



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

October 8, 2009

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

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

**SUBJECT: PROJECT NO. 92-047-(4)  
VESTING TENTATIVE TRACT MAP NO. 51153  
CONDITIONAL USE PERMIT ("CUP") CASE NO. 92027  
OAK TREE PERMIT ("OTP") CASE NO. 92027  
ENVIRONMENTAL ASSESSMENT CASE NO. 92027  
AGENDA ITEM NO. 6 a, b, c, d; OCTOBER 21, 2009**

**PROJECT BACKGROUND**

On September 30, 2009, your Commission continued the public hearing to October 21, 2009 and instructed staff to continue working with the applicant on completing revised findings and conditions of approval. The last set of draft findings and conditions were provided to your Commission for the September 16, 2009 continued hearing.

Staff has continued to work with the applicant to revise the project's conditions. After making a number of revisions, currently four outstanding issues remain. These issues include (1) specific condition language regarding fuel modification/brush clearance activity within Schabarum Park, (2) calculation and credit of the Quimby obligation fee, (3) language regarding "donation" vs. "dedication" of the open space, and (4) the required monitoring period for oak trees planted to mitigate impacts to oak woodlands.

**REMAINING PROJECT ISSUES**

- Fuel Modification/Brush Clearance Activity within Schabarum Regional Park

As you may recall, your Commission indicated concerns during the March 17, 2004 and August 19, 2009 hearing regarding the potential for fuel modification/brush clearance activity within adjacent Schabarum Park resulting from development of the subject property. Single-family Lot No. 15 is located approximately 120 feet from the boundary of Schabarum Park, with the distance ranging from 64 feet to 220 feet from property line to property line.

Through discussions with the Los Angeles County Forester and Fire Warden ("Forester") and Los Angeles County Agricultural Commissioner, the applicant was able to confirm that the brush clearance distance required for a habitable structure ranges from 30 feet to 200 feet, and this required distance is determined at the building permit stage. This means that while less than 200 feet exists between the property line and Schabarum Park, it may be possible at the building permit stage for a structure to be constructed without requiring any brush clearance/fuel modification within Schabarum Park.

If the maximum clearing distance is required for Lot No. 15, the applicant has calculated that this would result in 9,779 square feet (0.22 acres) of Schabarum Park affected by brush clearance.

The applicant contends that should this worst-case scenario should occur, building should not be prohibited on Lot No. 15 as there are other factors the Commission should consider. Existing ongoing brush clearance activity occurs onsite and offsite from existing homes on adjacent Schabarum Park and within the Edison right-of-way to the west. The applicant also proposes to transfer 10 acres (Lot No. 58) of natural open space to the Los Angeles County Department of Parks and Recreation ("Parks & Rec"), who maintains Schabarum Park; these 10 acres were originally discussed within the context of offsite mitigation for a separate offsite library project not required by this project. The applicant has indicated that they are also willing to provide additional land to Schabarum Park at a 1:1 ratio for any Park land affected by brush clearance. Therefore, the applicant believes that these factors should offset and outweigh the maximum potential of 0.22 acres affected within Schabarum Park. Attached is an updated exhibit prepared by the applicant depicting the maximum offsite brush clearance area as well as existing brush clearance boundaries.

While the transfer of 10 acres of natural open space to Parks & Rec is a benefit, staff does not recommend any construction within Lot No. 15 if any brush clearance should be required within Schabarum Park. The Commission indicated concerns with burdening the Regional Park with brush clearance to allow for development of a new private project. The Commission discussed that many of the surrounding homes existed before the creation of Schabarum Park, and these should not be used in consideration of whether new development should affect Schabarum Park now in existence. Staff's recommended conditions (Vesting Tract Condition No. 20, CUP Condition No. 21) reflect that at the building permit stage, if all other means have been implemented and brush clearance is still required within Schabarum Park for a structure on Lot No. 15, no building permit should be issued for Lot No. 15.

▪ Quimby Park Land Obligation

The Quimby park land obligation required for local park space for this project is 0.49 acres. In their report dated February 10, 2009, Parks & Rec has recommended that the Quimby obligation be met with the payment of in-lieu fees, calculated at \$109,206. The applicant is offering 1.03 acres of pedestrian access for public use through 20-foot and six-foot easements, to be owned and maintained by the homeowners association. The applicant will also be providing 10 acres within Lot No. 58 to Parks & Rec. This Lot No. 58 will however need to be relocated from its current location on the latest tentative map, to the southeast corner of the property to avoid any manufactured slopes and to be considered acceptable by Parks & Rec. This relocation is conditioned as such in Tract Condition No. 14 and a proposed relocation is also depicted on the applicant's attached fuel modification exhibit.

The applicant contends that certain County Code sections allow the applicant to meet the Quimby obligation with park land, which may include trails. The applicant contends that these public pedestrian access easements qualify as trails for purposes of computing park land. The applicant also contends that the 10 acres of Lot No. 58 for Parks & Rec is much larger than the 0.49-acre obligation. In the applicant's letter dated September 15, 2009, the applicant indicated that they were willing to shift the 10 acres of open space on the condition that Parks & Rec determines that the Quimby park land obligation is met and therefore, no fee is required. Therefore, the applicant contends that the public access, the shifted 10 acres, or an additional contiguous 0.49 acres that can be carved out of the remaining natural open space, can individually or in combination be considered as meeting the Quimby obligation.

According to the County Code, the County is not obligated to accept park land that is not suitable for park use. With any park land offer, the Code states that Parks & Rec has the discretion to evaluate whether the offered park land is suitable to meet local park and recreational facilities contained in the Recreation Element of the Los Angeles Countywide General Plan. This includes an evaluation of slopes on the property, and whether the design and location of such space and its amenities if any, would be suitable. Based on this evaluation, Parks & Rec provides its recommendation to the advisory agency or in this case, your Commission. Based on the February 10, 2009 report from Parks & Rec, the Director of Parks & Rec is requesting in-lieu fees. These in-lieu fees are to address the provision of local park space; any land proposed to be added to Schabarum Park would be considered regional in nature as Schabarum Park is a regional park. The public pedestrian access offered by the project was also considered by staff as an amenity to address hillside projects that exceed the midpoint density; these access easements would not meet County standards for a public hiking trail.

- “Donation” vs. “Dedication” language

The project provides 101.7 acres of open space (89 percent of net area), of which 78.3 acres will remain natural and are intended for ownership by a public agency or conservation organization. The applicant proposes to transfer 10 acres (Lot No. 58) to Parks & Rec, of which Parks & Rec has indicated their intent to accept with its relocation, in their letter dated September 8, 2009 (previously provided in the September 16, 2009 Supplemental Package dated September 10, 2009; attached again for ease of reference).

The applicants contend that the 10 acres is a voluntary donation to Parks & Rec. This transfer is not required of the applicant, but has been offered by the applicant for many years. The term “donation” is important to the applicant as the applicant contends that the County’s characterization of the property transfer with the entitlements documents has tax implications with the federal Internal Revenue Service.

While a nonurban hillside management project would be required to provide a minimum of 70 percent of the project site as open space, as a density-controlled development all remaining undeveloped land is required to remain open space. Therefore, all 101.7 acres of open space is required open space. As part of standard practice and consistent with standard condition language in other similar projects the County uses the term “dedication” when referring to requirements of a project. Parks & Rec’s letter dated September 8, 2009 confirms their accepting the applicant’s offer to dedicate this to Parks & Rec as permanent open space.

- Oak Woodland Conservation Act Monitoring Period

Mitigation Monitoring and Reporting Program (“MMRP”) Measure No. M-B-2 requires that all mitigation trees be properly maintained, and if any tree fails to survive due to a lack of proper care and maintenance, will have to be replaced with a tree meeting the specifications. This maintenance period is for a period of seven years. The seven-year maintenance period begins upon receipt of a letter from the applicant or consulting arborist to the Director of the Los Angeles County Department of Regional Planning and the Forester, indicating that the mitigation trees have been planted. The maintenance period of any mitigation failing to survive the seven-year maintenance period starts anew with the planting of a replacement tree for that replacement tree.

The applicant contends that the maintenance period should only be for a total of seven years. If any replacement tree dies within that seven-year period, the maintenance period for that tree is only that

time left within the original seven-year period. If the replacement tree dies within year six, only one year of maintenance would be required. Otherwise, the applicant contends that if the maintenance period starts anew then the maintenance period could be in perpetuity.

Staff believes that in order to meet the mitigation requirements of the Oak Woodland Conservation Act, the maintenance period of seven years applies anew. However, staff clarified to the applicant that if a replacement tree should die as a result of the failure of the applicant to properly monitor or maintain that mitigation tree, the maintenance period of seven years would start anew, but would only apply to that new replacement tree. This calculation of the appropriate maintenance and monitoring period is designed to provide adequate protection to the mitigation trees to maximize survival and is a standard approach used by the County on other approved projects. (OTP Condition No. 18).

**STAFF RECOMMENDATION**

Staff and the applicant have worked diligently on trying to resolve the four remaining issues; however the four issues continue to remain unresolved at this time. Based on staff's recommendations, attached draft findings and conditions of approval are attached for your Commission's review and approval if acceptable.

**Suggested Motion: "I move that the Regional Planning Commission close the public hearing, and approve Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027 with the attached recommended conditions."**

SMT:REC  
10/08/09

Attachments: Applicant's updated Fuel Modification Exhibit  
Parks & Rec letter dated September 8, 2009  
County Librarian letter dated February 27, 2003  
Department of Public Works e-mail dated September 16, 2009  
Puente Hills Landfill Native Preservation Authority letter dated  
September 14, 2009  
Watershed Conservation Authority letter dated September 25, 2009  
Additional correspondence

**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 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 inquired 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.
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 the Quimby fee, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period.
78. During the October 21, 2009 public hearing, the applicant's representative discussed their proposed language for the outstanding conditions which included their interpretation of the condition language.
79. On October 21, 2009, the Commission continued the public hearing to December 3, 2009, and instructed staff to continue working with the applicant and complete the necessary draft findings and conditions for approval.
80. 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.
81. 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.
82. 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.

83. 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.
84. The design of the subdivision provides for future passive or natural heating or cooling opportunities therein.
85. 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.
86. 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.
87. 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.
88. 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.
89. 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.
90. 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.

91. 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.
92. 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.
93. 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.
94. 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.
95. 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.
96. 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.

**DRAFT**



DRAFT 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 the requirements of 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. 23 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 non-urban 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(2) of the County Code all dwelling units shall be single-family residences within this proposed development.
7. Per Section 22.56.205(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 and approval to confirm compliance with applicable requirements prior to final map recordation. The CC&Rs shall include 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, to include attached mitigation measures which attaches the approved MMRP, to the Director of Planning for review to confirm compliance with this condition and approval.
12. The subdivider or successor in interest shall submit a landscape plan that depicts Only native, drought-resistant plant materials as feasible within the proposed project site. Include conditions in the tract's 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 and 53 through 58 consisting of the approximately 101.7 acres of required open space (89 percent of net area) to be maintained by the homeowners association or dedicated to the County of Los Angeles ("County"). If the County does not accept open space then it shall be dedicated to another public agency, and to the satisfaction of the Director of Planning. Dedicate and shall place a note on the final map dedicating all construction rights of this area to the County and shall label this area 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 access, a minimum of 10 feet of access in width, to each 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 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. If this open space cannot be dedicated to Parks & Rec or a qualified conservation organization to the satisfaction of Regional Planning, then it shall be owned and maintained by the 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 to the satisfaction of Regional Planning.
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 20six-foot-wide public pedestrian access easement alignment 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. 57 as generally depicted on the proposed easement exhibit dated Xthat may be used for public access to adjacent open space. 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 rare available suitable for sitting are placed within the access easement. To the extent necessary, the alignment and rocks or boulders will be owned access easement shall be held and maintained by the homeowners association or successor in interest or public agency to the satisfaction of Regional Planning. SThe subdivider or successor in interest shall submit a copy of the CC&R's or other documents to the Director of Planning for review to confirm compliance with this condition prior to final map recordation approval.
20. No fuel modification/brush clearance of any kind willshall be allowedpermitted within Schabarum Park to accommodate a structure to be sited on Lot No. 15. If a structure cannot be sited on Lot No. 15 that does not require fuel modification/brush clearancePrior 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. then nNo building permits 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 pProvide a landscape plan that includes slope planting details and an irrigation system in accordance with the Grading Ordinanceapplicable County requirements. The subdivider or successor in interest shall include conditions in the tract'sproject's CC&R's or maintenance agreements which wouldthat require continued maintenance of the plantings for lots having planted slopes in accordance with County requirements. The subdivider or successor in interest shall Prior to final map approval, submit a draft copy of the document to be reviewed and approved byproject's CC&Rs or maintenance agreement 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 approval/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 ~~Santa Clara~~ 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 ~~\$790.00~~ \$788.00 per dwelling unit ( $\$788.00 \times 47$  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 County Librarian at (562) 940-8450 regarding payment of fees.
26. Within three ~~(3)~~ (2) 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 Mitigation Measures Due to Environmental Evaluation" section of the Draft 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. Comply with all such mitigation measures in accordance with the attached Mitigation Monitoring Program ("MMP"). After completion of the appeal, record a covenant and agreement, and submit a copy to Regional Planning for approval, agreeing to the mitigation measures imposed by the Draft EIR for this project. As a means of ensuring the effectiveness of the mitigation measures, the subdivider 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.

28. Within three (3)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 information contained in the reports required by the approved MMRP Mitigation Monitoring Program.
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 reasonably 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. When 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.

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

Regional Planning.

**DRAFT**



**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.

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 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). 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.

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 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 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.

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 a 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.
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 and those 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 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 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 the Quimby fee, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period.
79. During the October 21, 2009 public hearing, the applicant's representative discussed their proposed language for the outstanding conditions which included their interpretation of the condition language.
80. On October 21, 2009, the Commission continued the public hearing to December 3, 2009, and instructed staff to continue working with the applicant and complete the necessary draft findings and conditions for approval.
81. 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.
82. As a condition of approval of this grant, the permittee shall be required to comply with the development standards of the R-A-1 zone pursuant to Sections 22.20.440, 22.56.205 and 22.56.215 of the County Code, except as otherwise modified herein.

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.
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 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, 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

DRAFT CONDITIONS:

1. This grant authorizes the use of the 114.3-acre subject property for a clustered residential subdivision density-controlled development in a non urban hillside management area within a Sensitive 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 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 (other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their 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 Nos. 46 and 51. and until all required fees have been paid pursuant to Condition Nos. 49 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 Council.
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.

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. 920274, which includes Vested Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027. The project impacts fish and wildlife and in order to defray the cost of wildlife protection and management, the permittee is responsible for the payment of fees established by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is **\$2,843.25**. No land use project subject to this requirement is final, vested or operative until the fee is paid.
10. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action or proceeding and the County shall reasonably 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:

## Draft Conditions

- 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 170.010 of the Los Angeles County Code ("County Code").

12. This grant shall expire unless used within two years after the recordation of the final map for Vesting Tentative Tract Map No. 51153. In the event that Vesting Tentative Tract Map No. 51153 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the 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 thereafter 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 vesting tentative tract map Exhibit "A". An amended vesting tentative tract map approved for Vesting Tentative Tract Map No. 51153 may, at the discretion of the Director of the Department of Regional Planning ("Director of Planning"), constitute a revised Exhibit "A." All revised plans require the written authorization of the property owner.
14. All development shall comply with the requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property uthe 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 or successor in interest 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 and approval. The CC&Rs shall include 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 Regional Planning.
16. 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.

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 or successor in interest, shall delineate on the final map Lot Nos. 51 through 58 consisting provide a minimum of 101.7 acres of open space or (89 percent open space of net area) and shall place a note on the final map dedicating all construction rights of this area to the County of Los Angeles and shall label this area as "Open Space – Building Restriction Area" on the final map, which includes natural, undisturbed areas; graded slopes and unpaved debris basin area as follows: natural, undisturbed areas (78.3 acres) – Lot No. 57 (69.0 acres) and Lot No. 58 (portion 9.3 acres); graded slopes total areas (21.5 acres) – Lot No. 51 (6.4 acres), Lot No. 53 (3.0 acres), Lot No. 54 (1.7 acres), Lot No. 55 (5.0 acres), Lot No. 56 (4.7 acre) and Lot No. 58 (portion 0.7 acres); unpaved debris basin total area (1.8 acres) Lot No. 52 (1.8 acres).~~
19. ~~The permittee shall dedicate in fee the 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 MMRP. If this open space cannot be dedicated to Parks & Rec or a qualified conservation organization or a public agency 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 to the satisfaction of Regional Planning. The dedication shall contain language requiring that access for emergency purposes shall not be prohibited over said open space~~
20. ~~The permittee shall provide for the ownership and maintenance of private and future street Lot No. 48, private driveway and fire lane Lot No. 49 and open space Lot Nos. 51 and 53 through 56 by the homeowners' association to the satisfaction of Regional Planning. The permittee or successor in interest shall submit a copy of the project Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review and approval. The CC&Rs shall include all of the project conditions, and include language that these conditions required to be in the CC&Rs may not be amended or removed without the approval of Regional Planning. As agreed to by the permittee, the permittee or successor in interest shall dedicate a 20six-foot-wide public pedestrian access easement alignment 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. 57 as generally depicted on the proposed easement exhibit dated X that may be used for public access to adjacent open space. The subdivider or successor in interest permittee shall also provide or ensure that at least three (3) and no more than five (5) rocks or boulders rare available suitable for sitting are placed within the access easement. To the extent necessary, the alignment and rocks or boulders will be owned access easement shall be held and maintained by the homeowners association or successor in interest or public agency to the satisfaction of Regional Planning. S The permittee shall submit a copy of the CC&R's or other documents to the Director of Planning for review to confirm compliance with this condition prior to final map recordation approval.

21. No fuel modification/brush clearance of any kind will shall be allowed permitted within Schabarum Park to accommodate a structure to be sited on Lot No. 15. If a structure cannot be sited on Lot No. 15 that does not require fuel modification/brush clearance Prior to issuance of a building permit for Lot No. 15, the permittee 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. then nNo building permits 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 non-urban lot 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 in accordance with Section 22.56.205 of the County Code. In accordance to as depicted on the approved Exhibit "A" dated January 7, 2008 that was approved at public hearing.
23. Per Section 22.56.205 (a) of the County Code the permittee shall be required to permanently reserve All commonly owned areas within the density-controlled development, shall be permanently reserved as open space. Such reservation shall be by establishment of a homeowners association, maintenance district or other appropriate means or methods to ensure to the satisfaction of the Director of Regional 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. 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 shall be submitted to and approved for approval by the Director of Planning to confirm substantial compliance with the approved Exhibit "A" or any approved revised Exhibit "A", indicating that the proposed grading and/or construction complies with the regulation of the prescribed zone, unless specifically modified by this grant:
  - a. ~~complies with the conditions of this grant; and~~
  - b. ~~is compatible with hillside and SEA resources.~~
27. No structure shall exceed 35 feet in height, except for chimneys and rooftop antennas. Prior to any issuance of any building permit, a site plan including exterior elevations and major architectural features shall be submitted to and approved by the Director of Planning, as a revised Exhibit "A," to ensure compliance.
28. All utilities shall be placed underground. Prior to the issuance of any building permit, the permittee shall provide evidence that contractual arrangements have been made with the local utilities to install underground all new facilities necessary to furnish services in the proposed development.
29. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works").
30. Detonation of explosives or any other blasting device or material is prohibited unless required permits have been obtained and adjacent property owners have been notified.
31. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m., and Saturday between the hours of 8:00 a.m. and 5:00 p.m. Sunday or holiday operations are prohibited. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby residences and neighborhoods. Generator and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences.
32. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Public Works.
33. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after construction or grading activities is done for the day. All clearing, grading, earth moving or excavation

activities shall cease during periods of high wind (i.e. greater than 20 mph average over one hour) to prevent excessive amounts of dust.

34. The permittee shall, upon commencement of any grading activity allowed by this grant, diligently pursue all grading to completion.
35. No construction equipment or vehicles, including construction crew's personal vehicles, shall be parked or stored on any existing public or private streets.
36. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect as required throughout the life of this permit.
37. All construction and development within the subject property shall comply with the applicable provisions of the Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County.
38. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the property, or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
39. In the event any such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence. Paint utilized in covering such markings shall be of a color that matches, as closely as possible the color of the adjacent surfaces.
40. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with the ordinances and County Building and Plumbing codes.
41. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Public Health ("Public Health"). Adequate water and sewage disposal facilities shall be provided to the satisfaction of said department.
42. If during construction of the project, soil contamination is suspected, construction in the area shall stop, and appropriate health and safety procedures shall be implemented to the satisfaction of Public Health. If it is determined that contaminated soils exist, remediation shall be conducted to the satisfaction of Public Health and the California Regional Water Quality Control Board.
43. Prior to the issuance of any building permit, the permittee shall demonstrate compliance with State Seismic Hazard Safety laws to the satisfaction of Public Works.

44. Prior to the issuance of any grading permit, the project design shall provide for the filtering of flows to capture contaminants originating from the project site to the satisfaction of and approval by Public Works.
45. The permittee shall comply with the Standard Urban Stormwater Mitigation Plan requirements to the satisfaction of Public Works.
46. During construction, all large-size truck trips shall be limited to off-peak commute periods.
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.

~~To the extent feasible,~~ The landscaping plan shall show that landscaped areas shall contain as feasible a minimum 100 percent locally indigenous species, including trees, shrubs and ground covering. However, if the permittee demonstrates to the satisfaction of the Director of Planning that compliance with this requirement is not possible due to County fire safety requirements, then the Director of Planning may determine that a lower percentage of such planting shall be required. In those areas where the Director of Planning approves a lower percentage, the amount of such required locally indigenous vegetation shall be at least 75 percent 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 Mitigation Monitoring Program MMRP. Prior to recordation of the covenant, the permittee shall submit a copy of the draft covenant, with MMP to be attached, which attaches the approved MMRP, to the Director of Planning for review and approval 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 ("Final EIR") 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 permittee shall submit mitigation monitoring reports to Regional Planning as required to show compliance with the required mitigation measures.
51. Within ~~three (3)~~<sup>30</sup> days of the approval of this grant, the permittee or successor in interest shall deposit the sum of **\$3,000.00** with Regional Planning to defray the cost of reviewing the permittee's or successor in interest's reports and verifying compliance with the Mitigation Monitoring Program 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 in the required MMP.~~

**DRAFT**

**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 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 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

**Draft Findings**

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 Preservation Authority or the San Gabriel Mountains Regional Conservancy. The applicant also stated that they would be willing to voluntarily donate Lot No. 58, a 10-acre parcel, to the Los Angeles County Department of Parks and Recreation ("Parks & Rec") as an offsite mitigation parcel for the separate library project proposed within Schabarum Park.
41. On April 8, 2009, after taking all public testimony from the applicant and his representatives and five individuals in opposition, the Commission continued the public hearing to July 15, 2009 and instructed staff to work with the applicant and the Fourth Supervisorial District Office on a design all parties could support.
42. On April 22, 2009 staff received a detailed letter describing the applicant's concerns with staff's analysis of the project. Issues described in the letter included consistency with the General Plan, Plan and development within an SEA. The letter also raised issues with staff's interpretation of the oak mitigation plan as it did not fully describe the project's mitigation of replacing the 126 oak trees to be removed with 277 oak trees.
43. On June 10, 2009, and June 25, 2009, staff met with the applicant and his representatives to discuss the issues raised in their April 22, 2009 letter to the Acting Director of Regional Planning and included discussion of open space

dedication consisting of undisturbed open space, Lot No. 57 (69 acres) and Lot No. 58, a 10-acre lot proposed to be dedicated to Parks & Rec, as mitigation for an 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

**Draft Findings**

- 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 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 a 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 and those 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 the Quimby fee, language regarding "donation" vs. "dedication" of the open space, and interpretation of the Oak Woodland Conservation Act regarding the mitigation period.

70. During the October 21, 2009 public hearing, the applicant's representative discussed their proposed language for the outstanding conditions which included their interpretation of the condition language.
71. On October 21, 2009, the Commission continued the public hearing to December 3, 2009, and instructed staff to continue working with the applicant and complete the necessary draft findings and conditions for approval.
72. 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.
73. 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.
74. 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.
75. 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.
76. 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.

77. 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"), 13<sup>th</sup> 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 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**

**DRAFT 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, 303, 309, 319 through 322, 334 through 342, 359 through 369, 372, 396 through 402. This grant also allows the encroachment into the protected zone of 20 oak trees of the Oak genus (*Quercus agrifolia*) identified as Tree Numbers 15, 16, 17, 58 through 63, 137, 235, 239, 240, 243, 262, 318, 323, 332, 333 and 358 on the applicant's site plan map and Oak Tree Report.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property, if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their 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. 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 ~~\$300.00~~ \$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 ~~two~~ 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. 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 County Code (Zoning Ordinance), and of the R-A-1 zone specific zoning of the subject property unless specifically modified by this grant, Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027, and the approved Exhibit "A," or a revised Exhibit "A" approved by the 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 Regional Planning ("Director of Planning") and the Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that her or she agrees to report to the Director of Planning and Forester any failure to fully comply with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.

13. The permittee shall keep copies of the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan and Conditions of Approval on the project site and available for review. All Individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan and Conditions of Approval.
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 applicant shall provide mitigation trees of the Oak genus species at a ratio of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.
15. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
16. Mitigation trees shall consist of indigenous varieties of *Quercus agrifolia* grown from local seed source.
17. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Additional mitigation trees shall be planted within one (1) year of the death of any tree, which results from its permitted encroachment. Mitigation trees shall be planted either on site or at an off-site location approved by the Forester.
18. Consistent with Mitigation Measure M-B-2 in the approved Mitigation Monitoring and Reporting Program ("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 three (3) days of the approval of this grant, the permittee or successor in interest 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 reasonably 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 up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

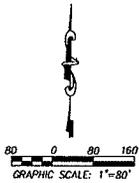
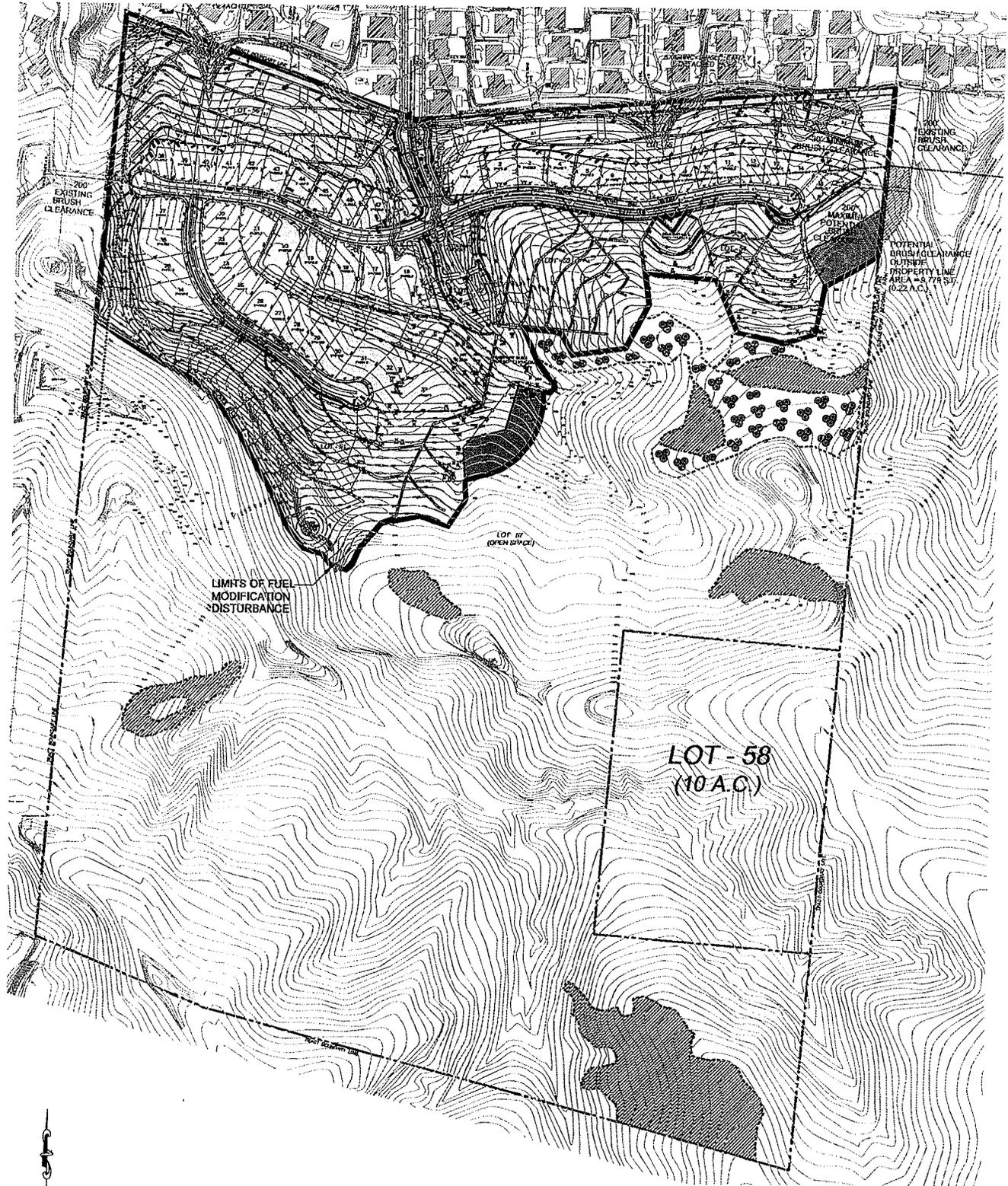
The cost for collection and duplication of records and other related documents will be paid by permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

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 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 or 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 and approval.
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 to show compliance with the required mitigation measures.

**DRAFT**

# BIOLOGICAL MITIGATION PLAN/ FUEL MODIFICATION PLAN



**FUEL MODIFICATION ZONES**

- LOS ANGELES COUNTY FIRE DEPARTMENT ZONE A - SETBACK ZONE
- LOS ANGELES COUNTY FIRE DEPARTMENT ZONE B - IRRIGATION ZONE LANDSCAPE REQUIREMENTS.
- LOS ANGELES COUNTY FIRE DEPARTMENT ZONE C - THINNING ZONE LANDSCAPE REQUIREMENTS.

**LEGEND:**

-  ZONE A = 549,262.96 S.F. / 12.61 AC. (VERSION 2008)
-  ZONE B = 998,121.92 S.F. / 22.91 AC. (VERSION 2008)
-  ZONE C = 43,130.72 S.F. / 0.99 AC. (VERSION 2008)
-  COASTAL SAGE SCRUB RESTORATION AREA 222,620.82 S.F. / 4.8 AC.
-  COASTAL LIVE OAK PLANTING AREA 277 15-GALLON OAK TREES 112, 920 S.F. / 2.59 AC.



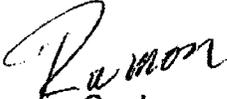
COUNTY OF LOS ANGELES

DEPARTMENT OF PARKS AND RECREATION

"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

September 8, 2009

TO:   
Ramon Cordova  
Senior Regional Planning Assistant  
Department of Regional Planning

FROM:   
Larry R. Hensley  
Chief of Planning

SUBJECT: **VESTING TENTATIVE TRACT MAP NO. 51153 – PACIFIC HEIGHTS  
OPEN SPACE DEDICATION**

The applicant has offered to dedicate Lot No. 58, a 10-acre lot, to the Department of Parks and Recreation as permanent open space. Upon further review, we have determined that the northern portion of this lot is undesirable for park and open space purposes due to the presence of manufactured slopes. We request that the applicant instead dedicate to us 10 acres of land at the southeast corner of the property, away from the manufactured slopes. Our request is shown graphically in the attached aerial photograph (page 2). We further ask that the applicant transfer ownership of these 10 acres to the Department at final map recordation.

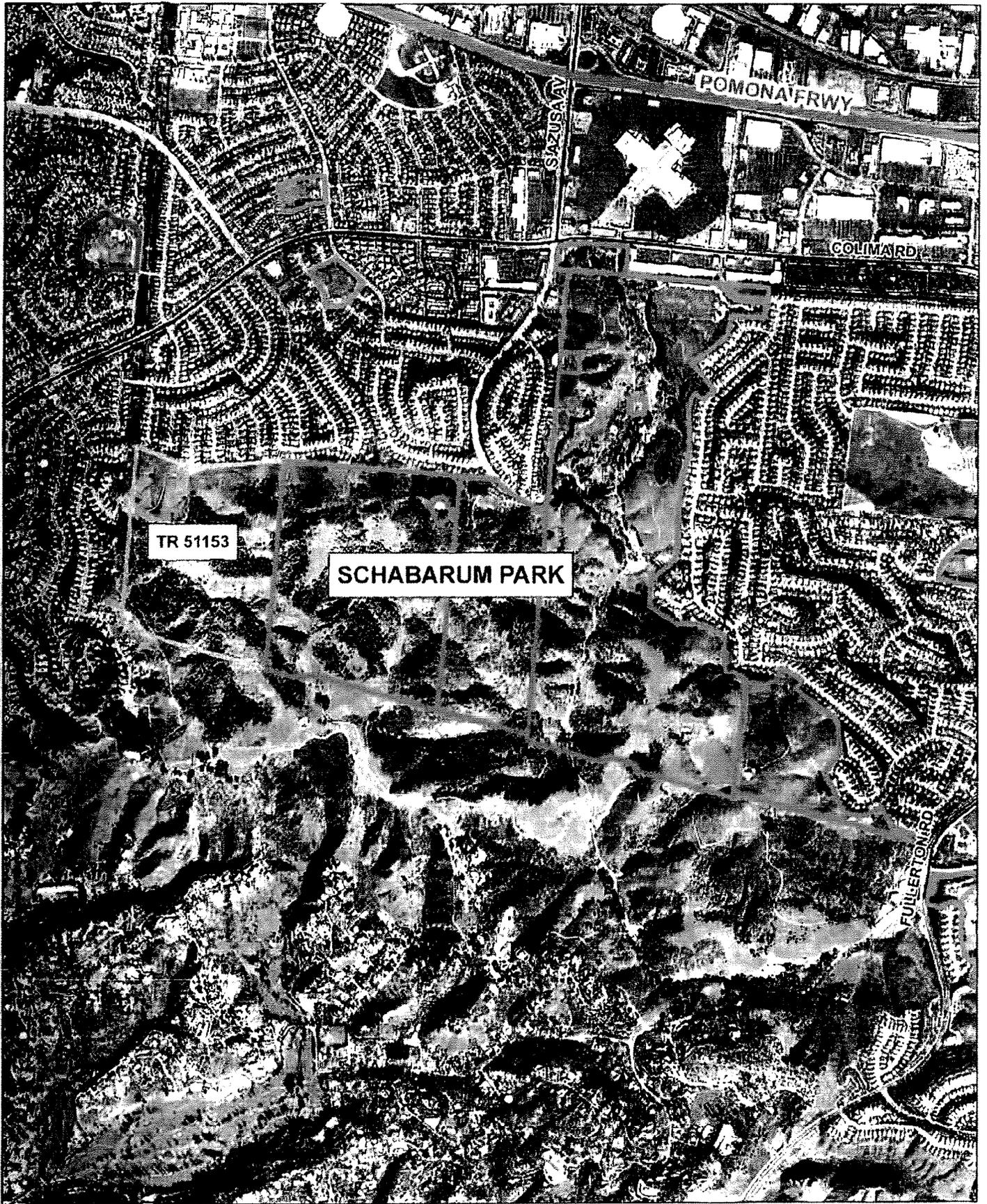
If you have any questions or need clarification, please feel free to contact me at (213) 351-5098 or [lhensley@parks.lacounty.gov](mailto:lhensley@parks.lacounty.gov).

LH:CL

Attachment: Aerial photographs (2 pages)

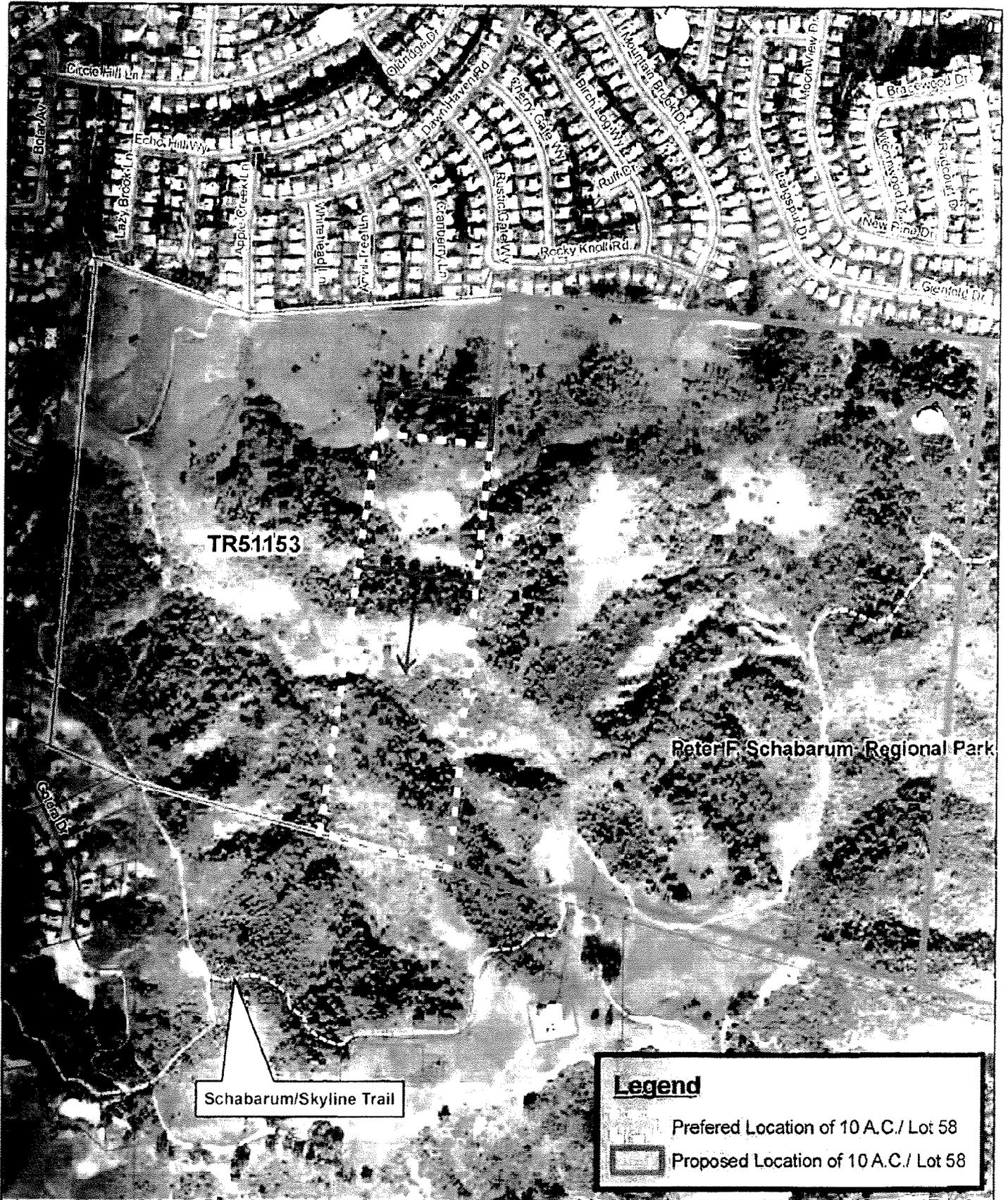
c: Parks and Recreation (N.E. Garcia, H. Sohm, C. Douglas, J. Barber)





TR 51153





8-31-09  
 Map Prepared By: Planning  
 LAGO Parks and Recreation

Florida Thomas Graphics. All Rights Reserved  
 Aerial: LARAC2 2006  
 Subdivision Data: Regional Planning  
 Trails and Parks: Parks and Recreation  
 Parcels: Assessor 2009

**Peter F. Schabarum Regional Park**  
**Proposed Location of Lot 58 for TR51153**

MARGARET DONNELLAN TODD  
COUNTY LIBRARIAN

February 27, 2003

Mr. Nelson Chung, President  
Pacific Communities  
1000 Dove Street, Suite 100  
Newport Beach, California 92660

Dear Mr. Chung:

**Re: San Gabriel Valley Library/Peter F. Schabarum  
Regional County Park Dedication**

This will acknowledge and confirm our intent to accept your offer to dedicate to the County of Los Angeles certain open space on your private property which lies west of and adjacent to Schabarum Park, to support our proposed new library project, should it be approved.

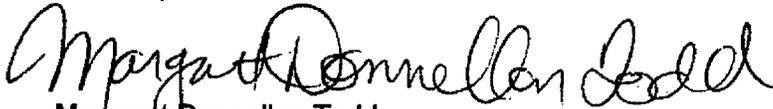
The dedication of this open space will serve to partially mitigate the impact of the new San Gabriel Valley Library project which is proposed for approximately 5.1 acres in the northeast portion of the park, and will also meet the requirements of federal and state funding agencies which may seek the provision of an alternative open space dedication as a result of prior federal and/or state grant funding for the park.

This additional dedication of open space will be required if the project is approved by the County and receives State grant funding.

Please complete and return the enclosed County access permit which will allow the County to access the property with appropriate State and/or Federal agency staff to determine the exact location and boundaries of the proposed dedication for open space purposes. Of course, this access permit provides that the County will hold you harmless from any claims arising from this access.

I greatly appreciate your cooperation on this regional library project. Please call me at (562) 940-8400 if you have any questions, or your representatives can call David Flint, our project manager, at (562) 940-8406.

Sincerely,



Margaret Donnellan Todd  
County Librarian

MDT:mno

Enclosure: Entry Permit

c: Gil Garcia, Department of Public Works  
Larry Hensley, Department of Parks and Recreation  
Helen Parker, County Counsel



**RIGHT OF ACCESS PERMIT**

THIS RIGHT OF ACCESS PERMIT ("Permit"), is made and entered into this \_\_\_ day of \_\_\_\_\_ 2003,

BY AND BETWEEN

PACIFIC COMMUNITIES  
Hereinafter referred to as "PERMITTOR"

AND

COUNTY OF LOS ANGELES  
A body corporate and politic; hereinafter  
called "PERMITTEE"

**RECITALS**

A. **WHEREAS**, PERMITTOR is the owner of certain real property located adjacent to Schabarum Park ("Real Property"), which is not required exclusively for use by PERMITTOR.

B. **WHEREAS**, PERMITTEE is desirous of using on a nonexclusive basis, a portion of the Real Property for the purpose of investigating the suitability of a portion of such Real Property for dedication to the County as part of Schabarum Park to mitigate loss of park open space in that facility and to meet the requirements of the federal grant conditions applicable to Schabarum Park.

**NOW THEREFORE**, this Permit is issued subject to the following conditions:

1. The exercise of any of the privileges granted by this Permit constitutes acceptance of all of the conditions of this Permit.
2. PERMITTEE, in the exercise of the privileges herein granted, shall at all times comply with all applicable laws, rules and regulations.

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**Right of Access Permit**

3. The term of this Permit begins upon execution by the PERMITTOR and PERMITTEE and shall end 1 year (12 months) from the date first written above.
4. PERMITTEE's access route shall be used on a nonexclusive basis by PERMITTEE (including PERMITTEE's agents, employees and contractors, and other state and federal officers), between the days of Monday through Friday and the hours of 8:00 a.m. to 5:00 p.m.
5. PERMITTEE shall contact Nelson, Chung, President, seventy-two (72) hours prior to the initiation of access at the permitted area and inform him of the starting date of work.
6. Right to Terminate Permit:
  - I. PERMITTEE agrees that if default shall be made in any of the terms and conditions herein contained, PERMITTOR may forthwith revoke and terminate this Permit.
  - II. Upon any termination of this Permit by revocation or otherwise, PERMITTEE shall promptly restore the premises to a condition reasonably compatible with the surrounding area, to the satisfaction of PERMITTOR. In the event of PERMITTEE's failure to do so, the PERMITTOR may restore said premises entirely at the risk and expense of PERMITTEE.

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**Right of Access Permit**

**7. Indemnification and Insurance Requirements:**

I. **Indemnification:** PERMITTEE shall indemnify, defend and hold harmless PERMITTEE from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with PERMITTEE's acts and/or omissions arising from and/or relating to this Permit.

II. **General Insurance Requirements:** Without limiting PERMITTEE's indemnification of PERMITTOR and during the term of this Permit, PERMITTEE shall provide and maintain the following programs of insurance or self-insurance, specified in the Permit. Such insurance shall be primary to and not contributing with any other insurance or self-insurance programs maintained by PERMITTOR, and such coverage shall be provided and maintained at PERMITTEE's own expense.

1. **Evidence of Insurance:** Certificate(s) or other evidence of coverage satisfactory to PERMITTOR shall be delivered to:

Mr. Nelson Chung, President

Pacific Communities

1000 Dove Street, Suite 100

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**Right of Access Permit**

Newport Beach, California 92660

- i. Specifically identify this Permit.
- ii. Clearly evidence all coverages required in this Permit.

2. Notification of Incidents, Claims, or Suits: PERMITTEE shall report to PERMITTOR:

- a. Any accident or incident relating to services performed under this Permit which involves injury or property damage which may result in the filing of a claim or lawsuit against PERMITTEE. Such report shall be made in writing within 24 hours of occurrence.
- b. Any third party claim or lawsuit filed against PERMITTEE arising from or related to services performed by PERMITTEE under this Permit.

8. This Permit shall not, nor shall any interest therein or thereunder, be assigned, mortgaged, hypothecated, or transferred by PERMITTEE, whether voluntary or involuntary or by operation of law, nor shall PERMITTEE let or sublet or grant any license or permit with respect to the use and occupancy of PERMITTEE's access route without the written consent of the PERMITTOR being first obtained.
9. Any notice required to be given under the terms of this Permit or any law applicable thereto shall be deemed validly given if sent by certified mail, return receipt requested, addressed as follows (or to any other mailing address which the

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**Right of Access Permit**

party to be notified may designate to the other party by such notice). Should PERMITTOR or PERMITTEE have a change of address, the other party shall immediately be notified as provided in this paragraph of such change:

**PERMITTOR:**  
Mr. Nelson Chung, President  
Pacific Communities  
1000 Dove Street, Suite 100  
Newport Beach, California 92660

**PERMITTEE:**  
County of Los Angeles  
Department of Parks and Recreation  
Planning Division  
433 South Vermont Avenue, Fourth Floor  
Los Angeles, California 90020-1979

(SIGNATURE PAGE FOLLOWS)

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**Right of Access Permit**

**IN WITNESS WHEREOF**, PERMITTEE has executed this Permit or caused it to be duly executed and PERMITTOR has caused this Permit to be executed this \_\_\_\_ day of \_\_\_\_\_, 2003.

**PACIFIC COMMUNITIES**

By: \_\_\_\_\_

**COUNTY OF LOS ANGELES**, a body corporate and politic

By: \_\_\_\_\_

**APPROVED AS TO FORM:**

**LLOYD W. PELLMAN**  
County Counsel

By: \_\_\_\_\_  
Helen S. Parker, Principal Deputy

## Cordova, Ramon

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**From:** Tae, Susan  
**Sent:** Monday, September 21, 2009 6:25 PM  
**To:** Cordova, Ramon  
**Subject:** FW: Pacific Heights EIR - Tract 51153

Ramon, please include in correspondence for this week's package.

Thanks,  
Susie Tae, AICP  
Supervising Regional Planner  
Land Divisions Section  
(213) 974-6433

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**From:** Silvas, Rudy  
**Sent:** Wednesday, September 16, 2009 12:52 PM  
**To:** Tae, Susan  
**Cc:** Cordova, Ramon  
**Subject:** FW: Pacific Heights EIR - Tract 51153

Hello Susie. I just received the following.

Rudy

---

**From:** Nestle, Charles [mailto:CNESTLE@dpw.lacounty.gov]  
**Sent:** Wednesday, September 16, 2009 11:38 AM  
**To:** Duong, Toan; Cruz, Ruben; Yanez, Jarrett; Silvas, Rudy  
**Cc:** Montgomery, Michael; Wan, Jeremy  
**Subject:** Pacific Heights EIR - Tract 51153

All,

I'm not sure who I'm supposed to send this to, so I included everyone in the email I received.

The basis of the complaint by Mr. Flournoy is that inappropriate seismic acceleration values were used in analyses on which the County based their approval.

1. GMED uses seismic acceleration and magnitude in analyses for liquefaction. The subject property is NOT identified as potentially liquefiable on maps prepared by the California Geological Survey, and thus, liquefaction analyses are not required and questions about seismic acceleration values are not relevant to that aspect of the project.
2. Seismic slope stability analyses incorporate a coefficient equal to 0.15g. Actual determined seismic acceleration values are not required for this type of analysis, therefore, any difference in acceleration values determined by differing methods is not relevant to slope stability analyses.
3. Design of the water tank (an issue raised by Mr. Flournoy) is outside the scope of tentative subdivision review, and appropriate seismic design parameters should be provided to the manufacturer and installer of the water tank during that permitting process.
4. Seismic design values required for design of structures is also outside the scope of tentative subdivision review. The County of Los Angeles Building Code specifies methods for determining seismic acceleration values for structural design, and appropriate design parameters must be provided during the building permit application process.

I hope this satisfies the concerns presented by Mr. Flournoy, and I'll be pleased to address any additional comments that you may receive.

Charles Nestle

County of Los Angeles Dept. of Public Works  
Geotechnical & Materials Engineering Division  
900 So. Fremont Ave., 4th Floor  
Alhambra, CA 91803-1331  
626.458.4923  
[cnestle@dpw.lacounty.gov](mailto:cnestle@dpw.lacounty.gov)



Puente Hills Landfill  
Native Habitat Preservation Authority

September 14, 2009

SEP 17 2009

County of Los Angeles  
Department of Regional Planning  
Attn: Ramon Cordova  
320 West Temple Street, Room 1382  
Los Angeles, CA 90012

**Tentative Tract Map, Condition Use Permit (CUP) and Oak Tree Permit Conditions  
for the Pacific Heights Project**

Dear Mr. Cordova:

After reviewing the Conditions for the Pacific Heights project the Habitat Authority has the following comments:

The Conditions of Approvals for the CUP require a public agency to take the title of the open space. However the Conditions for the tentative tract map mention that it should be dedicated to the homeowners association, Los Angeles County or public agency. The Habitat Authority is still interested in receiving the title to this undisturbed open space as it is adjacent to lands we own.

All of the Conditions forget to mention the conservation easement which is required from the final environmental impact report and as a state requirement for impacts to oak woodlands. We asked for the California Department of Fish and Game or other qualified conservation entity to hold the easement. If this is not possible we would prefer that the Watershed Conservation Authority receive the conservation easement if not the Habitat Authority.

If not decided by Los Angeles County with project approvals, it is assumed that whoever assumes the fee title and conservation easement will need to have a management agreement between them to identify the roles for management. As this open space adjoins Habitat Authority and Los Angeles County Parks properties the following management services would be expected: *Ranger or law enforcement patrol services which includes opening and closing access gates, limited street parking enforcement, posting of appropriate rules signs, trash pick up, graffiti control, and opportunities for outdoor education.* It is assumed that the north-south trending trail on the parcel is maintained by Southern California Edison on a regular basis. Lastly, it is expected that the organization responsible for daily management of the property would be expected to



protect the resources of the property as a Significant Ecological Area designated by the County.

Funding for the management of open space is an unresolved issue. However, other appropriate funding mechanisms are outlined in the Conditions for the tentative tract map, CUP and oak tree permit. It would be prudent at this juncture of County Planning's approval process to require a mechanism for funding open management as a condition of approval.

In Recommendation #11 of the Public Works it recommends, "... dedicate[ing] residential construction rights over the open space lots." The intent is unclear with this statement. If this note is meant to *prohibit* residential construction rights over the open space lots, please specify this. Otherwise, this recommendation will directly conflict with the purpose of the dedicated open space and the conservation easement as required in the final environmental impact report and Conditions of Approval.

As always, I can be reached at (562) 698-9644 for further discussion, or you can contact Andrea Gullo, Executive Director at (562) 945-9003.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Henderson", written in a cursive style.

Bob Henderson  
Chairman

C: Board of Directors, Habitat Authority  
Elsa Trujillo, Nelson Chung, Pacific Heights Applicant

# Watershed Conservation Authority

## Governing Board

September 25, 2009

**Teresa Villegas,  
Chair**

Designee for Gloria Molina  
Los Angeles County Board of  
Supervisors, 1<sup>st</sup> District

**Juventino Gomez,  
Vice Chair**

Designee for Michael D.  
Antonovich  
Los Angeles County Board of  
Supervisors, 5<sup>th</sup> District

**Dan Arrighi**

Rivers and Mountains  
Conservancy

**Frank Colonna**

Rivers and Mountains  
Conservancy

**Vacancy**

Rivers and Mountains  
Conservancy

**Karly Katona**

Designee for Mark Ridley-  
Thomas  
Los Angeles County Board of  
Supervisors, 2<sup>nd</sup> District

**Curtis Pedersen**

Designee for Don Knabe  
Los Angeles County Board of  
Supervisors, 4<sup>th</sup> District

**Edward Wilson**

Rivers and Mountains  
Conservancy

**Gail Farber**

**Director**  
Los Angeles County  
Department of Public Works

**Belinda V. Faustinos**

Executive Officer

Elsa Trujillo, Project Manager  
Pacific Communities Builder Inc  
1000 Dove Street, Suite 300  
Newport Beach, CA 92660

SEP 22 2009

RE: Pacific Heights Open Space Dedication

Dear Ms. Trujillo:

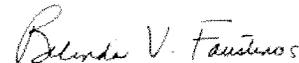
The Watershed Conservation Authority (WCA), a joint powers entity of the Rivers and Mountains Conservancy (RMC) and the Los Angeles County Flood Control District (LACFCD) that conducts watershed improvement and restoration projects for the San Gabriel and the Lower Los Angeles Rivers. The Pacific Heights Project lies within our territory.

The WCA Staff strongly supports dedication of a proposed conservation easement to a qualified public conservation agency such as the Puente Hills Landfill Native Habitat Preservation Authority or the Department of Fish and Game to hold the fee title.

WCA Staff is also interested in holding the conservation easement if the above referenced agencies are not able to accept fee title subject to the approval of the WCA Board. The WCA could take this item up at its November 2009 meeting.

If you have any questions or which to discuss this further do not hesitate to call me at (626)815-1019 ext 100 or at [bfaustinos@rmc.ca.gov](mailto:bfaustinos@rmc.ca.gov).

Sincerely,



Belinda V. Faustinos  
Executive Officer

cc: ~~Ramon Cordova, Los Angeles County Planning~~

Save Our Community Inc  
Rosemead Ca

Los Angeles County Regional Planning  
Pacific Heights project- Hacienda Heights

Recap of our Concerns

First and easiest is that there is no discussion or mitigation for "loss of topsoil".

Since all topsoil is to be removed by grading we consider this a great loss of topsoil, biomass and its inhabitants.

There is a question I the CEQA checklist in the Geotechnical section however the Initial study was not available at the library for Review. We surmise that the box was mis-checked and never looked at since. Mitigation could be removal and storage of topsoil for later use. Topsoil makes terrible fill and must not be so used.

Second is the ridge where the water tank is proposed.

We can find no geotechnical or geological investigation of the water tank site.

See: (not the best but available on lie)

<http://www.searchanddiscovery.net/documents/whittier/images/figures.pdf>

Plate 1 of 36 shows red lines indicating the Workman Hill fault and Whittier Heights fault.

Plate 2/36 shows elevations- notice the curve of the basin wall near the project site

Main Whittier fault trace is also shown

We are NOT implying a hazard of surface fault rupture rather wish to emphasize the underlying Geological and stratigraphy of the site.

Crosssection 32/36 is Slightly East of the site and shows the considerable uplift offsets and branching of the Whittier fault

Crosssection 34/36 is west of the site

Whittier Heights and Workman Hill are clearly labeled.

Our structural geologist indicates that the strike and alignment of the canyon south of the water tank may be the location of the Workman Hill or Whittier Heights branches of the Very Active Whittier Fault.

LA County Sanitation districts has investigated Whittier Heights and considers it inactive however we know of no investigations of Workman Hill.

Even if inactive near fault effects are considerable. There is nothing "solid rock" about the north slope of the Puente Hills

35 /36 shows an e-w Crosssection . Uplifts can be estimated.

These uplifts were prior to the current uplift of the Puente Hills from the Puente Hills Fault which also is not discussed.

The 1987 minor Whittier earthquake uplifted areas about 2 inches. A "Characteristic" event may raise the Puente Hills an additional meter (much larger than is required to mitigate) But what is the uplift expected from an event which is required to be evaluated by the Building code?

One foot? There is no discussion of uplift or ridge top spreading in the EIR even though the water tank ridge is typical of the kind where there are problems.

## MITIGATION MEASURE

There is a mitigation measure requiring investigation and design prior to issuance of a grading permit.

The issues will be looked at again at grading permit time but it is not legal to just kick the can down the road.

CEQA requires that the project be feasible which has yet to be shown and the Seismic Hazards Mapping Act requires investigation, a report, and a review and approval of the report. Prior to approval of the project.

The Subdivision act would require a new map should the tank have to be relocated and there would be environmental impacts necessitating a Supplemental EIR and re-circulation. The 2004 report does not comply with the current code or regulations.

## Ground Motion

Regulations require the consideration of basin depth and near fault effects. Neither are considered. We have an email from USGS that they do not consider near field- near fault effects in their maps. Nor do they consider basin depth.

Near fault effects for the Whittier and Puente Hills Thrust are quite different and both must be considered for this project.

Basin depth is the depth to bedrock generally where seismic waves travel in excess of 2.5Km/sec.

Lets think about that 2,500 m/second speed in basement rock.

Given a building code size earthquake on the Southern San Andreas in the San Bernardino area and let's postulate its 25 Km away it would take 10 seconds for the high frequency waves to reach the site.

However waves through sediment would range from 2500 m/sec to much slower. Let's say 250 m/s. Given the chain of deep basins between the site and the fault rupture waves through the sediment would take 100 seconds to reach the site

We can expect 1-2 minuets of strong shaking (the fault itself would be rupturing for 30 seconds or more) DURATION of shaking MUST be considered in the landslide and slope stability analysis  
The procedure used by the consultant does NOT consider duration of shaking.

See CGS Sp-117A for requirements for consideration of distant strong earthquakes

Let's think about that basin wall crescent shown on plates 1 and 2. If it were a beach wave energy would be greater at the base of the crescent- which is where the project is.

Energy from the San Andreas is channeled in these basins along the base of the San Gabriels to the west basin wall near Duarte where the energy turns south where it tries to funnel in a roaring rapids effect trough Whittier narrows.

We are not implying that shaking will be as strong at the site as in Whittier narrows but it will last almost as long. The energy directed at the crescent will be trapped- transferring the shaking to the basin wall at the site.

Basin Wall effects MUST be considered.

WE have some hazard curves using the USGS/ CGS database using a CalTrans tool which we will bring on the 30<sup>th</sup> showing the difference with "near field" adjusted. The tool has the ability to also adjust for

basin depth but not for external users. (yet)

The data given by the consultants in their response to comments does not adjust for basin dept or near fault or other parameters which is required by Sp-117A.

The consultants , in effect, do not consider any of the San Andreas phenomena reported 2005 and since. .

We have mentioned these deficiencies in the EIR 3-4 times and do not understand why they have not been addressed and mitigated.,

500,000 gallons is about 4 Million pounds of water. Tanks failed in the mild Northridge event in Topanga Canyon but they were not directly above homes.

Foundation requirements should have been determined by now (soil/ foundation interface) and if matt or strengthened foundations are required, included as mitigation as such have an effect on the environment and affect the feasibility of the project.

As we said in comments to the draft: Approving the Project or the Subdivision Tentative Tract Map without a current Seismic Hazards Mapping Act Report would be an abuse of Discretion

Sincerely yours

James I Flournoy