



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

**CERTIFIED-RECEIPT
REQUESTED**

October 26, 2009

Pacific Communities Builders, Inc
Attention: Nelson Chung
1000 Dove Street, Suite 300
Newport Beach, California, 92660

Dear Mr. Chung:

**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
MAP DATE: JANUARY 7, 2008**

A public hearing on Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027 was held before the Los Angeles County Regional Planning Commission ("Commission") on January 14, 2004, March 17, 2004, April 8, 2009, July 15, 2009, August 19, 2009, September 16, 2009, September 30, 2009 and October 21, 2009.

After considering the evidence presented, the Commission in its action on October 21, 2009, approved the vesting tentative tract map, conditional use permit ("CUP") and oak tree permit ("OTP") in accordance with the Subdivision Map Act, Title 21 (Subdivision Ordinance) and Title 22 (Subdivision Ordinance) of the Los Angeles County Code ("County Code"), and the recommendations and conditions of the Los Angeles County Subdivision Committee. A copy of the approved findings and conditions is attached.

The action on the vesting tentative tract map, CUP and OTP authorizes:

1. The subdivision of the 114.3 acre property into 47 single family lots.
2. Compliance with the requirements of nonurban hillside management, development within a 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 a 15-foot high retaining wall within front yard setback as allowed by the CUP.
3. The removal of 126 oak trees (no heritage oaks) and the encroachment into the protected zone of 20 oak trees (no heritage oaks) by the OTP.

Your attention is called to Condition No. 3 of the CUP provide that the permit shall not become effective for any purpose until the applicant and the owner of the property involved, or their duly authorized representative, have filed at the office of the Los Angeles County Department of

**PROJECT NO. 92027-(4)
VESTING TENTATIVE TRACT MAP NO. 51153
CONDITIONAL USE PERMIT CASE NO. 92027
OAK TREE PERMIT CASE NO. 92027
Approval Letter**

PAGE 2

Regional Planning ("Regional Planning") the affidavit stating that they are aware of and accept all of the conditions of the permit.

The decision of the Commission regarding the vesting tentative tract map shall become final and effective on the date of the decision, and the CUP and OTP shall become final and effective on the day following the end of the appeal period, provided no appeal of the action taken has been filed with the Los Angeles County Board of Supervisors within the following time period:

- In accordance with the requirements of the State Map Act and the County Code, the vesting tentative tract map may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on November 2, 2009.**
- In accordance with the requirements of the County Code, the CUP and OTP may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on November 2, 2009.**

The applicant or any other interested person may appeal the decision of the Commission regarding the vesting tentative tract map, CUP and OTP to the Board. **If you wish to appeal the decision of the Commission to the Board, you must do so in writing and pay the appropriate fee.** The appeal form is available on the Regional Planning website, (<http://planning.lacounty.gov>). The fee for appeal process is \$1,548.00 for the applicant and \$775.00 for non-applicant(s). Only one fee is required to appeal any portion of the project. If only one of these is appealed, the entire project is considered appealed and will be heard concurrently at the appeal public hearing. To initiate the appeal, submit your appeal form and a check made payable to the "County of Los Angeles" to Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. The appellant should also contact the case planner for the appeal verification form which is required for the Executive Office for the appeal. Please be advised that your appeal will be rejected if the check is not submitted with the letter.

Upon completion of the appeal period, please notarize the attached acceptance form and **hand deliver** this form and any other required fees or materials to the Land Divisions Section in Room 1382, Hall of Records Building, 320 West Temple Street, Los Angeles, CA 90012. Once this form has been received and all applicable fees have been paid in person after the completion of the appeal period, the approved vesting tentative tract map may be obtained from the Land Divisions Section.

The vesting tentative tract map approval shall expire on **October 21, 2011**. If the subject vesting tentative tract map does not record prior to the expiration date, a request in writing for an extension of the approval, accompanied by the appropriate fee, **must be delivered in person within one month prior to the expiration date.** Extension of the vesting tentative map will also extend the expiration date of the CUP and OTP.

If you have any questions regarding this matter, please contact Mr. Ramon Cordova of the Land Divisions Section of the Department of Regional Planning at (213) 974-6433 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. Our offices are closed Fridays.

PROJECT NO. 92027-(4)
VESTING TENTATIVE TRACT MAP NO. 51153
CONDITIONAL USE PERMIT CASE NO. 92027
OAK TREE PERMIT CASE NO. 92027
Approval Letter

PAGE 3

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Jon Sanabria
Acting Director of Planning



Susan Tae, AICP, Supervising Regional Planner
Land Divisions Section

SMT:rec

Enclosures: Findings and Conditions
Mitigation Monitoring and Reporting Program
Fish & Game Determination
Affidavit (Permittee's Completion)

c: Subdivision Committee
Testifiers

**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, September 16, 2009, September 30, 2009 and October 21, 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.

Findings

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 disturbed and undisturbed areas. Two open space lots, Lot No. 57 (69 acres in

Findings

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 ("Draft EIR") 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 Draft EIR 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).

Findings

Comments on the Draft EIR 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 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.

Findings

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 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

Findings

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.
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

Findings

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 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.
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 Draft EIR. 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. Issues 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 Angeles County Department of Parks and Recreation ("Parks & Rec") as an offsite mitigation parcel for the separate library project proposed within Schabarum Park. The decision to offer to donate a 10-acre parcel of the open space area to Parks &

Findings

Rec was voluntarily made by the applicant, and the transfer of that lot to Parks & Rec is not necessary to mitigate impacts of the project, but instead was offered as a community benefit of the project.

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.

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 the applicant agreeing to provide a more complete onsite private path to be owned and maintained by the homeowners association ("HOA"). The proposed path 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 path within the water tank access road would be allowed. The applicant was also willing 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. Also discussed was staff's meeting with the applicant on August 11, 2009 which discussed issues such as the public pedestrian access along the proposed access driveway of Lot No. 50 (water tank lot) The open space easements that will be provided by the applicant are contiguous with the west and southwest lot lines of Lot No. 56, and a portion of these will be located within the water tank access road. Fuel modification/brush clearance that 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.

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 respond 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 HOA 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 private trails 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, that 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 included in the Final EIR.

Findings

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-profit organizations would not accept manufactured slopes those 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 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 as Schabarum Park should be treated as the Santa Monica Mountains would. 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 a condition requiring a six-foot wide public easements with rocks or boulders for sitting to be maintained by the HOA, and another condition that prohibits any fuel modification/brush clearance within Schabarum Park for a structure on Lot No. 15.

SEPTEMBER 16, 2009 PUBLIC HEARING

67. On September 3, 2009, staff submitted a hearing package to your Commission which contained a continuation memo which outlined three outstanding issues that the applicant and staff were working on as well as draft findings and conditions for approval.
68. On September 8, 2009, staff received a letter with exhibits from Parks & Rec, dated September 8, 2009, requesting that the proposed 10-acre park mitigation parcel (Lot No. 58) be relocated to the southeast portion of the project site so that it does not include any manufactured slopes. Parks & Rec also requested that the applicant transfer ownership of Lot No. 58 to their department prior to final map approval.
69. On September 10, 2009 staff submitted a supplemental information package to your Commission for the September 16, 2009 continued public hearing. Included

Findings

in this information package was the letter received from Parks & Rec, and an e-mail from the applicant to the Los Angeles County Agricultural Commissioner dated September 3, 2009 discussing appropriate language for the brush clearance condition. Also included in the supplemental package was proposed condition language from staff for the dedication of open space Lot No. 58, a 10-acre library mitigation parcel, to Parks & Rec and proposed condition language from staff and the applicant for fuel modification/brush clearance.

70. During the September 16, 2009 public hearing, the Commission heard a brief presentation from staff. Staff discussed the supplemental information package that the Commission had received and also stated that the applicant was requesting a continuance of the public hearing. The applicant requested the continuance to allow time for the completion of draft findings and conditions for approval of the proposed project.
71. During the September 16, 2009 public hearing, one person testified in opposition to the project. Issues raised included concerns with approved geology report; consistency between state Subdivision Map Act and approved geology report and vesting issues of the tentative map.
72. During the September 16, 2009 public hearing, County Counsel stated that the soils and geology reports for the proposed project have been approved by Public Works. County Counsel also stated that the location of the proposed water tank and its stability has also been reviewed and approved by Public Works.
73. During the September 16, 2009 public hearing, the applicant's representative stated that they would comply with all county and state requirements related to soils and geology before constructing any single-family residences.
74. On September 16, 2009, the Commission continued the public hearing to September 30, 2009, and instructed staff to work with the applicant to continue completing the necessary draft findings and conditions for approval. The Commission also instructed staff to specifically complete and submit all hearing materials by September 24, 2009.

SEPTEMBER 16, 2009 PUBLIC HEARING

75. During the September 30, 2009 public hearing, the Commission heard a brief presentation from staff. Staff generally described the remaining issues including condition language regarding any fuel modification/brush clearance within Schabarum Park, calculation and credit of the Quimby fee, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period. Staff also stated that

Findings

the applicant was requesting a continuance of the public hearing to allow time for ongoing discussion and completion of draft findings and conditions for approval of the proposed project. The applicant was present but gave no testimony.

76. During the September 30, 2009 public hearing, the Commission inquired if staff and the applicant would be able to reach an agreement on the language for the outstanding draft conditions. Staff stated that they hope and are continuing to diligently work with them that the draft conditions could be completed for the next public hearing.
77. On September 30, 2009, the Commission continued the public hearing to October 21, 2009, and instructed staff to continue working with the applicant and complete the necessary draft findings and conditions for approval.

OCTOBER 21, 2009 PUBLIC HEARING

78. During the October 21, 2009 public hearing, the Commission heard a brief presentation from staff. Staff further described the ongoing discussions on the remaining issues including condition language regarding any fuel modification/brush clearance within Schabarum Park, calculation and credit of Quimby fees, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period. Staff also described the additional materials distributed that morning including additional changes to Tract Condition No. 20 and CUP Condition No. 21 reflecting a revised fuel modification exhibit and an e-mail from applicant to Richard Takata (Los Angeles County Deputy Agricultural Commissioner) and Keith Condon (Los Angeles County Deputy Forester) verifying approval of revised fuel modification plan. There is also a correction to draft Tract Finding 79, CUP No. 80 and OTP Finding No. 71 regarding that morning's hearing summary. The revised fuel modification exhibit reflects fuel modification for Lot No. 15 that does not extend into Schabarum Park. An outline from applicant's representative depicting changes to trails language and copies of parkland code sections have also been distributed with additional exhibits and information.
79. During the October 21, 2009 public hearing, the Commission requested clarification on the draft language pertaining to CUP Condition No. 10 and the word "fully" versus the word "reasonably" that also appears in some of the draft conditions. The Commission also requested clarification regarding the words "permittee" and "subdivider." County Counsel stated that the word "fully" rather than "reasonably" was intended to remain and reflects language from the Government Code. County Counsel also stated that the word "permittee" was used to describe the applicant within CUP and OTP conditions and is earlier defined to include "successor in interests" therefore all subsequent uses of

Findings

“permittee” in the CUP and OTP conditions do not need to state “successor in interests.” However, “subdivider” is used to describe the applicant in the tract conditions and because that term is not defined to include successors in interest, subsequent use of “subdivider” would also state “successor in interests” for tract conditions.

80. During the October 21, 2009 public hearing, staff requested clarification pertaining to Tract Condition No. 20 and CUP Condition No. 21, which does not allow any kind of fuel modification/brush clearance within Schabarum Park for any structure to be sited on Lot No. 15; and whether there should be consideration of any type of land exchange or other mechanism which would allow encroachment into Schabarum Park. The Commission confirmed that it was not the intent to allow encroachment into Schabarum Park to support development on Lot No. 15, and that a land exchange or other mechanism was not justification to allow for brush clearance or other encroachment to support development on Lot No. 15, in particular, or the project in general. No fuel modification/brush clearance is permitted within Schabarum Park. The Commission also stated that CUP Condition No. 48 should be clarified to remove “extent feasible” and add that the landscape plan is to satisfaction of the Los Angeles County Fire Department (“Fire”) and Regional Planning.
81. During the October 21, 2009 public hearing, the Commission asked for clarification regarding the Quimby fees. County Counsel stated that the Quimby obligation comes from the Subdivision Map Act and Title 21 of the County Code. Parks & Rec evaluates proposals to determine appropriateness of parkland area. For projects of 50 units or less, the County can only require fees. The applicant may chose to provide parkland, which Parks & Rec. reviews to determine if the park space satisfies the necessary requirements and makes a recommendation accordingly. In this case Parks & Rec determined that the area offered by the applicant was not suitable for local park space and is recommending fees rather than the area offered by the applicant.
82. During the October 21, 2009 public hearing, the applicant thanked staff for their hard work, and requested that the Commission waive Quimby fees for the project as they were providing 1.2 acres of trails that should be considered as meeting the Quimby obligation. The applicant’s representative requested that the Commission accept the project’s trails as credit for Quimby fees as it is within the Commission’s discretion to accept trails as meeting the parkland requirement. The representative also stated that the applicant preferred to provide trails instead of paying Quimby fees.
83. During the October 21, 2009 public hearing, one person testified in opposition to the project. Issues raised included the use of the property as open space, concern

Findings

with a single means of access to the project site within a Very High Fire Hazard Severity Zone and destruction of an SEA.

84. During the October 21, 2009 public hearing, the applicant declined to provide rebuttal.
85. During the October 21, 2009 public hearing, the Commission inquired about Lot No. 58, the 10-acre parcel proposed as mitigation for offsite library project not part of this project. A representative from Parks & Rec stated that they were requesting that the boundary of this lot be adjusted southerly away from proposed manufactured slopes.
86. A representative from Parks & Rec also discussed existing trails within the Parks & Rec system, public conservation organization maintained trails, and other "rogue" trails created by the general public over the project site. Due to impacts on sensitive habitat, there have been efforts to decommission some of these trails in order to allow the habitat to recover. Trails within the County system are considered regional trails. If there was a desire to have another agency develop or improve trails within the project site, that agency should be consulted to further comment.
87. During the October 21, 2009 public hearing, the Commission stated that park maintenance related to fuel modification/brush clearance should be performed only by park maintenance personnel and neighboring parcels should not be allowed to perform fuel modification/brush clearance in Schabarum Park. The Commission felt that no fuel modification should be allowed within Schabarum Park in connection with this project; for any other direction they felt that it should be determined by the Los Angeles County Board of Supervisors.
88. During the October 21, 2009 public hearing, the Commission stated that the proposed trails are access easements that were a concession for increased density, and will be under the homeowners association. The Commission also inquired whether the Puente Hills Landfill Habitat Authority or Parks & Rec should maintain these proposed onsite trails rather than homeowners association.
89. On October 21, 2009, after taking all testimony, the Commission closed the public hearing, certified the Final EIR in compliance with CEQA and the State and County guidelines related thereto and adopted Findings of Fact, and unanimously approved Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027. Conditions were clarified to remove public access easement maintenance by the homeowners association, and add language for cooperation if another agency wishes to do improvements within these easements.

Findings

90. 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.
91. As a condition of approval of this grant, the permittee shall be required to comply with the development standards of the RPDR-A-1 zone and ~~the Santa Monica Mountains North Area CSD~~ pursuant to Sections 22.20.440, 22.56.205 and 22.56.215 of the County Code, except as otherwise modified herein.
92. 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.
93. 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.
94. A Mitigation Monitoring Reporting and Program ("MMRP") 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.
95. The MMRP 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.

Findings

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 OTP 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 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

Findings

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;
- 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,

Findings

and MMRP, finding that pursuant to California Public Resources Code Section 21081.6, the MMRP 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.

**DEPARTMENT OF REGIONAL PLANNING
CONDITIONAL USE PERMIT CASE NO. 92027**

Exhibit "A" Date: 1-7-2008

CONDITIONS:

1. This grant authorizes the use of the 114.3-acre subject property for a clustered residential density-controlled development in a nonurban hillside management area within a Significant Ecological Area ("SEA") 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 the required 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, and is subject to all of the following conditions of approval. The Exhibit "A" date means the date stamped by the Los Angeles County Department of Regional Planning ("Regional Planning").
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 including any successor in interest thereto.
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 Regional Planning an 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. 9, 10, 11 and 12 shall be effective immediately upon final approval of this grant by the County.
4. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor pursuant to Section 22.60.340 of the Los Angeles County Code ("County Code"). 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. The permittee shall provide proof of recordation to Regional Planning. 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.

Conditions

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.
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 (3) 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 fully 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.

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 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 vesting tentative map. In the event of expiration of Vesting Tentative Tract Map No. 51153 and expiration of this grant, the permittee is on notice that entitlements to the use of the property if the map expires without recordation 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 Exhibit "A". An amended vesting tentative tract map approved for Vesting Tentative Tract Map No. 51153 may, at the discretion of the Director 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 the R-A-1 zone, including applicable requirements of the County's Green Building Program including Drought Tolerant Landscaping, Low Impact Development and Green Building Ordinances as applicable. Unless specifically modified by this grant, as set forth in these conditions, including Vesting Tentative Tract Map No. 51153, the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Planning.
- 15. The permittee shall submit a draft copy of the project Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review to confirm compliance with applicable requirements prior to final map recordation. The CC&Rs shall attach all of the project conditions, and include language that those conditions required to be in the CC&Rs by these conditions may not be amended or eliminated without prior approval from the Director of Planning.
- 16. The permittee shall provide for the ownership and maintenance of the 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 (totaling 21.5 acres of open space) by the homeowners association to the satisfaction of Regional Planning. The permittee shall submit a draft copy of the project CC&Rs and maintenance agreements and covenants to Regional Planning for review to confirm compliance with this condition.

Conditions

17. 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.
18. The permittee shall delineate on the final map Lot Nos. 51 through 58 consisting of approximately 101.7 acres of required open space (89 percent of net area), and shall place a note on the final map dedicating all construction rights of this area to the County. The permittee shall also label Lot Nos. 51 and 53 through 58 as "Open Space – Building Restriction Area" on the final map.
19. The permittee shall dedicate in fee title approximately 78.3 acres of undeveloped open space (Lot Nos. 57 and 58), to the Los Angeles County Department of Parks and Recreation ("Parks & Rec") or a responsible and qualified conservation organization pursuant to Mitigation Measure M-B-1 of the approved Mitigation Monitoring and Reporting Program "(MMRP)". Of that approximately 78.3 acres, the permittee voluntarily agrees to donate 10 acres (Lot No. 58) to Parks & Rec as a mitigation parcel for an unrelated County library project in Schabarum Park. If this 78.3 acres of open space or any portion thereof cannot be transferred to the Parks & Rec or a qualified conservation organization to the satisfaction of Regional Planning, then it shall be owned and maintained by a homeowners association. To the extent that conservation easements are required by the approved MMRP, the conservation easement shall be held by a responsible and qualified conservation organization or Parks & Rec pursuant to Mitigation Measure M-B-1 of the approved MMRP. Copies of the dedication agreement and conservation easement documents shall be submitted to Regional Planning to confirm compliance with this condition.
20. As agreed to by the permittee, the permittee shall dedicate a 20-foot-wide public pedestrian access easement along the northern boundary of the project site, and a six-foot-wide access easement contiguous with the west lot line and southwest lot line of Lot No. 56 and over the driveway of water tank Lot No. 50. The permittee shall also provide or ensure that at least three (3) and no more than five (5) rocks or boulders suitable for sitting are placed within the access easement. To the extent necessary, the access easement shall be held by the homeowners association if Parks & Rec or a responsible public conservation organization does not accept the access easements to the satisfaction of Regional Planning. Should Parks & Rec or a responsible public conservation organization wish to improve the area within the easement, the homeowners association shall cooperate within the limits of the dedication for public access. The permittee shall submit a copy of the CC&Rs or other documents to the Director of Planning for review to confirm compliance with this condition prior to final map recordation.
21. No fuel modification/brush clearance of any kind shall be permitted within Schabarum Park for any structure to be sited on Lot No. 15, as depicted on revised Fuel Modification exhibit dated October 16, 2009 and approved by the Los Angeles County Forester. Prior to issuance of a building permit for Lot No. 15, the permittee shall provide evidence through an approved fuel modification/brush clearance plan

Conditions

that no fuel modification/brush clearance will be required on adjoining Schabarum Park to accommodate any structure on Lot No. 15 to the satisfaction of Fire, Parks & Rec, the Los Angeles County Agricultural Commissioner, and the Director of Planning. No building permit shall be issued for any structure on Lot No. 15 if the fuel modification/brush clearance area falls within Schabarum Park.

22. This project is approved as a nonurban hillside, density-controlled development in which the areas of the proposed single-family lots may be averaged over the area of the entire project site calculated prior to any dedication of open space to collectively conform to the minimum lot area requirements of the R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area) zone as depicted on the approved Exhibit “A” dated January 7, 2008.
23. Per Section 22.56.205(B)(1)(a) of the County Code the permittee 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 Planning 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. Per Section 22.56.205(B)(2), 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, the permittee shall submit site plans covering the development for approval by the Director of Planning to confirm substantial compliance with the approved Exhibit “A” or any approved revised Exhibit “A”.
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”).

Conditions

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.
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.

Conditions

- 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.
 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 shall show that landscaped areas shall contain 100 percent locally indigenous species, including trees, shrubs and ground covering as approved by the Fire Department. 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 or as required by the Forester and Fire Warden. 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 of Los Angeles agreeing to comply with the required environmental mitigation measures in the approved MMRP. Prior to recordation of the covenant, the permittee shall submit a copy of the draft covenant, which attaches the approved MMRP, to the Director of Planning for review to confirm compliance with this condition.
50. The mitigation measures set forth in the project's MMRP, adopted in connection with the Final Environmental Impact Report for the project are incorporated and made conditions of this grant. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit mitigation monitoring reports to Regional Planning as required by the approved MMRP to show compliance with the required mitigation measures.
51. Within 30 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 approved MMRP. 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 as required in the approved MMRP.

**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, September 16, 2009, September 30, 2009 and October 21, 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

Findings

one (2:1) for any tree specified above that dies as a result of the approved removal and encroachments.

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 Draft EIR 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 Draft EIR 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

Findings

pads that will extend 60 to 150 feet above existing residences, private yards being included within open space calculations and substantial community opposition.

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.

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.
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 for the proposed 47-lot subdivision was released for public comment in February of 2009.

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 Draft EIR. 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.
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. Issues 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

Findings

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. The decision to offer to donate a 10-acre parcel of the open space area to Parks & Rec was voluntarily made by the applicant, and the transfer of that lot to Parks & Rec is not necessary to mitigate impacts of the project, but instead was offered as a community benefit of the project.

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 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 the applicant agreeing to provide a more complete onsite private path to be owned and maintained by the homeowners association ("HOA"). The proposed path 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 path within the water tank access road would be allowed. The applicant was also willing 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. Also discussed was staff's meeting with the applicant on August 11, 2009 which discussed issues such as the public pedestrian

Findings

access along the proposed access driveway of Lot No. 50 (water tank lot) The open space easements that will be provided by the applicant are contiguous with the west and southwest lot lines of Lot No. 56, and a portion of these will be located within the water tank access road. Fuel modification/brush clearance that 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 respond 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 HOA 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 private trails 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, that 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-profit organizations would not accept manufactured slopes those 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 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 as Schabarum Park should be treated as the Santa Monica Mountains would. A smaller structure should be sited on the lot that would eliminate the need for fuel modification/brush clearance within Schabarum Park.
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 a condition requiring a six-foot wide public easements with rocks or boulders for sitting to be maintained by the HOA, and another condition that prohibits any fuel modification/brush clearance within Schabarum Park for a structure on Lot No. 15.

SEPTEMBER 16, 2009 PUBLIC HEARING

58. On September 3, 2009, staff submitted a hearing package to your Commission which contained a continuation memo which outlined three outstanding issues that the applicant and staff were working on as well as draft findings and conditions for approval.
59. On September 8, 2009, staff received a letter with exhibits from Parks & Rec, dated September 8, 2009, requesting that the proposed 10-acre park mitigation parcel (Lot No. 58) be relocated to the southeast portion of the project site so that it does not include any manufactured slopes. Parks & Rec also requested that the applicant transfer ownership of Lot No. 58 to their department prior to final map approval.
60. On September 10, 2009 staff submitted a supplemental information package to your Commission for the September 16, 2009 continued public hearing. Included in this information package was the letter received from Parks & Rec, and an e-mail from the applicant to the Los Angeles County Agricultural Commissioner dated September 3, 2009 discussing appropriate language for the brush clearance condition. Also included in the supplemental package was proposed condition language from staff for the dedication of open space Lot No. 58, a 10-acre library mitigation parcel, to Parks & Rec and proposed condition language from staff and the applicant for fuel modification/brush clearance.
61. During the September 16, 2009 public hearing, the Commission heard a brief presentation from staff. Staff discussed the supplemental information package that the Commission had received and also stated that the applicant was requesting a continuance of the public hearing. The applicant requested the continuance to allow time for the completion of draft findings and conditions for approval of the proposed project.
62. During the September 16, 2009 public hearing, one person testified in opposition to the project. Issues raised included concerns with approved geology report; consistency between state Subdivision Map Act and approved geology report and vesting issues of the tentative map.
63. During the September 16, 2009 public hearing, County Counsel stated that the soils and geology reports for the proposed project have been approved by Public Works. County Counsel also stated that the location of the proposed water tank and its stability has also been reviewed and approved by Public Works.

64. During the September 16, 2009 public hearing, the applicant's representative stated that they would comply with all county and state requirements related to soils and geology before constructing any single-family residences.
65. On September 16, 2009, the Commission continued the public hearing to September 30, 2009, and instructed staff to work with the applicant to continue completing the necessary draft findings and conditions for approval. The Commission also instructed staff to specifically complete and submit all hearing materials by September 24, 2009.

SEPTEMBER 16, 2009 PUBLIC HEARING

66. During the September 30, 2009 public hearing, the Commission heard a brief presentation from staff. Staff generally described the remaining issues including condition language regarding any fuel modification/brush clearance within Schabarum Park, calculation and credit of the Quimby fee, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period. Staff also stated that the applicant was requesting a continuance of the public hearing to allow time for ongoing discussion and completion of draft findings and conditions for approval of the proposed project. The applicant was present but gave no testimony.
67. During the September 30, 2009 public hearing, the Commission inquired if staff and the applicant would be able to reach an agreement on the language for the outstanding draft conditions. Staff stated that they hope and are continuing to diligently work with them that the draft conditions could be completed for the next public hearing.
68. On September 30, 2009, the Commission continued the public hearing to October 21, 2009, and instructed staff to continue working with the applicant and complete the necessary draft findings and conditions for approval.

OCTOBER 21, 2009 PUBLIC HEARING

69. During the October 21, 2009 public hearing, the Commission heard a brief presentation from staff. Staff further described the ongoing discussions on the remaining issues including condition language regarding any fuel modification/brush clearance within Schabarum Park, calculation and credit of Quimby fees, language regarding "donation" vs. "dedication" of the open

70. space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period. Staff also described the additional materials distributed that morning including additional changes to Tract Condition No. 20 and CUP Condition No. 21 reflecting a revised fuel modification exhibit and an e-mail from applicant to Richard Takata (Los Angeles County Deputy Agricultural Commissioner) and Keith Condon (Los Angeles County Deputy Forester) verifying approval of revised fuel modification plan. There is also a correction to draft Tract Finding 79, CUP No. 80 and OTP Finding No. 71 regarding that morning's hearing summary. The revised fuel modification exhibit reflects fuel modification for Lot No. 15 that does not extend into Schabarum Park. An outline from applicant's representative depicting changes to trails language and copies of parkland code sections have also been distributed with additional exhibits and information.
71. During the October 21, 2009 public hearing, the Commission requested clarification on the draft language pertaining to CUP Condition No. 10 and the word "fully" versus the word "reasonably" that also appears in some of the draft conditions. The Commission also requested clarification regarding the words "permittee" and "subdivider." County Counsel stated that the word "fully" rather than "reasonably" was intended to remain and reflects language from the Government Code. County Counsel also stated that the word "permittee" was used to describe the applicant within CUP and OTP conditions and is earlier defined to include "successor in interests" therefore all subsequent uses of "permittee" in the CUP and OTP conditions do not need to state "successor in interests." However, "subdivider" is used to describe the applicant in the tract conditions and because that term is not defined to include successors in interest, subsequent use of "subdivider" would also state "successor in interests" for tract conditions.
72. During the October 21, 2009 public hearing, staff requested clarification pertaining to Tract Condition No. 20 and CUP Condition No. 21, which does not allow any kind of fuel modification/brush clearance within Schabarum Park for any structure to be sited on Lot No. 15; and whether there should be consideration of any type of land exchange or other mechanism which would allow encroachment into Schabarum Park. The Commission confirmed that it was not the intent to allow encroachment into Schabarum Park to support development on Lot No. 15, and that a land exchange or other mechanism was not justification to allow for brush clearance or other encroachment to support development on Lot No. 15, in particular, or the project in general. No fuel modification/brush clearance is permitted within Schabarum Park. The Commission also stated that CUP Condition No. 48 should be clarified to remove "extent feasible" and add that the landscape

73. plan is to satisfaction of the Los Angeles County Fire Department ("Fire") and Regional Planning.
74. During the October 21, 2009 public hearing, the Commission asked for clarification regarding the Quimby fees. County Counsel stated that the Quimby obligation comes from the Subdivision Map Act and Title 21 of the County Code. Parks & Rec evaluates proposals to determine appropriateness of parkland area. For projects of 50 units or less, the County can only require fees. The applicant may chose to provide parkland, which Parks & Rec. reviews to determine if the park space satisfies the necessary requirements and makes a recommendation accordingly. In this case Parks & Rec determined that the area offered by the applicant was not suitable for local park space and is recommending fees rather than the area offered by the applicant.
75. During the October 21, 2009 public hearing, the applicant thanked staff for their hard work, and requested that the Commission waive Quimby fees for the project as they were providing 1.2 acres of trails that should be considered as meeting the Quimby obligation. The applicant's representative requested that the Commission accept the project's trails as credit for Quimby fees as it is within the Commission's discretion to accept trails as meeting the parkland requirement. The representative also stated that the applicant preferred to provide trails instead of paying Quimby fees.
76. During the October 21, 2009 public hearing, one person testified in opposition to the project. Issues raised included the use of the property as open space, concern with a single means of access to the project site within a Very High Fire Hazard Severity Zone and destruction of an SEA.
77. During the October 21, 2009 public hearing, the applicant declined to provide rebuttal.
78. During the October 21, 2009 public hearing, the Commission inquired about Lot No. 58, the 10-acre parcel proposed as mitigation for offsite library project not part of this project. A representative from Parks & Rec stated that they were requesting that the boundary of this lot be adjusted southerly away from proposed manufactured slopes.
79. A representative from Parks & Rec also discussed existing trails within the Parks & Rec system, public conservation organization maintained trails, and other "rogue" trails created by the general public over the project site. Due to impacts on sensitive habitat, there have been efforts to decommission some of these trails in order to allow the habitat to recover.

Trails within the County system are considered regional trails. If there was a desire to have another agency develop or improve trails within the project site, that agency should be consulted to further comment.

80. During the October 21, 2009 public hearing, the Commission stated that park maintenance related to fuel modification/brush clearance should be performed only by park maintenance personnel and neighboring parcels should not be allowed to perform fuel modification/brush clearance in Schabarum Park. The Commission felt that no fuel modification should be allowed within Schabarum Park in connection with this project; for any other direction they felt that it should be determined by the Los Angeles County Board of Supervisors.
81. During the October 21, 2009 public hearing, the Commission stated that the proposed trails are access easements that were a concession for increased density, and will be under the homeowners association. The Commission also inquired whether the Puente Hills Landfill Habitat Authority or Parks & Rec should maintain these proposed onsite trails rather than homeowners association.
82. On October 21, 2009, after taking all testimony, the Commission closed the public hearing, certified the Final EIR in compliance with CEQA and the State and County guidelines related thereto and adopted Findings of Fact, and unanimously approved Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027. Conditions were clarified to remove public access easement maintenance by the homeowners association, and add language for cooperation if another agency wishes to do improvements within these easements.
83. 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.

84. 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.
85. A Mitigation Monitoring Reporting and Program ("MMRP") 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.
86. The MMRP 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.
87. 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.
88. 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

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

Findings

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

**DEPARTMENT OF REGIONAL PLANNING
OAK TREE PERMIT CASE NO. 92027**

CONDITIONS:

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

1. This grant allows the removal of 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 including any successor in interest thereto.
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") an 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. 4, 10 and 20. Notwithstanding the foregoing, this condition No. 3, and Condition Nos. 10, 29, 30 and 31 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 \$800.00. 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 seven 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. The permittee shall provide proof of recordation to Regional Planning. 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.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
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.
8. All development shall comply with the requirements of Title 22 of the Los Angeles County Code ("County Code") (Zoning Ordinance), and of the R-A-1 zone unless specifically modified by this grant, Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027, the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director of Planning").
9. No Oak tree shall be removed 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 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.

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 consistent with Mitigation Measure M-B-2 in the approved Mitigation Monitoring and Reporting Program ("MMRP"). The permittee 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. Consistent with Mitigation Measure M-B-2 in the approved MMRP, the permittee 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. Within 30 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 MMRP. 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 as required in the approved MMRP.

21. Encroachment within the protected zone of any additional trees of the Oak genus on the project site is prohibited.
22. 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".
23. No planting or irrigation system shall be installed within the drip line of any Oak tree that will be retained.
24. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
25. 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.
26. 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.
27. 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.
28. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor pursuant to Section 22.60.340 of the Los Angeles County Code ("County Code"). 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.

29. 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 fully cooperate in the defense.
30. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred by the department reach 80 percent of the amount on deposit; the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - 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 County Code.

31. 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 vesting tentative map. In the event of expiration of the Vesting Tentative Tract Map No. 51153 and expiration of this grant, the permittee is on notice that entitlement to the use of the property if the map expires without recordation shall be subject to the regulations then in effect.
32. 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.
33. The permittee shall record a covenant with the County of Los Angeles agreeing to comply with the required environmental mitigation measures contained in the

approved MMRP. Prior to recordation of the covenant, the permittee shall submit a copy of the draft covenant that attaches the approved MMRP, to the Director of Planning for review to confirm compliance with this condition.

34. The mitigation measures set forth in the project's MMRP, adopted in connection with the Final Environmental Impact Report for the project are incorporated and made conditions of this grant. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit mitigation monitoring reports to Regional Planning as required by the approved MMRP to show compliance with the required mitigation measures.



OAK TREES: Care and Maintenance

This Oak Tree Care and Maintenance Guide offers basic information and practical guidelines aimed at the preservation and continued health and survival of oak trees in the residential landscape.

Increasing pressure for development is changing the oak woodland of Los Angeles County. Heritage oaks which once survived in open rolling hills are now being preserved or replanted and incorporated into the community.

How do we protect these trees during the planning and development process, and ensure their survival once they are in the home garden?

The Oak Tree

Oak Trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the trees show obvious signs of disease it is usually too late to help.

Improper watering, especially during the hot summer months, and disturbance to critical root areas are most often the causes. This booklet will provide guidelines on where these critical areas lie and ways to avoid disturbing them, as well as information on long-term care and maintenance of both natural and planted oaks. Lists of additional resources for more information and demonstration areas to visit are also included.

The Oak Tree Ordinance

The Los Angeles County Oak Tree Ordinance has been established to recognize oak trees as significant historical, aesthetic, and ecological resources. The goal of the ordinance is to create favorable conditions for the preservation and propagation of this unique and threatened plant heritage. By making this part of the development process, healthy oak trees will be preserved and maintained.

The Los Angeles County Oak Tree Ordinance applies to all unincorporated areas of the County. Individual cities may have their own ordinances, and their requirements may be different.

Permit Requirements:

Under the Los Angeles County Ordinance, a person shall not cut, destroy, remove, relocate, inflict damage, or encroach into the *protected zone* (see text) of any ordinance sized tree of the oak tree genus without first obtaining a permit.

Damage includes but is not limited to :

- Burning
- Application of toxic substances
- Pruning or cutting
- Trenching
- Excavating
- Paving
- Operation of machinery or equipment
- Changing the natural grade

Chapter 22.56.2050: Oak Tree Permit Regulations, Los Angeles County, Adopted: August 20, 1982. Amended: September 13, 1988.

For more information about the County Oak Tree Ordinance, visit the Forestry Division's website at:

http://lacofd.org/Forestry_folder/otordin.htm

Or contact:

Department of Regional Planning
320 W. Temple Street, 13th floor
Los Angeles, CA 90012-3284
(213) 974-6411
TDD: (213) 617-2292
<http://planning.co.la.ca.us>

Types of oaks commonly found in Los Angeles County:

Many kinds of oak trees are native to Los Angeles County. A few of the more common ones are shown below, but *all* oak trees are covered by the Oak Tree Ordinance.

Older oaks which have thrived under the natural rainfall patterns of dry summers and wet winters often can't handle the extra water of a garden setting. These trees must be treated with special care if they are to survive.

Those oaks that have been planted into the landscape or sprouted naturally tend to be more tolerant of watered landscapes. These vigorous young trees may grow 1½ to 4 feet a year in height under good conditions. Once established these trees would benefit from the same special care outlined in this guide.



Valley Oak QUERCUS LOBATA

LARGE DECIDUOUS TREE 60'-75' HIGH, BROADLY SPREADING 50'-80' WIDE.

LEAVES: DEEP GREEN, 3"-4" LONG; PAPER-LIKE TEXTURE WITH DEEP ROUNDED LOBES ON THE LEAF EDGE.

TENDS TO FAVOR VALLEY BOTTOMS; FOR THIS REASON THE VALLEY OAK HAS DISAPPEARED FROM THE LANDSCAPE MORE RAPIDLY, IMPACTED SEVERELY BY AGRICULTURE AND URBAN DEVELOPMENT.



Coast Live Oak QUERCUS AGRIFOLIA

LARGE EVERGREEN TREE WITH A BROAD, ROUND SHAPE AND LARGE LIMBS. 30'-70' HIGH, 35'-80' WIDE.

LEAVES: GLOSSY GREEN, 1"-3" LONG; SPINY, ROUNDED, AND HOLLY-LIKE; BUT DISTINCTLY CUPPED OR CURLED UNDER AT THE EDGES.



Interior Live Oak QUERCUS WIGLIZENII

EVERGREEN TREE 30'-75' HIGH OR A SHRUB 8'-10' HIGH IN CHAPARRAL AREAS. HAS A FULL, DENSE ROUNDED SHAPE, NOT BROAD OR WITH LARGE LIMBS LIKE A COAST LIVE OAK. THEY TEND TO GROW IN CLUMPS RATHER THAN AS A SINGLE TREE.

LEAVES: DARK GREEN, 1"-4" LONG. EDGES EITHER SMOOTH OR SPINY, BUT ALWAYS FLAT— NOT CURLED UNDER.

OTHER COMMON OAKS:

CALIFORNIA BLACK OAK: QUERCUS KELLOGGI
CANYON LIVE OAK: QUERCUS CHRYSOLEPIS
ENGELMANN OAK: QUERCUS ENGELMANNII

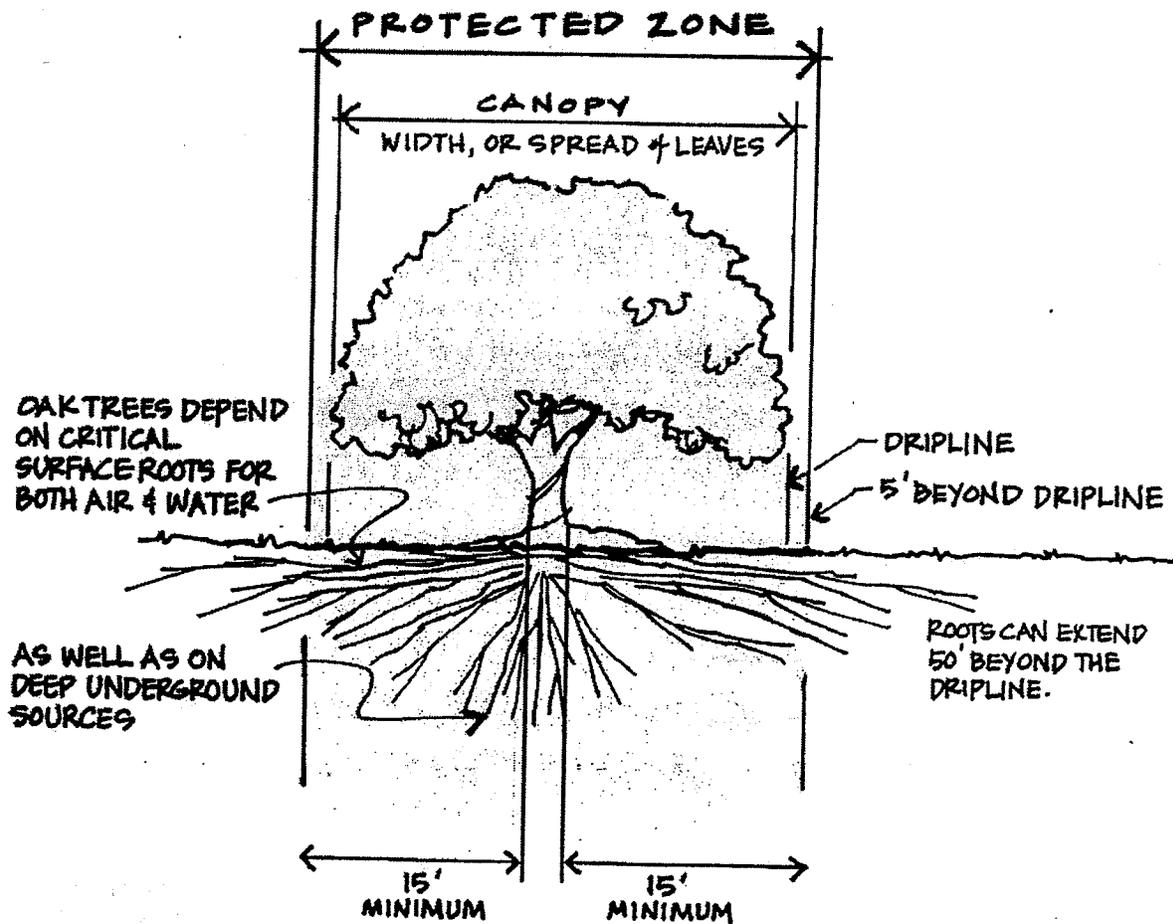
THE PROTECTED ZONE

The **protected zone** defines the area most critical to the health and continued survival of an oak tree. Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment.

The root system is extensive but surprisingly shallow, sometimes radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the *dripline*, is especially important: the tree obtains most of its surface water and nutrients here, and conducts an important exchange of air and other gases.

The protected zone is defined in the Oak Tree Ordinance as follows:

"The Protected Zone shall mean that area within the dripline of an oak tree and extending there from to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater."



CONSTRUCTION ACTIVITY WITHIN THE PROTECTED ZONE

Changes in Grade

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. Water should drain away from this area and not be allowed to pond so that soil remains wet at the base.

Retaining walls designed to hold back soil above or below an existing tree should be avoided if at all possible, especially within the protected zone. These types of structures cause critical areas at the dripline to be buried, or require that major roots be severed. Water trapped at the base of the tree could lead to root rot or other impacts, and to the decline and premature death of a highly valued landscape tree.

Construction activities outside the protected zone can have damaging impacts on existing trees. Underground water sources can be cut off due to falling water tables, or drainage may be disrupted.

Trenching

Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed.

If trenches must be placed within the protected zone, utilities can be placed in a conduit, which has been bored through the soil, reducing damage to the roots. Insist that as many utilities as allowed be placed in a single trench, instead of the common practice of digging a separate trench for each individual line.

Trenching can also be accomplished using hand tools or small hand held power equipment to avoid cutting roots. Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced.

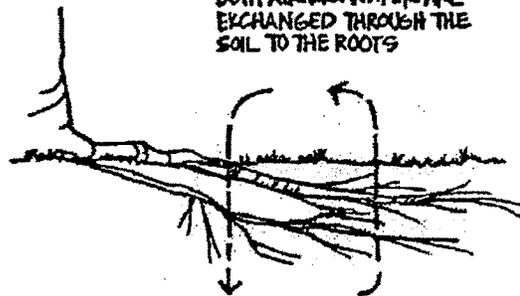
Soil Compaction and Paving

The roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity that compacts the soil in this area blocks this exchange and can have serious long-term negative effects on the tree.

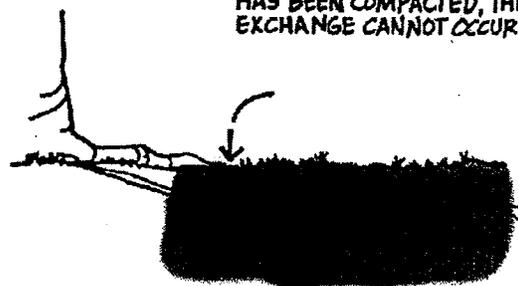
If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips (note the advantages of natural materials for providing nutrients under *mulching*).

SOIL COMPACTION

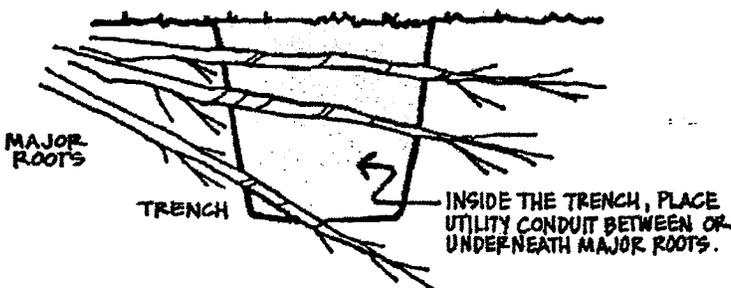
BOTH AIR AND WATER ARE EXCHANGED THROUGH THE SOIL TO THE ROOTS



HOWEVER, IF THE SOIL HAS BEEN COMPACTED, THIS EXCHANGE CANNOT OCCUR.



TRENCHING



MAINTENANCE

Watering

The key is prevention – **do not over water**. Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem.

The seasonal weather pattern for this region is one of dry summers and winter rain. Oak trees are naturally drought tolerant and adapted to this cycle. If the tree is vigorous and thriving it should not require any additional water.

If the natural source of surface or underground water has been altered, some supplemental water may be necessary, but proceed with caution. The goal of any watering schedule for oak trees should be to supplement natural rainfall and it should occur only when the tree would normally receive moisture. This might be in the winter, if rains are unusually late, or in spring if rainfall has been below normal levels.

Over watering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.

Newly planted oaks may need supplemental watering during their first few summers. After they become established water should be applied according to the previous guidelines.

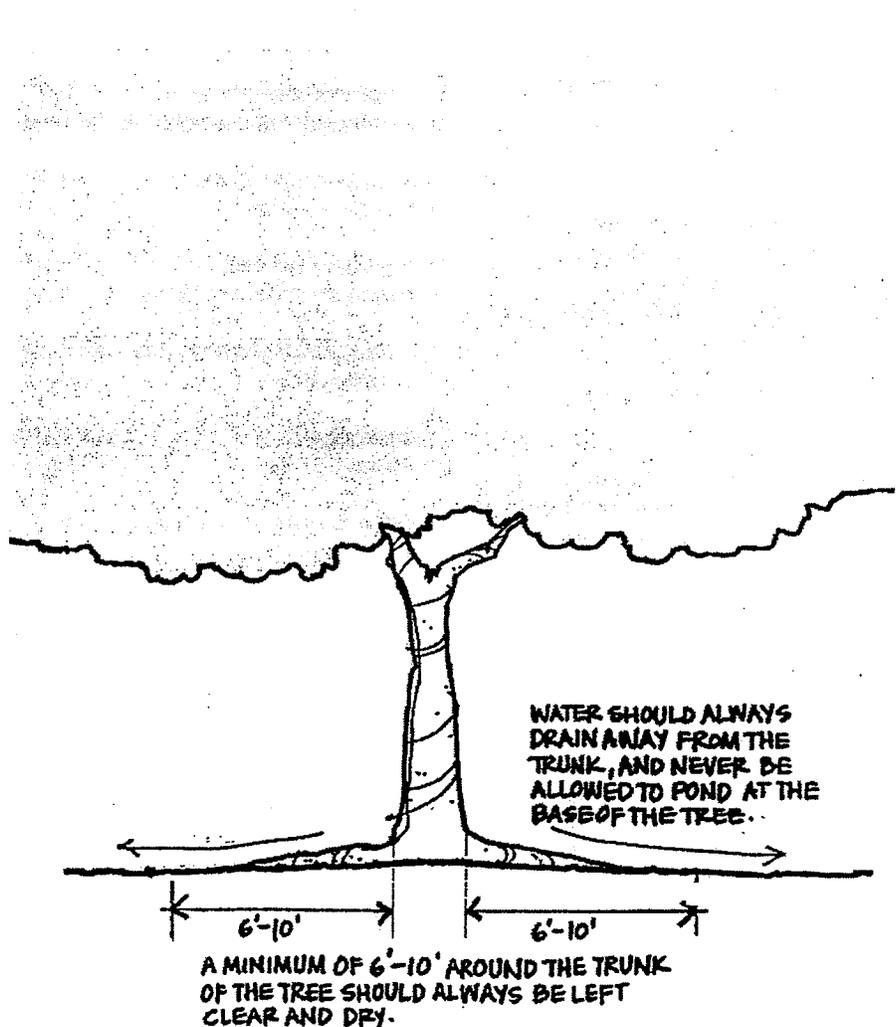
Pruning

For oak trees the periodic removal of dead wood during periods of tree dormancy should be the only pruning needed. Any cutting of green wood opens scars that could allow the entry of organisms or disease.

Before pruning obtain the advice of a certified arborist or other professional and consult the local city or county where the tree is located to find out what regulations apply. Pruning of both live and dead wood can sometimes require a permit.

Mulching

Leaf litter from the tree is the best mulch and should be allowed to remain on the ground within the protected zone. Crushed walnut shells or wood chips can be used, but the oak leaves that drop naturally provide the tree with a source of nutrients. Avoid the use of packaged or commercial oak leaf mulch which could contain Oak Root Fungus. Redwood chips should not be used due to certain chemicals present in the wood.



Disease and Pests

Trees that are stressed, especially because of improper watering practices, are prone to certain diseases and attacks by pests.

The most damaging of these diseases is the Oak Root Fungus *Armillaria mellea*. Occurring naturally in the soil, the fungus thrives under wet conditions and dies back in the summer when soils dry out. This is why summer watering of oaks can be a deadly practice. As noted in the watering guidelines, wet soil in the summer allows the fungus to grow all year. As the population grows, their natural food sources are depleted and they begin feeding on oak tree roots. The fungus does not require an open wound in the tree to gain entry.

Indications of the fungus include:

- die back of branches or tips.
- honey colored fungus at or near the root crown.
- white fan-like fungus between wood and bark.
- the presence of black, shoestring-like growths in the soil.

Once the tree begins to show obvious signs of infection treatment is generally ineffective. The best treatment is to *avoid* the conditions that lead to Oak Root Fungus infections.

Pit Scale, Oak Moth, and other pests: any significant changes in leaf color, branch die back, presence of black sooty materials on leaves or other changes should be noted. Seek the advice of a professional forester, arborist, farm advisor or other expert before the application of any pesticides on an oak tree.

Planting Underneath Oaks

The natural leaf litter is by far the best ground cover within the protected zone. If plants must be placed, the following guidelines should be followed:

There should be no planting within a minimum 6 to 10 feet of the trunk.

Avoid plants that require any supplemental water once established.

Choose plants suited for "dry shade." Those listed in the box below offer some good choices. To see some examples of how these plants have been used under oaks refer to the Additional Resources section on the following page.

PLANTS TO CONSIDER:

Plant Name	Description
<i>Arctostaphylos densiflora</i> 'Howard McMinn' Manzanita	3' high, 6' wide. Toughest of available forms. Whitish-pink flowers.
<i>Arctostaphylos edmundsii</i> Little Sur Manzanita	1-2' high, 4-5' wide. Tolerant of full shade.
<i>Arctostaphylos hookeri</i> Monterey Carpet Manzanita	1-2' high, spreading to 12' wide by rooting branches. White to pink flowers.
<i>Ceanothus griseus horizontalis</i> Carmel Creeper	Less than 2 1/2' tall, low & creeping. Clusters of small blue flowers.
<i>Heuchera</i> spp. Coral Bells	2-4' mound. Flowers on an upright stem 2-3" high and spotted with red or pink.
<i>Mahonia aquifolium compacta</i> Oregon Grape	2-4' high, spreading by underground roots. Bright yellow flower clusters.
<i>Ribes viburnifolium</i> Evergreen or Catalina Currant	2-3' high, spreading to 12' wide. Flowers pink to red in small clusters.

NOTES:

Before deciding on plants, check a source such as the *Sunset Western Garden Book* to determine which plants will grow in your area.

When choosing shade tolerant plants, consider that the ground under the south side of the tree will get more sunlight while the northern side will tend to remain more deeply shaded.

ADDITIONAL RESOURCES and Places to Visit

Public Agencies

County of Los Angeles Fire Department
Prevention Bureau, Forestry Division
5823 Rickenbacker Road, Rm #123
Commerce, CA 90040-3027
(323) 890-4330
<http://lacofd.org/forestry.htm>

University of California
Integrated Hardwood Range Management Program
163 Mulford Hall, Berkeley, CA 94720-3114
<http://danr.ucop.edu/ihrmp>

Private Organizations

The Theodore Payne Foundation
10459 Tuxford Street
Sun Valley, CA 91352-2126
(818) 768-1802
www.theodorepayne.org

California Native Plant Society
1722 J Street, Suite 17
Sacramento, CA 95814-3033
(916) 447-2677
www.cnps.org

The California Oak Foundation
1212 Broadway, Suite 810
Oakland, CA 94612-1810
(510) 763-0282
www.californiaoaks.org

Arboretums and Botanic Gardens

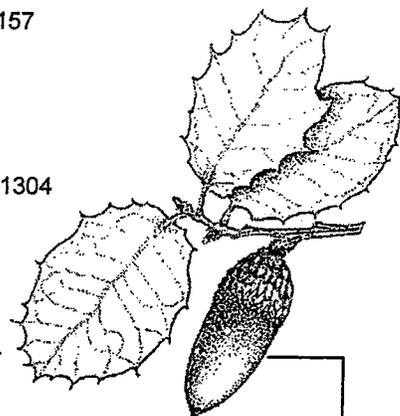
Los Angeles County Arboreta and Botanic Gardens
301 N. Baldwin Ave.
Arcadia, CA 91007-2697
(626) 821-3222
www.arboretum.org

Los Angeles County South Coast Botanic Garden
26300 Crenshaw Blvd.
Palos Verdes Peninsula, CA 90274-2515
(310) 544-6815
www.southcoastbotanicgarden.org

Los Angeles County Descanso Gardens
1418 Descanso Drive
La Canada-Flintridge, CA 91011-3102
(818) 949-4200
www.descansogardens.org

Rancho Santa Ana Botanic Garden
1500 North College
Claremont, CA 91711-3157
(909) 625-8767
www.rsabq.org

The Lummis Home
200 E. Avenue 43
Los Angeles, CA 90031-1304
(213) 222-0546



Publications

Compatible Plants Under and Around Oaks. Bruce W. Hagen... [et al]. The California Oak Foundation. 2000.

Growing California Native Plants. Marjorie G. Schmidt, Univ. California Press. 1981.

Illustrated Guide to the Oaks of the Southern Californian Floristic Province. Fred M. Roberts. FM Roberts Publications. 1996.

Living Among the Oaks: A Management Guide for Landowners. University of California Integrated Range Management Program. 1995.

Oaks of California. Bruce M. Pavlik... [et al]. Cachuma Press & the California Oak Foundation. 1995.

Proceedings of the Fifth Symposium on Oak Woodlands: Oaks in California's Changing Landscape. GTR PSW-GTR-184. Forest Service, U.S. Department of Agriculture. 2001.
Available from the University of California Integrated Hardwood Range Management Program.

Regenerating Rangeland Oaks in California. University of California Integrated Range Management Program. 2001.



County of Los Angeles Fire Department Forestry Division

County of Los Angeles Board of Supervisors

Gloria Molina, First District
Yvonne Brathwaite Burke, Second District
Zev Yaroslavsky, Third District
Don Knabe, Fourth District
Michael D. Antonovich, Fifth District

County of Los Angeles Fire Department

P. Michael Freeman, Fire Chief

Brush Clearance Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-2375

Camp 17
6555 Stephens Ranch Road
La Verne, CA 91750-1144
(909) 593-7147

Environmental Review Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5719

Fire Plan/Interpretive Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5783

Fuel Modification Unit
605 N. Angeleno Avenue
Azusa, CA 91702-2904
(626) 969-5205

Henninger Flats Forestry Unit
2260 Pinecrest Drive
Altadena, CA 91001-2123
(626) 794-0675

Lake Hughes Forestry Unit
42150 N. Lake Hughes Road
Lake Hughes, CA 93532-9706
(661) 724-1810

Malibu Forestry Unit
942 N. Las Virgenes Road
Calabasas, CA 91302-2137
(818) 222-1108

San Dimas Forestry Unit
1910 N. Sycamore Canyon Road
San Dimas, CA 91773-1220
(909) 599-4615

Saugus Forestry Unit
28760 N. Bouquet Canyon Road
Saugus, CA 91390-1220
(661) 296-8558

Vegetation Management Unit
12605 Osborne Street
Pacoima, CA 91331-2129
(818) 890-5720

**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, September 16, 2009, September 30, 2009 and October 21, 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.

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

Findings

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 ("Draft EIR") 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 Draft EIR 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 Draft EIR primarily raised concerns regarding the significant impacts on biotic resources, the loss of wildlife habitat, and the proposed oak tree removals.

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

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.

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

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 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

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 Draft EIR. 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. Issues 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. The decision to offer to donate a 10-acre parcel of the open space area to Parks & Rec was voluntarily made by the applicant, and the transfer of that lot to Parks & Rec is not necessary to mitigate impacts of the project, but instead was offered as a community benefit of the project.

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 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 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 the applicant agreeing to provide a more complete onsite private path to be owned and maintained by the homeowners association ("HOA"). The proposed path 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 path within the water tank access road would be allowed. The applicant was also willing 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. Also discussed was staff's meeting with the applicant on August 11, 2009 which discussed issues such as the public pedestrian access along the proposed access driveway of Lot No. 50 (water tank lot) The open space easements that will be provided by the applicant are contiguous with the west and southwest lot lines of Lot No. 56, and a portion of these will be located within the water tank access road. Fuel modification/brush clearance that 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 respond regarding grading design.

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 HOA 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 private trails 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, that 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-profit organizations would not accept manufactured slopes those 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.

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 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 as Schabarum Park should be treated as the Santa Monica Mountains would. 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 a condition requiring a six-foot wide public easements with rocks or boulders for sitting to be maintained by the HOA, and another condition that prohibits any fuel modification/brush clearance within Schabarum Park for a structure on Lot No. 15.

SEPTEMBER 16, 2009 PUBLIC HEARING

66. On September 3, 2009, staff submitted a hearing package to your Commission which contained a continuation memo which outlined three outstanding issues that the applicant and staff were working on as well as draft findings and conditions for approval.
67. On September 8, 2009, staff received a letter with exhibits from Parks & Rec, dated September 8, 2009, requesting that the proposed 10-acre park mitigation parcel (Lot No. 58) be relocated to the southeast portion of the project site so that it does not include any manufactured slopes. Parks & Rec also requested that the applicant transfer ownership of Lot No. 58 to their department prior to final map approval.
68. On September 10, 2009 staff submitted a supplemental information package to your Commission for the September 16, 2009 continued public hearing. Included in this information package was the letter received from Parks & Rec, and an e-

mail from the applicant to the Los Angeles County Agricultural Commissioner dated September 3, 2009 discussing appropriate language for the brush clearance condition. Also included in the supplemental package was proposed condition language from staff for the dedication of open space Lot No. 58, a 10-acre library mitigation parcel, to Parks & Rec and proposed condition language from staff and the applicant for fuel modification/brush clearance.

69. During the September 16, 2009 public hearing, the Commission heard a brief presentation from staff. Staff discussed the supplemental information package that the Commission had received and also stated that the applicant was requesting a continuance of the public hearing. The applicant requested the continuance to allow time for the completion of draft findings and conditions for approval of the proposed project.
70. During the September 16, 2009 public hearing, one person testified in opposition to the project. Issues raised included concerns with approved geology report; consistency between state Subdivision Map Act and approved geology report and vesting issues of the tentative map.
71. During the September 16, 2009 public hearing, County Counsel stated that the soils and geology reports for the proposed project have been approved by Public Works. County Counsel also stated that the location of the proposed water tank and its stability has also been reviewed and approved by Public Works.
72. During the September 16, 2009 public hearing, the applicant's representative stated that they would comply with all county and state requirements related to soils and geology before constructing any single-family residences.
73. On September 16, 2009, the Commission continued the public hearing to September 30, 2009, and instructed staff to work with the applicant to continue completing the necessary draft findings and conditions for approval. The Commission also instructed staff to specifically complete and submit all hearing materials by September 24, 2009.

SEPTEMBER 16, 2009 PUBLIC HEARING

74. During the September 30, 2009 public hearing, the Commission heard a brief presentation from staff. Staff generally described the remaining issues including condition language regarding any fuel modification/brush clearance within Schabarum Park, calculation and credit of the Quimby fee, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period. Staff also stated that the applicant was requesting a continuance of the public hearing to allow time for

ongoing discussion and completion of draft findings and conditions for approval of the proposed project. The applicant was present but gave no testimony.

75. During the September 30, 2009 public hearing, the Commission inquired if staff and the applicant would be able to reach an agreement on the language for the outstanding draft conditions. Staff stated that they hope and are continuing to diligently work with them that the draft conditions could be completed for the next public hearing.
76. On September 30, 2009, the Commission continued the public hearing to October 21, 2009, and instructed staff to continue working with the applicant and complete the necessary draft findings and conditions for approval.

OCTOBER 21, 2009 PUBLIC HEARING

77. During the October 21, 2009 public hearing, the Commission heard a brief presentation from staff. Staff further described the ongoing discussions on the remaining issues including condition language regarding any fuel modification/brush clearance within Schabarum Park, calculation and credit of Quimby fees, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period. Staff also described the additional materials distributed that morning including additional changes to Tract Condition No. 20 and CUP Condition No. 21 reflecting a revised fuel modification exhibit and an e-mail from applicant to Richard Takata (Los Angeles County Deputy Agricultural Commissioner) and Keith Condon (Los Angeles County Deputy Forester) verifying approval of revised fuel modification plan. There is also a correction to draft Tract Finding 79, CUP No. 80 and OTP Finding No. 71 regarding that morning's hearing summary. The revised fuel modification exhibit reflects fuel modification for Lot No. 15 that does not extend into Schabarum Park. An outline from applicant's representative depicting changes to trails language and copies of parkland code sections have also been distributed with additional exhibits and information.
78. During the October 21, 2009 public hearing, the Commission requested clarification on the draft language pertaining to CUP Condition No. 10 and the word "fully" versus the word "reasonably" that also appears in some of the draft conditions. The Commission also requested clarification regarding the words "permittee" and "subdivider." County Counsel stated that the word "fully" rather than "reasonably" was intended to remain and reflects language from the Government Code. County Counsel also stated that the word "permittee" was used to describe the applicant within CUP and OTP conditions and is earlier defined to include "successor in interests" therefore all subsequent uses of "permittee" in the CUP and OTP conditions do not need to state "successor in

interests.” However, “subdivider” is used to describe the applicant in the tract conditions and because that term is not defined to include successors in interest, subsequent use of “subdivider” would also state “successor in interests” for tract conditions.

79. During the October 21, 2009 public hearing, staff requested clarification pertaining to Tract Condition No. 20 and CUP Condition No. 21, which does not allow any kind of fuel modification/brush clearance within Schabarum Park for any structure to be sited on Lot No. 15; and whether there should be consideration of any type of land exchange or other mechanism which would allow encroachment into Schabarum Park. The Commission confirmed that it was not the intent to allow encroachment into Schabarum Park to support development on Lot No. 15, and that a land exchange or other mechanism was not justification to allow for brush clearance or other encroachment to support development on Lot No. 15, in particular, or the project in general. No fuel modification/brush clearance is permitted within Schabarum Park. The Commission also stated that CUP Condition No. 48 should be clarified to remove “extent feasible” and add that the landscape plan is to satisfaction of the Los Angeles County Fire Department (“Fire”) and Regional Planning.
80. During the October 21, 2009 public hearing, the Commission asked for clarification regarding the Quimby fees. County Counsel stated that the Quimby obligation comes from the Subdivision Map Act and Title 21 of the County Code. Parks & Rec evaluates proposals to determine appropriateness of parkland area. For projects of 50 units or less, the County can only require fees. The applicant may chose to provide parkland, which Parks & Rec. reviews to determine if the park space satisfies the necessary requirements and makes a recommendation accordingly. In this case Parks & Rec determined that the area offered by the applicant was not suitable for local park space and is recommending fees rather than the area offered by the applicant.
81. During the October 21, 2009 public hearing, the applicant thanked staff for their hard work, and requested that the Commission waive Quimby fees for the project as they were providing 1.2 acres of trails that should be considered as meeting the Quimby obligation. The applicant’s representative requested that the Commission accept the project’s trails as credit for Quimby fees as it is within the Commission’s discretion to accept trails as meeting the parkland requirement. The representative also stated that the applicant preferred to provide trails instead of paying Quimby fees.
82. During the October 21, 2009 public hearing, one person testified in opposition to the project. Issues raised included the use of the property as open space, concern

with a single means of access to the project site within a Very High Fire Hazard Severity Zone and destruction of an SEA.

83. During the October 21, 2009 public hearing, the applicant declined to provide rebuttal.
84. During the October 21, 2009 public hearing, the Commission inquired about Lot No. 58, the 10-acre parcel proposed as mitigation for offsite library project not part of this project. A representative from Parks & Rec stated that they were requesting that the boundary of this lot be adjusted southerly away from proposed manufactured slopes.
85. A representative from Parks & Rec also discussed existing trails within the Parks & Rec system, public conservation organization maintained trails, and other "rogue" trails created by the general public over the project site. Due to impacts on sensitive habitat, there have been efforts to decommission some of these trails in order to allow the habitat to recover. Trails within the County system are considered regional trails. If there was a desire to have another agency develop or improve trails within the project site, that agency should be consulted to further comment.
86. During the October 21, 2009 public hearing, the Commission stated that park maintenance related to fuel modification/brush clearance should be performed only by park maintenance personnel and neighboring parcels should not be allowed to perform fuel modification/brush clearance in Schabarum Park. The Commission felt that no fuel modification should be allowed within Schabarum Park in connection with this project; for any other direction they felt that it should be determined by the Los Angeles County Board of Supervisors.
87. During the October 21, 2009 public hearing, the Commission stated that the proposed trails are access easements that were a concession for increased density, and will be under the homeowners association. The Commission also inquired whether the Puente Hills Landfill Habitat Authority or Parks & Rec should maintain these proposed onsite trails rather than homeowners association.
88. On October 21, 2009, after taking all testimony, the Commission closed the public hearing, certified the Final EIR in compliance with CEQA and the State and County guidelines related thereto and adopted Findings of Fact, and unanimously approved Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027. Conditions were clarified to remove public access easement maintenance by the homeowners association, and add language for cooperation if another agency wishes to do improvements within these easements.

89. 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.
90. 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.
91. 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.
92. The design of the subdivision and the proposed improvements will not cause substantial environmental impacts. The subject property is located in a Significant Ecological Area but does not contain any stream courses or high value riparian habitat.
93. The design of the subdivision provides for future passive or natural heating or cooling opportunities therein.
94. 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.
95. 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.
96. 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.

97. 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.
98. 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.
99. 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.
100. 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.
101. A Mitigation Monitoring Reporting and Program ("MMRP") 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.
102. The MMRP 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.
103. 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.
104. 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 CUP Case No. 92027 and OTP Case 92027, and the MMRP.

105. 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 MMRP, finding that pursuant to California Public Resources Code Section 21081.6, the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation, as stated in the Findings of Fact, and
2. Approves Vesting Tentative Tract Map No. 51153 subject to the attached conditions and recommendations of the Los Angeles County Subdivision Committee.

**DEPARTMENT OF REGIONAL PLANNING
VESTING TENTATIVE TRACT MAP NO. 51153**

Map Date: 1-7-2008

CONDITIONS:

1. As depicted on the approved map dated January 7, 2008, Vesting Tentative Tract Map No. 51153 ("TR 51153"), is approved as a subdivision 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. The term "map date" means the date stamped by the Los Angeles County Department of Regional Planning ("Regional Planning"). The subdivider or successor in interest shall conform to the requirements of Title 21 of the Los Angeles County Code ("County Code") (Subdivision Ordinance) and the County's Green Building Program including Drought Tolerant Landscaping and Green Building Ordinances, except as specifically modified by this grant, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027. This approval is subject to all those conditions set forth herein below and to the conditions and requirements set forth in the attached reports recommended by the Los Angeles County Subdivision Committee, which consists of members of the Los Angeles County Department of Public Works ("Public Works"), Fire Department ("Fire"), Department of Parks and Recreation ("Parks & Rec"), and Public Health ("Public Health"), as well as Regional Planning, which are incorporated herein by reference. Project development is also subject to those conditions set forth in Conditional Use Permit Case No. 92027, Oak Tree Permit Case No. 92027, and the attached Mitigation Monitoring and Reporting Program ("MMRP").
2. Except as otherwise specified in this grant, Condition No. 3 below, and by Conditional Use Permit No. 92027, the subdivider or successor in interest 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 single-family lots may be averaged over the area of the entire project site calculated prior to any dedication of open space, to collectively conform to the minimum lot area requirements of the R-A-1 zone as depicted on the vesting 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. Permission is granted to waive minimum street frontage requirements per Section 21.24.040 of the County Code.

6. Per Section 22.56.205(B)(2) of the County Code all dwelling units shall be single-family residences within this proposed development.
7. Per Section 22.56.205(B)(1)(a) of the County Code the subdivider or successor in interest 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.
8. The subdivider or successor in interest shall submit a draft copy of the project's Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review to confirm compliance with applicable requirements prior to final map recordation. The CC&Rs shall attach all of the project conditions, and include language that those conditions required to be in the CC&Rs by these conditions may not be amended or eliminated by the homeowners association without prior approval from the Director of Planning.
9. The subdivider or successor in interest shall provide for the ownership and maintenance of the 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 (totaling 21.5 acres of open space) by the homeowners association to the satisfaction of Regional Planning. The subdivider or successor in interest shall submit a draft copy of the project CC&Rs and maintenance agreements and covenants to Regional Planning for review to confirm compliance with this condition.
10. The subdivider or successor in interest 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.
11. The subdivider or successor in interest shall record a covenant with the County of Los Angeles agreeing to comply with the required environmental mitigation measures contained in the approved MMRP. Prior to recordation of the covenant, the subdivider or successor in interest shall submit a copy of the draft covenant, which attaches the approved MMRP, to the Director of Planning for review to confirm compliance with this condition.
12. The subdivider or successor in interest shall submit a landscape plan that depicts only native, drought-resistant plant materials within the proposed project site as approved by the Fire Department. The subdivider or successor in interest shall include conditions in the project'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.

13. Permission is granted to adjust lot lines to the satisfaction of Regional Planning.
14. The subdivider or successor in interest shall relocate the boundaries of open space Lot No. 58, a 10-acre parcel, to the southeast portion of the project site adjoining Schabarum Park to the satisfaction of Regional Planning and Parks & Rec prior to final map recordation. The relocated Lot No. 58 shall not contain any manufactured slopes, disturbed areas, or mitigation areas required pursuant to the approved MMRP, including, but not limited to, planting necessary to mitigate impacts to oak trees or oak woodlands.
15. The subdivider or successor in interest shall delineate on the final map Lot Nos. 51 through 58 consisting of approximately 101.7 acres of required open space (89 percent of net area), and shall place a note on the final map dedicating all construction rights of this area to the County. The subdivider or successor in interest shall also label Lot Nos. 51 and 53 through 58 as "Open Space – Building Restriction Area" on the final map.
16. The subdivider or successor in interest shall number all open space lots on the final map. The subdivider or successor in interest shall also provide a minimum of 15 feet of access for those open space lots to be owned and maintained by the homeowners association (Lot Nos. 51 and 53 through 56) to the satisfaction of Regional Planning. The subdivider or successor in interest shall submit a copy of the project's CC&Rs or other documents to the Director of Planning for review to confirm compliance with this condition prior to final map recordation.
17. The subdivider or successor in interest shall dedicate in fee title approximately 78.3 acres of undeveloped open space (Lot No. 57 and 58) to Parks & Rec or a responsible and qualified conservation organization pursuant to Mitigation Measure M-B-1 of the approved MMRP. Of that approximately 78.3 acres, the subdivider or successor in interest voluntarily agrees to donate 10 acres (Lot No. 58) to Parks & Rec as a mitigation parcel for an unrelated County library project in Schabarum Park. If this 78.3 acres of open space or any portion thereof cannot be transferred to Parks & Rec or a qualified conservation organization to the satisfaction of Regional Planning, then it shall be owned and maintained by a homeowners association. To the extent that conservation easements are required by the approved MMRP, the conservation easement shall be held by a responsible and qualified conservation organization or Parks & Rec pursuant to Mitigation Measure M-B-1 of the approved MMRP. Copies of the dedication agreement and conservation easement documents shall be submitted to Regional Planning to confirm compliance with this condition.
18. Permission is granted to create additional open space lots to the satisfaction of Regional Planning.

19. As agreed to by the subdivider, the subdivider or successor in interest shall dedicate a 20-foot-wide public pedestrian access easement along the northern boundary of the project site, and a six-foot-wide access easement contiguous with the west lot line and southwest lot line of Lot No. 56 and over the driveway of water tank Lot No. 50. The subdivider or successor in interest shall also provide or ensure that at least three (3) and no more than five (5) rocks or boulders suitable for sitting are placed within the access easement. To the extent necessary, the access easement shall be owned by the homeowners association if Parks & Rec or a responsible public conservation organization does not accept the access easements to the satisfaction of Regional Planning. Should Parks & Rec or a responsible public conservation organization wish to improve the area within the easement, the homeowners association shall cooperate within the limits of the dedication for public access. The subdivider or successor in interest shall submit a copy of the CC&Rs or other documents to the Director of Planning for review to confirm compliance with this condition prior to final map recordation.
20. No fuel modification/brush clearance of any kind shall be permitted within Schabarum Park for any structure to be sited on Lot No. 15, as depicted on revised Fuel Modification exhibit dated October 16, 2009 and approved by the Los Angeles County Forester. Prior to issuance of a building permit for Lot No. 15, the subdivider or successor in interest shall provide evidence through an approved fuel modification/brush clearance plan that no fuel modification/brush clearance will be required on adjoining Schabarum Park to accommodate any structure on Lot No. 15 to the satisfaction of Fire, Parks & Rec, the Los Angeles County Agricultural Commissioner, and the Director of Planning. No building permit shall be issued for any structure on Lot No. 15 if the fuel modification/brush clearance area falls within Schabarum Park.
21. The subdivider or successor in interest shall provide a landscape plan that includes slope planting details and an irrigation system in accordance with applicable County requirements. The subdivider or successor in interest shall include conditions in the project's CC&Rs or maintenance agreements that require continued maintenance of the plantings for lots having planted slopes in accordance with County requirements. The subdivider or successor in interest shall submit a draft copy of the project's CC&Rs or maintenance agreements to Regional Planning to confirm compliance with this condition prior to final map recordation.
22. 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.
23. Per Section 21.32.195 of the County Code, the subdivider or successor in interest shall 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 recordation, 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.

24. 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 or successor in interest 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).
25. Pursuant to Chapter 22.72 of the County Code, the subdivider or 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 East San Gabriel Valley 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 \$788.00 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 or successor in interest may contact the Librarian at (562) 940-8450 regarding payment of fees.
26. Within three (3) days of tentative map approval, the subdivider or successor in interest shall 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.
27. The mitigation measures set forth in the project's MMRP, adopted in connection with the Final Environmental Impact Report for the project are incorporated and made conditions of Vesting Tentative Tract Map No. 51153. As a means of ensuring the effectiveness of the mitigation measures, the subdivider or successor in interest shall submit mitigation monitoring reports to Regional Planning as required by the approved MMRP to show compliance with the required mitigation measures. The subdivider or successor in interest shall record a covenant and agreement, and submit a draft copy to Regional Planning for review which attaches the approved MMRP prior to recordation of the covenant, agreeing to the mitigation measures of the approved MMRP.

Conditions

28. Within 30 days of approval of Vesting Tentative Tract Map No. 51153, the subdivider or successor in interest shall 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 approved MMRP.
29. The subdivider or successor in interest 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 fully cooperate in the defense.
30. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider or successor in interest 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 funds to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the 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.

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

Page 1/3

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.

DCR
Prepared by Diego G. Rivera
tr51153L-rev11(rev'd 06-24-08).doc

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
1 Soils Engineer
1 GMED File
1 Subdivision

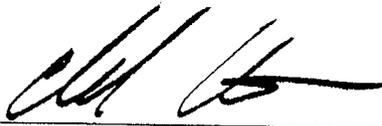
TENTATIVE TRACT MAP 51153 TENTATIVE MAP DATED 1/7/08 (Revision)
SUBDIVIDER Palmdale Summit / Pacific Communities LOCATION Hacienda Heights
ENGINEER DH Civil Engineering APN 8294-030-001
GEOLOGIST & SOILS ENGINEER Global Geo-Engineering

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

**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

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.

DISTRIBUTION:

Drainage
 Grading
 Geo/Soils Central File
 District Engineer
 Geologist
 Soils Engineer
 Engineer/Architect

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.

Reviewed by _____



Date 2/21/08

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

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).

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

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 J. E. F. [Signature] 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.

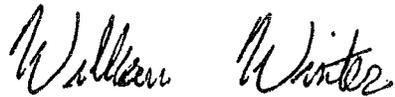
Caltrans has reviewed the proposed project and determined that the project will not have a significant impact to their facilities. No further information is required.

Mr. Scott Sato
January 25, 2007
Page 2

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 J. WINTER
Assistant Deputy Director
Traffic and Lighting Division

EMD:cn

P:\t\pub\WPFILES\FILES\STU\EIRs\EIR 07006 - Pacific Heights Development.doc

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

bc: Land Development (Chong, Witley)

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.

Prepared by ^{DGR} Tony Khalkhali
tr51153s-rev11.doc

Phone (626) 458-4921

Date 02-14-2008



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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

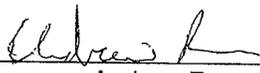
TRACT MAP NO. 51153
CUP No. 92-027

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 06/12/2008 to the satisfaction of Public Works.

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

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.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

RP - RAMON

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 = Proposed Units + Exempt Units

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.

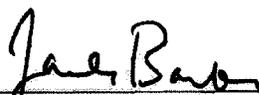
Comments:

****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
QMB02F.FRX



**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)people 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 = Proposed Units + Exempt Units

	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



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

BOARD OF SUPERVISORS

Gloria Molina
First District

Yvonne B. Burke
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

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;

A handwritten signature in black ink that reads "Becky Valenti".

Becky Valenti, E.H.S. IV
Land Use 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	<p>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:</p> <ul style="list-style-type: none"> • During grading, the developer shall remove all material in existing uncertified fill (Quf), colluvium soils (Qcol), surficial failures (Qsf), and landslide mass (Qs), 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. 	DPW	Issuance of grading permit.	Project Developer	Construction
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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

Mitigation Monitoring and Reporting Program

No.	Impact Mitigation	Monitoring Agency or Party	Action Indicating Compliance	Implementing Agency or Party	Timing
	approval of a registered landscape architect.				
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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	<p>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:</p> <ul style="list-style-type: none"> • 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	<p>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.</p>	DPW	Issuance of grading permit.	Project Developer	Construction
4	<p>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.</p>	DPW	Issuance of grading permit.	Project Developer	Construction
5	<p>M-GS-5: All artificial fills shall be removed full depth and replaced with compacted fill.</p>	DPW	Issuance of grading permit.	Project Developer	Construction
Flood Hazard / Water Quality					
6	<p>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.</p>	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	<p>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.</p>	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

Mitigation Monitoring and Reporting Program

	<p>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.</p>	<p>DRP and Los Angeles County Forester¹</p>	<p>Final Map recordation.</p>	<p>Project Developer</p>	<p>Pre-Construction</p>
--	---	--	-------------------------------	--------------------------	-------------------------

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.

Mitigation Monitoring and Reporting Program

8	<p>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.</p>	<p>Los Angeles County Forester and DRP²</p>	<p>Approval of oak tree and oak woodland habitat mitigation plan.</p>	<p>Project Developer</p>	<p>Pre-Construction</p>
----------	---	--	---	--------------------------	-------------------------

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.

Mitigation Monitoring and Reporting Program

	<p>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).</p>	<p>Los Angeles County Forester and DRP</p>	<p>Implementation of oak tree and oak woodland habitat mitigation plan.</p>	<p>Project Developer</p>	<p>Pre-Construction and Construction</p>
<p>9</p>	<p>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.</p> <p>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.</p>	<p>DRP</p>	<p>Approval of coastal sage scrub restoration plan.</p>	<p>Project Developer</p>	<p>Pre-Construction and Post-Construction</p>
<p>10</p>	<p>M-B-4: The applicant shall mitigate the project's impact on 0.53 acres of mulefat scrub by ensuring 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</p>	<p>DRP/CDFG</p>	<p>Approval of Streambed Alteration Agreement</p>	<p>Project Developer</p>	<p>Pre-Construction</p>

Mitigation Monitoring and Reporting Program

	<p>USACE Section 404 permit. In connection with habitat replacement 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 jurisdictional 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.</p>				
<p>11</p>	<p>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.</p>	<p>Los Angeles County Fire Department and DRP</p>	<p>Approval of the Fuel Modification Plan</p>	<p>Project Developer</p>	<p>Pre-Construction</p>

Mitigation Monitoring and Reporting Program

<p>12</p>	<p>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.</p>	<p>California Department of Fish and Game and the DRP</p>	<p>Completion of nesting bird survey</p>	<p>Project Developer</p>	<p>Pre-Construction</p>
-----------	---	---	--	--------------------------	-------------------------

Mitigation Monitoring and Reporting Program

<p>13</p>	<p>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 through 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.</p>	<p>DRP</p>	<p>Completion of pre-grading sensitive-plant surveys.</p>	<p>Project Developer</p>	<p>Pre-construction</p>
<p>14</p>	<p>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.</p>	<p>DRP</p>	<p>Approval of CC&Rs.</p>	<p>Project Developer</p>	<p>Post-Construction</p>
<p>15</p>	<p>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.</p>	<p>DRP</p>	<p>Approval of fencing plans.</p>	<p>Project Developer</p>	<p>Construction</p>
<p>16</p>	<p>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 (<i>Canis lupus</i>), bobcats (<i>Lynx rufus</i>) 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</p>	<p>DRP</p>	<p>Distribution of flyer.</p>	<p>Project Developer</p>	<p>Post-Construction</p>

Mitigation Monitoring and Reporting Program

	<p>and mountain lions and invasive, non-native plants such as pampas grass (<i>Cortaderia sellowiana</i>), fountain grass (<i>Pennisetum spp.</i>), ice plant (<i>Delosperma spp.</i>), periwinkle (<i>Vinca major</i>), trailing lantana (<i>Lantana camara</i>), German ivy (<i>Senecio mikanioides</i>), Spanish broom (<i>Spartium junceum</i>), French broom (<i>Genista monspessulanus</i>), blue gum (<i>Eucalyptus globulus</i>), pepper trees (<i>Schinus spp.</i>), and tree of heaven (<i>Ailanthus altissima</i>) 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.</p>				
<p>17</p>	<p>M-B-11: No sycamore trees or oaks shall be removed as a result of Zone B fuel modification activities.</p>	<p>Los Angeles County Forester and DRP</p>	<p>Implementation of construction plans</p>	<p>Project Developer</p>	<p>Construction</p>
<p>18</p>	<p>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.</p>	<p>DRP</p>	<p>Implementation of oak tree and oak woodland mitigation plan.</p>	<p>Project Developer</p>	<p>Pre-Construction and Construction</p>

Mitigation Monitoring and Reporting Program

19	<p>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).</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>This report will be provided to the LA County Department of Regional Planning within 30 days following the completion of tree removals.</p>	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

Mitigation Monitoring and Reporting Program

	<p>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.</p>		Report.	
<p>Paleontological Resources</p>				
<p>21</p>	<p>M-P-1: A qualified paleontologist shall be on site to monitor ground-disturbing activities.</p> <ul style="list-style-type: none"> • 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
<p>Visual Resources / Landform</p>				
<p>22</p>	<p>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.</p>	DRP and Los Angeles County Fire Department	Issuance of grading permits.	Project Developer Construction

Mitigation Monitoring and Reporting Program

23	<p>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.</p>	DRP	Construction of suitable retaining wall	Project Developer	Construction
24	<p>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.</p>	DPW/ L.A County Fire Department	Approval of lighting plan.	Project Developer	Pre-Construction
Traffic and Access					
25	<p>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.</p>	DPW	Limiting truck hours.	Project Developer	Construction
26	<p>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.</p>	DPW	Submittal and approval of construction plans.	Project Developer	Construction
27	<p>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.</p>	DPW	Submittal and approval of construction plans.	Project Developer	Construction
28	<p>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.</p>	DPW	Submittal and approval of construction plans.	Project Developer	Plan Check
29	<p>M-T-5: The developer shall implement internal traffic signing and</p>	DPW	Submittal and	Project	Plan Check

Mitigation Monitoring and Reporting Program

	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 compiled 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 Conservation flow rate standards. (3% Reduction)	DPW		Submittal and approval of plumbing plans.	Project Developer	Plan Check

Mitigation Monitoring and Reporting Program

36	<p>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).</p> <p>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.</p>	DPW	<p>Submittal and approval of plumbing plans.</p> <p>Submittal and approval of landscaping plans.</p>	Project Developer	Plan Check
37	<p>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).</p>	DPW	<p>Submittal and approval of landscaping plans.</p>	Landscape Designer(s)	Plan Check
38	<p>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).</p>	DRP	<p>Submittal and approval of approved plant list.</p>	Home Owner's Association	Post-Construction
39	<p>MM CC-7: All residential units shall have exterior electrical outlets to supply electric landscape equipment. (20 percent reduction, URBEMIS2007 9.2.2).</p>	DPW	<p>Submittal and approval of electric plans.</p>	Project Developer	Plan Check
40	<p>MM CC-8: High-volume, low-pressure (HVLP) spray guns will be used to apply architectural coatings.</p>	DPW	<p>Submittal and approval of construction plans</p>	Project Developer	Construction
41	<p>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.</p>	DPW	<p>Submittal and approval of construction plans</p>	Project Developer	Construction
42	<p>MM CC-10: Ground cover in disturbed areas will be replaced quickly.</p>	DPW	<p>Submittal and approval of construction plans</p>	Project Developer	Construction
43	<p>MM CC-11: Stockpiles will be covered with a tarp when material</p>	DPW	<p>Submittal and approval of construction plans</p>	Project Developer	Construction
44	<p>MM CC-11: Stockpiles will be covered with a tarp when material</p>	DPW	<p>Submittal and approval of construction plans</p>	Project Developer	Construction

Mitigation Monitoring and Reporting Program

	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%	

Mitigation Monitoring and Reporting Program

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.