre-Construction and Construction

19	**M-B-13:** To avoid direct loss of bats, if present on the project site, that could result from the removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), grading and construction will take place, to the extent feasible , outside of maternity roosting season (March 1 to September 30). Where this is not feasible, a qualified bat specialist (i.e., a person holding a state collection permit and memorandum of understanding with the CDFG allowing handling and collection of bats) will conduct a pre-construction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree identified as potentially supporting an active maternity roost will be closely inspected by the bat specialist a maximum of 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats. Trees determined to be maternity roosts will be mapped and 250-foot avoidance perimeter will be marked around any roosts located. These trees will be left in place until the end of the maternity season (September 30). The bat specialist will document all monitoring activities and will prepare a summary report upon completion of tree disturbance activities within each pertinent area of the Tentative Tract Map. Reports will cover the following topics: • The number and type of affected trees determined to support roosting bats prior to disturbance; • Any actions undertaken to safely exclude roosting bats prior to disturbance and the results of those actions; • Tree temporarily avoided to protect roosting bats; and • Roosting bats found (alive or dead) after trees were removed or relocated. This report will be provided to the LA County Department of Regional Planning within 30 days following the completion of tree removals.	DRP	Completion of Pre-construction survey, or Grading and construction outside of maternity roosting season	Project Developer	Pre-Construction or Construction
Cultural Resources					
20	**M-CR-1:** A qualified archaeologist shall be retained to monitor ground-disturbing activities at all times during construction. The	DRP	Submittal of Archaeological	Project Developer	Construction

	applicant shall inform the Los Angeles County Department of Regional Planning (DRP), in writing, the name, qualification, and contact information of the archaeologist within 90 days after the approval of the Conditional Use Permit. The archaeologist shall prepare and submit a report to the DRP for review after completion of site grading to address the applicant's compliance. The applicant shall agree to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the archaeologist can examine them and determine appropriate mitigation measures.		Report.		
Paleontological Resources					
21	**M-P-1:** A qualified paleontologist shall be on site to monitor ground-disturbing activities. • The paleontologist shall be allowed to divert or direct grading in the area of an exposed fossil to facilitate evaluation and, if necessary, salvage. • Because of the small nature of some fossils present in these rock units, matrix samples shall be collected for processing through fine mesh screens. • Provisions for preparation and curation shall be made before the fossils are donated to their final repository. All fossils collected shall be donated to a public non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County.	DRP	Onsite paleontologist	Project Developer	Construction
Visual Resources / Landform					
22	**M-V-1:** During construction, the developer shall plant tall vertical landscaping approved by the Los Angeles County Department of Regional Planning and Los Angeles County Fire Department on the south, east, and north sides of the water tank to obscure views of the structure. In addition, the wall at the rear of the lots closest to the north boundary of the property shall be in an earth-toned color. The planting shall be performed according to a planting and screening plan developed by the project proponent and reviewed and approved by the Los Angeles County Department of Regional Planning prior to issuance of grading permits.	DRP and Los Angeles County Fire Department	Issuance of grading permits.	Project Developer	Construction

23	**M-V-2:** The applicant shall mitigate visual impacts due to the retaining wall through the use of a vegetated keystone or equivalent retaining wall that will allow for natural vegetation to grow between blocks along the wall. Over a period of approximately two years it is anticipated that vegetation will grow sufficiently along the wall to prevent the block wall from being visible. Figures 4.7-18, 4.7-19, and 4.7-20 show an example of a vegetated keystone wall similar to what the applicant is proposing with vegetation growth over a period of two years.	DRP	Construction of suitable retaining wall	Project Developer	Construction
24	**M-V-3:** Control of Night Lighting. Prior to issuance of grading or building permits (whichever comes first), the project proponent shall prepare a lighting plan for review and approval by the Department of Regional Planning, demonstrating that the illumination resulting from all community exterior lighting is confined to the project site, and adjacent properties are protected from glare. Methods to achieve this shall include, but not be limited to, the following: (1) use of soft light intensity fixtures, and (2) use of shields on the back of lights, or other screening methods.	DPW/ LA County Fire Department	Approval of lighting plan.	Project Developer	Pre-Construction
Traffic and Access					
25	**M-T-1:** The developer shall limit trucks and other vehicles transporting heavy equipment to nonpeak daylight hours (approximately between 10:00 a.m. and 3:00 p.m.) during the construction period.	DPW	Limiting truck hours.	Project Developer	Construction
26	**M-T-2:** The developer shall provide a stop sign, stop bar and stop legend at the southbound approach of the southerly extension of Apple Creek Lane at Pacific Heights Drive.	DPW	Submittal and approval of construction plans.	Project Developer	Construction
27	**M-T-3:** The developer shall provide a stop sign, stop bar and stop legend at the northbound approach of Summit Place at Pacific Heights Drive.	DPW	Submittal and approval of construction plans.	Project Developer	Construction
28	**M-T-4:** The developer shall review sight distance with the internal project intersections with respect to Caltrans and Los Angeles County sight distance standards at the time of preparation of final grading, landscape and street improvement plans.	DPW	Submittal and approval of construction plans.	Project Developer	Plan Check
29	**M-T-5:** The developer shall implement internal traffic signing and	DPW	Submittal and	Project	Plan Check

	striping in conjunction with detailed construction plans for the project.		approval of construction plans.	Developer	
30	**M-T-6:** Prior to construction, the Applicant will coordinate with the County of Los Angeles, Department of Public Works on a Construction Haul Route Plan. The Plan will be complied with should the importation of 10,000 cubic yards of fill be required.	DPW/DRP	Approval of Construction Haul Route Plan.	Project Developer	Plan Check
Public Services					
31	**M-WS-1:** The applicant shall coordinate with the Rowland Water District regarding the need for additional pumping capacity to serve the proposed water tank. The applicant shall coordinate with the Rowland Water District to determine the cost of the necessary required system improvements; once a mutual agreement is determined the applicant will pay for the cost of the necessary required system improvements. These improvements are specifically dedicated to the service of the Pacific Heights project only.	Rowland Water District	Approval of cost agreement.	Project Developer	Pre-Construction
32	**M-WS-2:** The project shall be designed utilizing drought-tolerant landscaping and watersaving irrigation techniques wherever possible as demonstrated in a landscape plan to be reviewed and approved by the Department of Regional Planning and County Forester.	DRP and Los Angeles County Forester	Approval of landscape plan.	Project Developer	Plan Check
33	**M-SW-1:** The developer shall provide prospective homebuyers and the project homeowners association with information regarding suggested participation in the Los Angeles County curbside recycling program.	DRP	Submittal of information flyer.	Project Developer	Post-Construction
Climate Change					
34	**MM CC-1:** All residential buildings shall be designed to provide improved insulation and ducting, low E glass, high efficiency air conditioning units, and radiant barriers in attic spaces, as needed, or equivalent to ensure that all residential buildings operate at levels twenty percent (20%) better than the standards presently required by Title 24.	DPW	Submittal and approval of construction plans	Project Developer	Plan Check
35	**MM CC-2:** All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conversation flow rate standards. (3% Reduction)	DPW	Submittal and approval of plumbing plans.	Project Developer	Plan Check

36	**MM CC-3:** Low flush toilets shall be installed within all residential units as specified in California State Health and Safety Code Section 17921.1 (3% Reduction).	DPW	Submittal and approval of plumbing plans.	Project Developer	Plan Check
37	**MM CC-4:** All common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind.	DPW	Submittal and approval of landscaping plans.	Project Developer	Plan Check
38	**MM CC-5:** Landscape designers shall ensure that Project landscaping of common areas uses drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and conserve water and energy. Grass is limited to entrance monument areas and parks. (Estimated at 30 percent reduction. California integrated Waste Management Board, Publication No. 442-96-033, 1996).	DPW	Submittal and approval of landscaping plans.	Landscape Designer(s)	Plan Check
39	**MM CC-6:** Owners of residential lots shall be given instructions on choosing drought-tolerant and smog tolerant trees, shrubs, and groundcover for landscaping to ensure the long-term viability and promote water conservation. (35 percent reduction. California Integrated Waste Management Board, Publication No. 442-96-033, 1996).	DRP	Submittal and approval of approved plant list.	Home Owner's Association	Post-Construction
40	**MM CC-7:** All residential units shall have exterior electrical outlets to supply electric landscape equipment. (20 percent reduction, URBEMIS2007 9.2.2).	DPW	Submittal and approval of electric plans.	Project Developer	Plan Check
41	**MM CC-8:** High-volume, low-pressure (HVLP) spray guns will be used to apply architectural coatings.	DPW	Submittal and approval of construction plans	Project Developer	Construction
42	**MM CC-9:** Unpaved and unvegetated exposed dirt surfaces, created by the project's construction, that have not otherwise been stabilized, will be watered three times daily.	DPW	Submittal and approval of construction plans	Project Developer	Construction
43	**MM CC-10:** Ground cover in disturbed areas will be replaced quickly.	DPW	Submittal and approval of construction plans	Project Developer	Construction
44	**MM CC-11:** Stockpiles will be covered with a tarp when material	DPW	Submittal and	Project	Construction

	is not being added or removed.		approval of construction plans	Developer	
45	**MM CC-12:** All haul roads will be watered three times daily.	DPW	Submittal and approval of construction plans	Project Developer	Construction
46	**MM CC-13:** The speed on unpaved roads within the construction area will be restricted to less than 15 mph.	DPW	Submittal and approval of construction plans	Construction Personnel	Construction
47	**MM CC-14:** Architectural coatings with the lowest available VOC content will be used.	DPW	Submittal and approval of construction plans	Project Developer	Plan Check

Key: DPW = Los Angeles County Department of Public Works. DRP, Los Angeles County Department of Regional Planning

Mitigation Measure M-B-1 (continued):

Table 4.4-2 Plant Communities to be Preserved at the Pacific Heights Project Site

Plant Community	Approximate Net Acreage on Site	Net Acreage to be Preserved[1]	Percent of Plant Community to be Preserved	Percent of Total Preservation	Preserved: Impacted Ratio
Coastal Scrub	18.62	15.28	82%	21%	4.5:1
Sumac Scrub	40.84	38.66[2]	94%	53%	17.7:1
Non-Native Grassland	39.15	10.88[2]	28%	14%	0.4:1
Foothill Sycamore Riparian Woodland	0.96	0.96	100%	1%	Not Applicable
Mexican Elderberry	0.93	0.81	87%	1%	7:1
Mulefat Scrub	0.53	0.00	0%	0%	Not Applicable
Coast Live Oak Woodland	11.73	6.37	54%	9%	1:1
Disturbed/Developed	1.33	0.74	55%	1%	1.5:1
Non-Native Trees	0.21	0.00	2%	0%	Not Applicable
Total	**114.3**	**73.7**	**64%[1]**	**100%**	

[1] All areas are approximate and subject to acceptance. Net acreage shown accounts for open space in a natural ungraded state, outside of fuel modification zones. An additional 2 acres will be preserved as undeveloped open space within a fuel modification zone. [2] 2.59 acres will be used as an oak tree replacement mitigation area for long-term conservation of oak woodlands; Total area to be preserved including fuel modification zones and oak replacement areas is 78.3 acres.