Los Angeles County
Department of Regional Planning

*Planning for the Challenges Ahead*

July 17, 2008

Bruce W. McClendon FAICP
Director of Planning

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

FROM: Susan Tae, AICP, Supervising Regional Planner
Land Divisions Section

**SUBJECT: JULY 30, 2008; AGENDA ITEM NO. 8 a, b, c, d, e**

**ZONE CHANGE CASE NO. 2008-00004-(5)**
**VESTING TENTATIVE TRACT MAP NO. 53653-(5)**
**CONDITIONAL USE PERMIT CASE NO. 2005-00088-(5)**
**OAK TREE PERMIT CASE NO. 2005-00039-(5)**
**HOUSING PERMIT CASE NO. 2006-00001-(5)**

## PROJECT BACKGROUND

Your Regional Planning Commission ("Commission") held a public hearing on November 15, 2006 and June 18, 2008 for Vesting Tentative Tract Map No. 53653, a residential subdivision proposal to create 93 single-family lots, one multi-family lot with 93 attached senior condominium units in two buildings, five open space lots, one recreation lot, six public facility lots and one fire station lot on approximately 234.8 gross acres. The project is located approximately 273 feet southwest of Sagecrest Circle west of Interstate 5 ("I-5") Freeway and The Old Road, between Calgrove Boulevard and Sagecrest Circle in the unincorporated Santa Clarita Valley. The proposal also required approval of Conditional Use Permit Case No. 2005-00088-(5) ("CUP") to ensure compliance with the requirements of hillside management, density controlled development, development within a Significant Ecological Area ("SEA"), and onsite project grading. Oak Tree Permit Case No. 2005-00039-(5) is also required to allow the removal of 162 oak trees (including 13 heritage oaks) and encroachment into the protected zone of 52 oak trees (including six heritage oaks). Housing Permit Case No. 2006-00001-(5) is required to authorize a density bonus up to 50 percent for the senior citizen housing development.

A Draft Environmental Impact Report ("EIR") was also prepared that identified potentially significant impacts of the project, including Geotechnical (Geology, Soils and Seismicity); Hydrology/Water Quality; Hazards; Noise; Air Quality; Biological Resources; Cultural Resources; Aesthetics; Traffic; Water and Wastewater; Schools; Fire Services; Sheriff Services; Solid Waste; Utilities (Electricity, Natural Gas); Libraries; and Parks and Recreation. Impacts that cannot be mitigated to less than significant include Aesthetics, Air Quality, Biological Resources, Geology, Noise, Cumulative Sheriff Services and Cumulative Solid Waste.

At time of the June 18, 2008 public hearing, the Findings of Fact and Statement of Overriding Considerations ("SOC"), in response to the final EIR comments regarding the seven factors that cannot be mitigated to less than significant, were not included in the materials distributed and the public hearing was continued to July 2, 2008. For the July 2, 2008 continued public hearing, the SOC were later distributed to the Commission.

Due to lack of quorum for July 9, 2008, this project was automatically continued to July 30, 2008.

## ADDITIONAL MATERIALS

Draft findings for the project have been updated to include the June 18, 2008 public hearing and are attached.

The applicant has not provided additional information regarding water source, status of the project's water report, and preliminary annexation as requested by your Commission, as of time of writing.

## ADDITIONAL CORRESPONDENCE

Since the distribution of the June 26, 2008 hearing materials, one letter of correspondence from the Santa Monica Mountains Conservancy ("SMMC") has been received requesting the addition of five mitigation measures, in addition to their Draft EIR comments that are addressed in the Final Environmental Impact Report ("FEIR").

The SMMC letter, dated June 23, 2008 is attached.

## STAFF RECOMMENDATION

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

Staff recommends that the Commission close the public hearing, and adopt the environmental document. Staff also recommends the Commission approve Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), and Housing Permit Case No. 2006-00001-(5); and recommend approval of Zone Change Case No. 2008-00004-(5) to the Los Angeles County Board of Supervisors.

**Suggested Motion: "I move that the Regional Planning Commission close the public hearing, certify the Final Environmental Impact Report, and adopt the Statement of Facts and Overriding Considerations."**

**Suggested Motion: "I move that the Regional Planning Commission approve Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), and Housing Permit Case No. 2006-00001-(5) (with the conditions as added into the record); and recommend approval of Zone Change Case No. 2008-00004-(5) to the Los Angeles County Board of Supervisors."**

SMT:acb

7/16/08

Attachment: Updated Draft Findings and Conditions
Correspondence, Santa Monica Mountains Conservancy Letter

**DRAFT**
**A RESOLUTION OF THE REGIONAL PLANNING COMMISSION**
**COUNTY OF LOS ANGELES**
**RELATING TO ZONE CHANGE CASE NO. 2008-00004-(5)**

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles conducted a public hearing regarding Zone Change Case No. 2008-00004-(5), Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5) on November 15, 2006 and June 18, 2008; and

**WHEREAS**, the Regional Planning Commission ("Commission") finds as follows:

1. The subject site is located approximately 273 feet southwest of Sagecrest Circle, west of the Golden State ("I-5") Freeway and The Old Road between Calgrove Boulevard and Sagecrest Circle in Newhall Zoned District.

2. The irregularly-shaped property is 234.8 gross acres in size with slight to steeply sloping terrain. Approximately one-third of the subject property has zero to 25 percent slopes, one-third has 25 to 50 percent slopes, and one-third has slopes greater than 50 percent.

3. Access to the proposed development is provided by The Old Road, an 80-foot wide secondary highway as designated on the Los Angeles County Master Plan of Highways. The main access road serving the project will be 64-foot wide "A" Street with additional interior access provided by 64-foot collector streets, and 60-foot and 58-foot wide local streets.

4. Zone Change Case No. 2008-00004-(5) is a request to change the zoning on 9.3 acres of the subject property from A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area) and A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) to C-3-DP (Unlimited Commercial – Development Program) for the senior condominium development. The Development Program ("DP") designation will ensure that development occurring after rezoning will conform to approved plans and will ensure compatibility with the surrounding area. As applied in this case, the conditional use permit will restrict the development of the rezoned site to the proposed residential development as shown on the site plan marked "Exhibit A." No other development will be permitted on the property unless a new conditional use permit ("CUP") is first obtained.

5. Zone Change Case No. 2008-00004-(5) was heard concurrently with Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5) at the June 18, 2008 public hearing. Zone Change Case No. 2008-

00004-(5) was previously not considered during the November 15, 2006 public hearing.

6. Vesting Tentative Tract Map No. 53653 is a related request to create 93 single-family lots, one multi-family lot with 93 new attached senior condominium units within two buildings as well as five open space lots, six public facility lots, one park lot and one fire station lot on 234.8 gross acres. One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.

7. Conditional Use Permit Case No. 2005-00088-(5) is a related request to ensure compliance with the requirements of nonurban hillside management; density-controlled development; development within an SEA, DP overlay zone, and residential use in a commercial zone; and onsite project grading.

8. Oak Tree Permit Case No. 2005-00039-(5) is a related request to authorize removal of 162 oak trees (including 13 heritage oaks) and encroachment within the protected zone of 52 oak trees (including six heritage oaks).

9. Housing Permit Case No. 2006-00001-(5) is a related request to authorize a 50 percent density bonus associated with a senior citizen housing development along with modification of the maximum building height of 35 feet to 50 feet.

10. Approval of the vesting tentative tract map, conditional use permit, oak tree permit and housing permit will not become effective unless and until the Los Angeles County Board of Supervisors ("Board of Supervisors") has adopted an ordinance effecting the proposed change of zone, and such ordinance has become effective.

11. The applicant's site plan, labeled as "Exhibit A," depicts a residential development of 93 attached senior condominiums in two buildings, and 93 single-family lots in clustered design. The single-family lots range from approximately 9,350 square feet to 3.2 acres in size. Grading consists of 2,090,350 cubic yards of cut and fill (total of 4,180,700 cubic yards) to be balanced onsite. Also depicted is a fire station location along The Old Road as well as desilting basins, a private park and a 12-foot wide hiking and riding trail traversing the property. Open space consists of 167.6 acres (71.4 percent), including 123.6 acres of natural open space. The project also depicts access to offsite properties through two tap streets to the west, and one tap street to the east. The senior multi-family lot also proposes a private recreational building, pool and spa, and will contain 172 parking spaces.

12. The property is depicted in the Non-urban 2 ("N2") and Hillside Management ("HM") land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan"). Residential development is permitted within the N2 and HM land use categories.

The proposed 186 dwelling units exceed the maximum 123 dwelling units permitted by the N2 and HM land use categories for residential development. However, the Plan supports a density bonus of up to 50 percent for the senior development for a maximum of 185 dwelling units. One single-family residential lot will be required to be eliminated at the time of final map recordation to comply with the Plan's maximum density. The property is also designated within two Significant Ecological Areas ("SEAs") (Lyon Canyon, and Santa Susana Mountains); the project proposes development within the boundaries of both SEAs

13. The project site is currently zoned A-2-1, A-2-2 and C-3 (Unlimited Commercial), which were established by Ordinance No. 7168 on July 5, 1957. The project proposes a zone change on 9.3 acres from A-2-1 and A-2-2 to C-3-DPover the senior multi-family Lot No. 94.

14. Surrounding zoning includes RPD-1-1.4U (Residential Planned Development – One Acre Minimum Required Lot Area – 1.4 Dwelling Units per Net Acre) and C-3 to the north; City of Santa Clarita to the east; A-2-2 and R-R (Resort and Recreation) to the south; and A-2-2 to the west.

15. The subject property consists of four vacant lots. Surrounding uses include single-family residences to the north; I-5 Freeway and single-family residences (City of Santa Clarita) to the east; park and vacant property to the south; and vacant property to the west.

16. The single-family residential portion of the project is consistent with the existing zoning classifications. Single-family residential development is permitted in the A-2 zone pursuant to Section 22.24.120 of the Los Angeles County Code ("County Code"). The applicant has requested a CUP to authorize a clustered design within three areas as a density-controlled development pursuant to Section 22.24.150 and 22.56.205 of the County Code, which reduces the lot sizes to less than the one acre and two acres required but maintains an average of one and two acres per lot throughout the project (excluding the fire station and senior multi-family portion of the development) and reserves the undeveloped portion of the project as permanent open space.

17. The multi-family senior condominium portion of the project is consistent with the proposed C-3-DP zoning classification as the applicant has requested a CUP to permit a residential use in a commercial zone pursuant to Section 22.28.210 of the County Code. The applicant has also requested a CUP to comply with the proposed DP zone to ensure that the development will comply with the proposed designs and exhibits as submitted to the Commission.

18. Of the project's 93 condominium units, the applicant proposes that all 93 dwelling units be set aside for seniors in perpetuity to qualify for the density bonus as applied for under the associated housing permit.

19. Twenty-four (24) comment letters were submitted to the Commission. Twenty (20) letters were in opposition to the project, with concerns related to lack of access being provided by this project to adjoining properties to the west and northwest, and a desire to retain horsekeeping abilities on the proposed single-family lots. Concerns also include requests for reduction in project size to reduce impacts to the SEAs as well as a question regarding the provision of an adequate second means of access; and requests for fire station to be constructed as part of the project, and disclosure regarding fire danger. Changed circumstances due to the recent Wanger decision with respect to water supply; and request for project changes in order to preserve more oak trees for an adjacent wildlife corridor, including elimination of the "back portion" of the development, and provision of full monetary value of removed trees to the Los Angeles County Oak Tree Fund ("Oak Fund"), were also raised in written correspondence.

20. Four letters were received by the Commission with neutral comments regarding provision of water from the Valencia Water Company, and comments regarding the Draft Environmental Impact Report ("EIR") including recommended mitigation measures.

21. During the November 16, 2006 public hearing, the Commission heard a presentation from staff. Staff presented the proposed subdivision with the associated CUP, oak tree permit and housing permit. After opening the public hearing, the Commission also heard testimony from the applicant as well as the public.

22. During the November 16, 2006 public hearing, the applicant presented the history of their project including an original proposal with the City of Santa Clarita for a much larger development. A modified project was submitted by the applicant to the County of Los Angeles for processing, and was designed to be consistent with the General Plan as well as provide for dedication of open space, trails to be open to the public, and creation of a private park lot with tot lot and other amenities. The project will improve public safety by providing a fire station location as well as emergency access to properties further west of The Old Road. School district mitigation agreements have also been finalized with the Newhall and William S. Hart Union School Districts, and the project <u>was</u> designed to preserve significant natural resources with additional enhancement of habitat.

23. Ten (10) people testified during the November 16, 2006 public hearing: four representing the applicant, two in support of the project, and four in opposition.

Those in support of the project addressed the project's provision of dirt trails, and offsite access to the southwest (as depicted on the tentative map). Additional issues raised during the public hearing in opposition to the project, included comments related to provision of senior housing elsewhere that is much closer to shopping, increased paving of land resulting in less recharge and loss of riparian habitat, insufficient information in the Draft EIR regarding water supply and presence of perchlorate, and preservation of additional oak trees within the project. Concerns also presented addressed the project's significant and unavoidable impacts to seven factors in the Draft EIR, and recommendation for redesign to the Draft EIR's Alternative No. 4.

24. During the November 16, 2006 public hearing, the applicant responded that claims for offsite access via prescriptive easements have yet to be verified by the applicant, and while "not interested" in constructing additional roads, the applicant indicated their willingness to maintain access. The proposed market-rate senior housing will be for active seniors with onsite access to private recreational facilities, and within short distance to shopping locations. The impacts to the SEA are primarily from the debris basin lot, which would have been required with any alternative of the project. The applicant also indicated that the SEA Technical Advisory Committee ("SEATAC") confirmed that a debris basin is a compatible use with the SEA.~~, and that~~ The project was designed with up to 71 dwelling units with a single means of access in the southwest portion. Land is available on the property for onsite oak mitigation, and efforts will be focused where previous oak habitat exists or previously existed. The applicant also committed to placing no restrictions for horsekeeping on the property. Alternative No. 4 was considered by the applicant, but was determined to be infeasible based on the cost of acquiring and developing the property with high infrastructure costs. The project however was designed to provide benefits, including public access and a location for a fire station as well as maintaining the most sensitive habitat on the property as undisturbed.

25. During the November 16, 2006 public hearing, the Commission discussed the project and its impacts to oak trees and the SEA. The Commission discussed that while the project considers a large number of oak removals, including heritage oak trees, the property is within private ownership and project itself has benefits. The project has been mitigated to the extent feasible, and grading has been balanced onsite. Senior housing in this price range is needed, and shopping is available close to the development. The provision of offsite access via depicted tap streets allows for further development in private ownership, and with additional development comes a greater amount of open space dedication and contiguous open space.

26. During the November 16, 2006 public hearing, the Commission also expressed concerns with the development, including need for greater consideration of the tap streets and how they will affect future development. The project proposed is better than that previously proposed with the City of Santa Clarita, but further study of Alternative No. 4 was necessary to examine recharge, include a water supply assessment, and additional analysis in the Draft EIR regarding grading. A motion to continue the public hearing to a date certain to address these concerns was made, but did not pass.

27. During the November 16, 2006 public hearing, the Commission indicated that they felt there was sufficient information in all areas of the project, and that provision of tap streets allow for access to be resolved for landlocked parcels. The project was designed with consideration of economic constraints, and conversely Alternative No. 4 as indicated by the applicant, was infeasible. Fire sprinklers will be provided in the homes and the project was designed to comply with the maximum of 75 dwelling units on a single means of access with 71 homes.

28. After considering all testimony, the Commission closed the public hearing on November 16, 2006 and indicated their intent to approve Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), and Housing Permit Case No. 2006-00001-(5); and directed staff to return with final documents for approval including the Final EIR. The Commission also directed the applicant to work with the offsite property owners ("Kantor and Speer parties") to resolve the access issues before final action.

29. After the close of public hearing on November 16, 2006, the applicant ~~had~~ worked ~~over the course of more than 16 months~~ with the Kantor and Speer parties in addressing concerns regarding provision of offsite access. The applicant, and Kantor and Speer parties discussed various potential access routes, with the ~~applicant~~ ultimately ~~concluding~~ <u>conclusion of</u> three options:

    - Option 1: This access route would be through the subject property in the general vicinity of debris basin Lot No. 96 and through open space Lot No. 104. An access easement could be granted through the subject property, with environmental review, engineering design and ultimate construction the responsibility of the Kantor and Speer parties.

    - Option 2: Access rights may already exist along the northern property line of the subject property. ~~Through prescriptive easements however,~~ <u>A</u>ccess rights <u>through prescriptive easements however,</u> would have to be established through legal means by the Kantor and Speer parties, and can be done at any time ~~separate~~ <u>independent</u> from the subject project.

- Option 3: This access route would be through the northern Larwin development, and lies outside the boundaries of the subject project. Negotiations on the terms of the access easement between Larwin and the Kantor and Speer parties were never finalized, and can be done at any time ~~separate~~ independent from the subject project. Engineering design and ultimate construction would be the responsibility of the Kantor and Speer parties.

30. Subsequent to the close of public hearing on November 16, 2006, the applicant was required to file an application for a zone change and amended CUP request to address the multi-family use in the existing A-2 zone. The zone change proposed changing the A-2-1 and A-2-2 zones to C-3-DP on 9.3 acres (senior multi-family Lot No. 94) of the subject property. The amended CUP includes the DP zone and request to permit a residential use in a commercial zone.

31. On May 7, 2008, the Commission heard a presentation from staff for discussion and possible action regarding the additional entitlements required to implement the project as originally presented. On May 7, 2008, the Commission re-opened the public hearing to consider the zone change and amended CUP request, and directed staff to prepare proper notice of the re-opened public hearing to be held on June 18, 2008.

32. During the June 18, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

33. During the June 18, 2008 public hearing, the applicant mentioned a preference for option No. 1 which would be an easement near debris basin Lot No. 96 and open space Lot No. 104 since it would not require future modifications to the tentative map.

34. During the June 18, 2008 public hearing, the Commission requested disclosure to future purchasers of the potential for the project site to contain means of access to future developments. The applicant responded in agreement.

35. During the June 18, 2008 public hearing, the Commission expressed their concerns regarding the water source, status of the project's water report and preliminary annexation. The applicant clarified that the project would be annexed to the Valencia Water District, that additional information regarding not being served water had not been received, and that additional information will be provided at the next public hearing.

36. During the June 18, 2008 public hearing, the Commission expressed concerns regarding the replacement of 1,002 oak trees and the possibility of fitting the trees and a single family residence within each lot. The applicant clarified by stating that the site supports oak trees, an oak woodland will be re-created, 83 percent of the project oak trees and 72

percent of the oak woodland are to remain, and that maps of depicting these areas have been included in the Environmental Impact Report ("EIR").

37. During the June 18, 2008 public hearing, the Commission further discussed offsite access options as presented by staff. The Commission commented whether the Fire Department would require the width to be 20 to 30 feet; and that this issue is a balancing act between providing access to a limited number of single family homes in order to not create landlocked parcels, and creating new roads to future development. An enhanced access from what is existing today was discussed as a way to preserve and protect access opposed to a road developed to full public road standards that would enable future zone changes and proposals of increased densities.

38. During the June 18, 2008 public hearing, staff mentioned no Findings of Fact and Statement of Overriding Consideration, which is required prior to final action on the project, were included in the distributed package. The public hearing was continued to July 2, 2008 and later continued to July 30, 2008 due to lack of quorum.

39. During the July 30, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

40. After hearing all testimony, on July 30, 2008 the Commission closed the public hearing and approved TR 53653.

41. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.

42. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.

43. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.

44. The zone change is consistent with the goals and policies of the Plan, a component of the 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.

45. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Forester and Fire Warden, Parks and Recreation, Public Health and Regional Planning.

46. The subject property is of adequate size and shape to accommodate the yards, walls, fences, parking, landscaping and other accessory structures, as shown on the site plan and Vesting Tentative Tract Map No. 53653.

47. Compatibility with surrounding land uses will be ensured through the related ~~zone change,~~ subdivision, conditional use permit, oak tree permit, housing permit and environmental conditions.

48. There is no evidence that the proposed project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the project site.

49. Modified conditions warrant a revision in the zoning plan as it pertains to the subject property as residential housing is needed for the fast-growing senior population.

50. The subject property is a proper location for the recommended zoning classification in that the recommended zoning classification for the subject property is compatible with adjacent and/or nearby zoning classifications and/or land uses. <u>There is existing C-3 zoning in the areas adjacent to the proposed zone change area, as well as north of the subject property along The Old Road.</u>

51. The adoption of the proposed zoning classification will be in the interest of public health, safety and general welfare, and in conformity with good planning practices in that the proposed zoning classification implement a project that promotes higher-density residential development for seniors in a location near commercially-zoned properties and near local shopping. Transportation options will be provided by the project for the senior condominium residents.

52. Adoption of the proposed zone change will enable the development of the subject property as proposed.

53. The applicant in this case has satisfied the "Burden of Proof" for the requested Zone Change which is needed and appropriate.

54. 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, hydrology/water quality, hazards, noise, air quality, biological resources, cultural resources, aesthetics, traffic, water and wastewater, schools, fire services, sheriff services, solid waste, utilities (electricity and natural gas), libraries, and parks and recreation. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Draft EIR dated September 2006 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact and Statement of

Overriding Considerations ("Findings and SOC") are incorporated herein by this reference, as if set forth in full.

55. 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 and SOC, implementation of the project will result in specifically identified significant effects upon the environment. Except for adverse impacts upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions ~~in this vesting map~~ for this project.

56. With respect to the adverse effects upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), the Commission determined that the substantial benefits resulting from the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings and SOC.

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

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

59. This project has an impact 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.

60. 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.

**NOW, THEREFORE BE IT RESOLVED** that the Regional Planning Commission of the County of Los Angeles recommends that the Los Angeles County Board of Supervisors:

1. Hold a public hearing to consider the above recommended zone change; and

2. Certify that the Final EIR has been completed in compliance with the California Environmental Quality Act, and the State and County Guidelines related thereto and reflects the independent judgment of the Board of Supervisors; and

3. Approve the Final EIR prepared for the project and certify that it has reviewed and considered the information contained therein; and

4. Approve and adopt the Mitigation Monitoring Program for the proposed project, incorporated in the Final EIR, and pursuant to Section 21081.6 of the Public Resources Code, find that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and

5. Find that the proposed change of zone are consistent with the goals, policies and programs of the Santa Clarita Valley Area Plan, a component of the Los Angeles Countywide General Plan; and

6. Adopt Zone Change Case No. 2008-00004-(5) changing the zoning classification on the property as depicted on the attached Exhibit and described hereinabove.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on June 18, 2008.

_____

Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION**
**COUNTY OF LOS ANGELES**
**FOR CONDITIONAL USE PERMIT CASE NO. 2005-00088-(5)**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a noticed public hearing in the matter of Conditional Use Permit Case No. 2005-00088-(5) on November 15, 2006 and June 18, 2008. Conditional Use Permit Case No. 2005-00088-(5) was heard concurrently with Zone Change Case No. 2008-00004-(5), Vesting Tentative Tract Map No. 53653, Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5).

2. The applicant, D.R. Horton, is proposing a residential development of 93 single-family lots, one multi-family lot with 93 new attached senior condominium units within two buildings as well as five open space lots, six public facility lots, one park lot and one fire station lot on 234.8 gross acres.

3. A conditional use permit ("CUP") is required to ensure compliance with the requirements of nonurban hillside management, density-controlled development, development within an SEA, residential use in a commercial zone, and onsite project grading pursuant to Sections 22.24.100, 22.24.150, 22.28.210, 22.56.010, 22.56.205, 22.56.215 of the Los Angeles County Code ("County Code") as well as ensure compliance with the proposed Development Program ("DP") zoning pursuant to Section 22.40.040 of the County Code.

4. The subject site is located approximately 273 feet southwest of Sagecrest Circle, west of the Golden State ("I-5") Freeway and The Old Road between Calgrove Boulevard and Sagecrest Circle in Newhall Zoned District.

5. The irregularly-shaped property is 234.8 gross acres in size with slight to steeply sloping terrain. Approximately one-third of the subject property has zero to 25 percent slopes, one-third has 25 to 50 percent slopes, and one-third has slopes greater than 50 percent.

6. Access to the proposed development is provided by The Old Road, an 80-foot wide secondary highway as designated on the Los Angeles County Master Plan of Highways. The main access road serving the project will be 64-foot wide "A" Street with additional interior access provided by 64-foot collector streets, and 60-foot and 58-foot wide local streets.

7. The project site is currently zoned A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area), A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) and C-3 (Unlimited Commercial), which were established by Ordinance No. 7168 on July 5, 1957. The project proposes a zone change on 9.3 acres from A-2-1 and A-2-2 to C-3-DP (Unlimited Commercial – Development Program) over the senior multi-family Lot No. 94.

8. Surrounding zoning includes RPD-1-1.4U (Residential Planned Development – One Acre Minimum Required Lot Area – 1.4 Dwelling Units per Net Acre) and C-3 (Unlimited Commercial) to the north; City of Santa Clarita to the east; A-2-2 and R-R (Resort and Recreation) to the south; and A-2-2 to the west.

9. The subject property consists of four vacant lots. Surrounding uses include single-family residences to the north; I-5 Freeway and single-family residences (City of Santa Clarita) to the east; park and vacant property to the south; and vacant property to the west.

10. Zone Change Case No. 2008-00004-(5) is a related request to change the zoning on 9.3 acres of the subject property from A-2-1 and A-2-2 to C-3-DP for the senior condominium development. The Development Program ("DP") designation will ensure that development occurring after rezoning will conform to approved plans and will ensure compatibility with the surrounding area. As applied in this case, the conditional use permit will restrict the development of the rezoned site to the proposed residential development as shown on the site plan marked "Exhibit A." No other development will be permitted on the property unless a new conditional use permit ("CUP") is first obtained.

11. Vesting Tentative Tract Map No. 53653 is a related request to create 93 single-family lots, one multi-family lot with 93 new attached senior condominium units within two buildings as well as five open space lots, six public facility lots, one park lot and one fire station lot on 234.8 gross acres. <u>One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.</u>

12. Oak Tree Permit Case No. 2005-00039-(5) is a related request to authorize removal of 162 oak trees (including 13 heritage oaks) and encroachment within the protected zone of 52 oak trees (including six heritage oaks).

13. Housing Permit Case No. 2006-00001-(5) is a related request to authorize a 50 percent density bonus associated with a senior citizen housing development along with modification of the maximum building height of 35 feet to 50 feet

14. The Exhibit "A" dated July 11, 2006, depict a residential development of 93 attached senior condominiums in two buildings, and 93 single-family lots in clustered design. The single-family lots range from approximately 9,350 square feet to 3.2 acres in size. Grading consists of 2,090,350 cubic yards of cut and fill (total of 4,180,700 cubic yards) to be balanced onsite. Also depicted is a fire station location along The Old Road as well as desilting basins, a private park and a 12-foot wide hiking and riding trail traversing the property. Open space consists of 167.6 acres (71.4 percent), including 123.6 acres of natural open space. The project also depicts access to offsite properties through two tap streets to the west,

and one tap street to the east. The senior multi-family lot also proposes a private recreational building, pool and spa, and will contain 172 parking spaces

15. The property is depicted in the Non-urban 2 ("N2") and Hillside Management ("HM") land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan"). Residential development is permitted within the N2 and HM land use categories. The proposed 186 dwelling units exceed the maximum 123 dwelling units permitted by the N2 and HM land use categories for residential development. However, the Plan supports a density bonus of up to 50 percent for the senior development for a maximum of 185 dwelling units. One single-family residential lot will be required to be eliminated at the time of final map recordation to comply with the Plan's maximum density. The property is also designated within two Significant Ecological Areas ("SEAs") (Lyon Canyon, and Santa Susana Mountains); the project proposes development within the boundaries of both SEAs.

16. The single-family residential portion of the project is consistent with the existing zoning classifications. Single-family residential development is permitted in the A-2 zone pursuant to Section 22.24.120 of the Los Angeles County Code ("County Code"). The applicant has requested a CUP to authorize a clustered design within three areas as a density-controlled development pursuant to Section 22.24.150 and 22.56.205 of the County Code, which reduces the lot sizes to less than the one acre and two acres required but maintains an average of one and two acres per lot throughout the project <u>(excluding the fire station and senior multi-family portion of the development)</u> and reserves the undeveloped portion of the project as permanent open space.

17. The multi-family senior condominium portion of the project is consistent with the proposed C-3-DP zoning classification as the applicant has requested a CUP to permit a residential use in a commercial zone pursuant to Section 22.28.210 of the County Code. The applicant has also requested a CUP to comply with the proposed DP zone to ensure that the development will comply with the proposed designs and exhibits as submitted to the Commission.

18. Of the project's 93 condominium units, the applicant proposes that all 93 dwelling units be set aside for seniors in perpetuity to qualify for the density bonus as applied for under the associated housing permit.

19. Twenty-four (24) comment letters were submitted to the Commission. Twenty (20) letters were in opposition to the project, with concerns related to lack of access being provided by this project to adjoining properties to the west and northwest, and a desire to retain horsekeeping abilities on the proposed single-family lots.

Concerns also include requests for reduction in project size to reduce impacts to the SEAs as well as a question regarding the provision of an adequate second means of access; and requests for fire station to be constructed as part of the project, and disclosure regarding fire danger. Changed circumstances due to the recent Wanger decision with respect to water supply; and request for project changes in order to preserve more oak trees for an adjacent wildlife corridor, including elimination of the "back portion" of the development, and provision of full monetary value of removed trees to the Los Angeles County Oak Tree Fund ("Oak Fund"), were also raised in written correspondence.

20. Four letters were received by the Commission with neutral comments regarding provision of water from the Valencia Water Company, and comments regarding the Draft Environmental Impact Report ("EIR") including recommended mitigation measures.

21. During the November 16, 2006 public hearing, the Commission heard a presentation from staff. Staff presented the proposed subdivision with the associated CUP, oak tree permit and housing permit. After opening the public hearing, the Commission also heard testimony from the applicant as well as the public.

22. During the November 16, 2006 public hearing, the applicant presented the history of their project including an original proposal with the City of Santa Clarita for a much larger development. A modified project was submitted by the applicant to the County of Los Angeles for processing, and was designed to be consistent with the General Plan as well as provide for dedication of open space, trails to be open to the public, and creation of a private park lot with tot lot and other amenities. The project will improve public safety by providing a fire station location as well as emergency access to properties further west of The Old Road. School district mitigation agreements have also been finalized with the Newhall and William S. Hart Union School Districts, and the project was designed to preserve significant natural resources with additional enhancement of habitat.

23. Ten (10) people testified during the November 16, 2006 public hearing: four representing the applicant, two in support of the project, and four in opposition. Those in support of the project addressed the project's provision of dirt trails, and offsite access to the southwest (as depicted on the tentative map). Additional issues raised during the public hearing in opposition to the project, included comments related to provision of senior housing elsewhere that is much closer to shopping, increased paving of land resulting in less recharge and loss of riparian habitat, insufficient information in the Draft EIR regarding water supply and presence of perchlorate, and preservation of additional oak trees within the project. Concerns also presented addressed the project's significant and

unavoidable impacts to seven factors in the Draft EIR, and recommendation for redesign to the Draft EIR's Alternative No. 4.

24. During the November 16, 2006 public hearing, the applicant responded that claims for offsite access via prescriptive easements have yet to be verified by the applicant, and while "not interested" in constructing additional roads, the applicant indicated their willingness to maintain access. The proposed market-rate senior housing will be for active seniors with onsite access to private recreational facilities, and within short distance to shopping locations. The impacts to the SEA are primarily from the debris basin lot, which would have been required with any alternative of the project. The applicant also indicated that the SEA Technical Advisory Committee ("SEATAC") confirmed that a debris basin is a compatible use with the SEA.~~, and that~~ The project was designed with up to 71 dwelling units with a single means of access in the southwest portion. Land is available on the property for onsite oak mitigation, and efforts will be focused where previous oak habitat exists or previously existed. The applicant also committed to placing no restrictions for horsekeeping on the property. Alternative No. 4 was considered by the applicant, but was determined to be infeasible based on the cost of acquiring and developing the property with high infrastructure costs. The project however was designed to provide benefits, including public access and a location for a fire station as well as maintaining the most sensitive habitat on the property as undisturbed.

25. During the November 16, 2006 public hearing, the Commission discussed the project and its impacts to oak trees and the SEA. The Commission discussed that while the project considers a large number of oak removals, including heritage oak trees, the property is within private ownership and project itself has benefits. The project has been mitigated to the extent feasible, and grading has been balanced onsite. Senior housing in this price range is needed, and shopping is available close to the development. The provision of offsite access via depicted tap streets allows for further development in private ownership, and with additional development comes a greater amount of open space dedication and contiguous open space.

26. During the November 16, 2006 public hearing, the Commission also expressed concerns with the development, including need for greater consideration of the tap streets and how they will affect future development. The project proposed is better than that previously proposed with the City of Santa Clarita, but further study of Alternative No. 4 was necessary to examine recharge, include a water supply assessment, and additional analysis in the Draft EIR regarding grading. A motion to continue the public hearing to a date certain to address these concerns was made, but did not pass.

27. During the November 16, 2006 public hearing, the Commission indicated that they felt there was sufficient information in all areas of the project, and that provision of tap streets allow for access to be resolved for landlocked parcels. The project was designed with consideration of economic constraints, and conversely Alternative No. 4 as indicated by the applicant, was infeasible. Fire sprinklers will be provided in the homes and the project was designed to comply with the maximum of 75 dwelling units on a single means of access with 71 homes.

28. After considering all testimony, the Commission closed the public hearing on November 16, 2006 and indicated their intent to approve Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), and Housing Permit Case No. 2006-00001-(5); and directed staff to return with final documents for approval including the Final EIR. The Commission also directed the applicant to work with the offsite property owners ("Kantor and Speer parties") to resolve the access issues before final action.

29. After the close of public hearing on November 16, 2006, the applicant ~~had~~ worked ~~over the course of more than 16 months~~ with the Kantor and Speer parties in addressing concerns regarding provision of offsite access. The applicant, and Kantor and Speer parties discussed various potential access routes, with the ~~applicant~~ ultimately ~~concluding~~ conclusion of three options:

- Option 1: This access route would be through the subject property in the general vicinity of debris basin Lot No. 96 and through open space Lot No. 104. An access easement could be granted through the subject property, with environmental review, engineering design and ultimate construction the responsibility of the Kantor and Speer parties.

- Option 2: Access rights may already exist along the northern property line of the subject property. ~~Through prescriptive easements however,~~ Access rights through prescriptive easements however, would have to be established through legal means by the Kantor and Speer parties, and can be done at any time ~~separate~~ independent from the subject project.

- Option 3: This access route would be through the northern Larwin development, and lies outside the boundaries of the subject project. Negotiations on the terms of the access easement between Larwin and the Kantor and Speer parties were never finalized, and can be done at any time ~~separate~~ independent from the subject project. Engineering design and ultimate construction would be the responsibility of the Kantor and Speer parties.

30. Subsequent to the close of public hearing on November 16, 2006, the applicant was required to file an application for a zone change and amended CUP request to address the multi-family use in the existing A-2 zone. The zone change proposed changing the A-2-1 and A-2-2 zones to C-3-DP on 9.3 acres (senior multi-family Lot No. 94) of the subject property. The amended CUP includes the DP zone and request to permit a residential use in a commercial zone.

31. On May 7, 2008, the Commission heard a presentation from staff for discussion and possible action regarding the additional entitlements required to implement the project as originally presented. On May 7, 2008, the Commission re-opened the public hearing to consider the zone change and amended CUP request, and directed staff to prepare proper notice of the re-opened public hearing to be held on June 18, 2008.

32. During the June 18, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

33. During the June 18, 2008 public hearing, the applicant mentioned a preference for option No. 1 which would be an easement near debris basin Lot No. 96 and open space Lot No. 104 since it would not require future modifications to the tentative map.

34. During the June 18, 2008 public hearing, the Commission requested disclosure to future purchasers of the potential for the project site to contain means of access to future developments. The applicant responded in agreement.

35. During the June 18, 2008 public hearing, the Commission expressed their concerns regarding the water source, status of the project's water report and preliminary annexation. The applicant clarified that the project would be annexed to the Valencia Water District, that additional information regarding not being served water had not been received, and that additional information will be provided at the next public hearing.

36. During the June 18, 2008 public hearing, the Commission expressed concerns regarding the replacement of 1,002 oak trees and the possibility of fitting the trees and a single family residence within each lot. The applicant clarified by stating that the site supports oak trees, an oak woodland will be re-created, 83 percent of the project oak trees and 72 percent of the oak woodland are to remain, and that maps of depicting these areas have been included in the Environmental Impact Report ("EIR").

37. During the June 18, 2008 public hearing, the Commission further discussed offsite access options as presented by staff. The Commission commented whether the

Fire Department would require the width to be 20 to 30 feet; and that this issue is a balancing act between providing access to a limited number of single family homes in order to not create landlocked parcels, and creating new roads to future development. An enhanced access from what is existing today was discussed as a way to preserve and protect access opposed to a road developed to full public road standards that would enable future zone changes and proposals of increased densities.

38. During the June 18, 2008 public hearing, staff mentioned no Findings of Fact and Statement of Overriding Consideration, which is required prior to final action on the project, were included in the distributed package. The public hearing was continued to July 2, 2008 and later continued to July 30, 2008 due to lack of quorum.

39. During the July 30, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

40. After hearing all testimony, on July 30, 2008 the Commission closed the public hearing and approved TR 53653.

41. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.

42. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.

43. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.

44. The proposed project is required to comply with the development standards of the A-2, C-3 and C-3-DP zones pursuant to Sections 22.24.170, 22.28.220 and 22.40.070 of the County Code, except as otherwise modified herein and by Housing Permit Case No. 2006-00001-(5).

45. Pursuant to Section 22.56.205 of the County Code, all commonly owned areas within the density-controlled development shall be permanently reserved by homeowners association or other appropriate means or methods to ensure the permanent reservation and continued perpetual maintenance of required commonly owned areas. Open space Lot Nos. 102 and 103 shall be owned and maintained by the homeowners association. Open space Lot Nos. 104 through 107 shall be dedicated to a public agency to the satisfaction of Los Angeles County Department of Regional Planning ("Regional Planning").

46. Pursuant to Section 22.56.205 of the County Code, all dwelling unit types shall be single-family residences. The density-controlled development covers the project site with exception of the senior multi-family Lot No. 94 and fire station Lot No. 95. All proposed residential lots are single-family.

47. Pursuant to Section 22.56.205 of the County Code, the location, separation and height of buildings shall be governed by conditions. By County Code provisions, the single-family dwelling units may reach a maximum height of 35 above grade, and may be located on the lot in compliance with applicable yard setbacks.

48. Pursuant to Section 22.52.215 of the County Code, a minimum of 70 percent shall be provided as open space. The subject property is 234.8 acres in size, and provides 167.6 acres or 71.4 percent open space. Areas counted toward open space include undisturbed natural areas, graded slopes within private ownership, and unpaved portions of the debris basin and proposed park.

49. The applicant has submitted a development progress schedule for the DP zone pursuant to Section 22.40.050 of the County Code.

50. As a condition of approval of this grant, the permittee shall be required to comply with all applicable conditions for hillside management, SEA, DP, and density-controlled development as set forth in Sections 22.40.070, 22.56.205, and 22.56.215 of the County Code.

51. 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, hydrology/water quality, hazards, noise, air quality, biological resources, cultural resources, aesthetics, traffic, water and wastewater, schools, fire services, sheriff services, solid waste, utilities (electricity and natural gas), libraries, and parks and recreation. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Draft EIR dated September 2006 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact and Statement of Overriding Considerations ("Findings and SOC") are incorporated herein by this reference, as if set forth in full.

52. 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 and SOC, implementation of the project will result in specifically identified significant effects upon the environment. Except for adverse impacts upon

aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions ~~in this vesting map~~ for this project.

53. With respect to the adverse effects upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), the Commission determined that the substantial benefits resulting from the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings and SOC.

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

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

56. This project has an impact 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.

57. Approval of this subdivision is conditioned on the permittee's compliance with the attached conditions of approval as well as the conditions of approval for Vesting Tentative Tract Map No. 53653, Oak Tree Permit Case No. 2005-00039-(5), Housing Permit Case No. 2006-00001-(5) and the MMP.

58. 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.

59. 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 Plan, a component of the 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 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 resources 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; and

O. That such development program provides necessary safeguards to ensure completion of the proposed development by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare or development needs of the area.

**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, SOC and MMP, finding that pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation, found that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in those findings; and determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and

2. Approves Conditional Use Permit Case No. 2005-00088-(5) subject to the attached conditions.

**DRAFT**
**FINDINGS OF THE REGIONAL PLANNING COMMISSION**
**COUNTY OF LOS ANGELES**
**FOR HOUSING PERMIT CASE NO. 2006-00001-(5)**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a noticed public hearing in the matter of Housing Permit Case No. 2006-00001-(5) on November 15, 2006 and June 18, 2008. Housing Permit Case No. 2006-00001-(5) was heard concurrently with Zone Change Case No. 2008-00004-(5), Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), and Oak Tree Permit Case No. 2005-00039-(5).

2. Housing Permit Case No. 2006-00001-(5) is a request to authorize a 50 percent density bonus associated with a senior citizen housing development along with modification of the maximum building height of 35 feet to 50 feet

3. The subject site is located approximately 273 feet southwest of Sagecrest Circle, west of the Golden State ("I-5") Freeway and The Old Road between Calgrove Boulevard and Sagecrest Circle in Newhall Zoned District.

4. The irregularly-shaped property is 234.8 gross acres in size with slight to steeply sloping terrain. Approximately one-third of the subject property has zero to 25 percent slopes, one-third has 25 to 50 percent slopes, and one-third has slopes greater than 50 percent.

5. Access to the proposed development is provided by The Old Road, an 80-foot wide secondary highway as designated on the Los Angeles County Master Plan of Highways. The main access road serving the project will be 64-foot wide "A" Street with additional interior access provided by 64-foot collector streets, and 60-foot and 58-foot wide local streets.

6. The project site is currently zoned A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area), A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) and C-3 (Unlimited Commercial), which were established by Ordinance No. 7168 on July 5, 1957. The project proposes a zone change on 9.3 acres from A-2-1 and A-2-2 to C-3-DP (Unlimited Commercial – Development Program) over the senior multi-family Lot No. 94.

7. Surrounding zoning includes RPD-1-1.4U (Residential Planned Development – One Acre Minimum Required Lot Area – 1.4 Dwelling Units per Net Acre) and C-3 (Unlimited Commercial) to the north; City of Santa Clarita to the east; A-2-2 and R-R (Resort and Recreation) to the south; and A-2-2 to the west.

8. The subject property consists of four vacant lots. Surrounding uses include single-family residences to the north; I-5 Freeway and single-family residences (City of

Santa Clarita) to the east; park and vacant property to the south; and vacant property to the west.

9. Zone Change Case No. 2008-00004-(5) is a related request to change the zoning on 9.3 acres of the subject property from A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area) and A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) to C-3-DP (Unlimited Commercial – Development Program) for the senior condominium development. The Development Program ("DP") designation will ensure that development occurring after rezoning will conform to approved plans and will ensure compatibility with the surrounding area. As applied in this case, the conditional use permit will restrict the development of the rezoned site to the proposed residential development as shown on the site plan marked "Exhibit A." No other development will be permitted on the property unless a new conditional use permit ("CUP") is first obtained.

10. Vesting Tentative Tract Map No. 53653 is a related request to create 93 single-family lots, one multi-family lot with 93 new attached senior condominium units within two buildings, five open space lots, six public facility lots, one park lot and one fire station lot on 234.8 gross acres. <u>One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.</u>

11. Conditional Use Permit Case No. 2005-00088-(5) is a related request to ensure compliance with the requirements of nonurban hillside management; density-controlled development; development within an SEA, DP overlay zone, and residential use in a commercial zone; and onsite project grading.

12. Oak Tree Permit Case No. 2005-00039-(5) is a related request to removal of 162 oak trees (including 13 heritage oaks) and encroachment within the protected zone of 52 oak trees (including six heritage oaks).

13. The Exhibit "A" dated July 11, 2006, depict a residential development of 93 attached senior condominiums in two buildings, and 93 single-family lots in clustered design. The single-family lots range from approximately 9,350 square feet to 3.2 acres in size. Grading consists of 2,090,350 cubic yards of cut and fill (total of 4,180,700 cubic yards) to be balanced onsite. Also depicted is a fire station location along The Old Road as well as desilting basins, a private park and a 12-foot wide hiking and riding trail traversing the property. Open space consists of 167.6 acres (71.4 percent), including 123.6 acres of natural open space. The project also depicts access to offsite properties through two tap streets to the west, and one tap street to the east. The senior multi-family lot also proposes a private recreational building, pool and spa, and will contain 172 parking spaces

14. The property is depicted in the Non-urban 2 ("N2") and Hillside Management ("HM") land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan"). Residential development is permitted within the N2 and HM land use categories. The proposed 186 dwelling units exceed the maximum 123 dwelling units permitted by the N2 and HM land use categories for residential development. However, the Plan supports a density bonus of up to 50 percent for the senior development for a maximum of 185 dwelling units. One single-family residential lot will be required to be eliminated at the time of final map recordation to comply with the Plan's maximum density. The property is also designated within two Significant Ecological Areas ("SEAs") (Lyon Canyon, and Santa Susana Mountains); the project proposes development within the boundaries of both SEAs.

15. The single-family residential portion of the project is consistent with the existing zoning classifications. Single-family residential development is permitted in the A-2 zone pursuant to Section 22.24.120 of the Los Angeles County Code ("County Code"). The applicant has requested a CUP to authorize a clustered design within three areas as a density-controlled development pursuant to Section 22.24.150 and 22.56.205 of the County Code, which reduces the lot sizes to less than the one acre and two acres required but maintains an average of one and two acres per lot throughout the project (excluding the fire station and senior multi-family portion of the development) and reserves the undeveloped portion of the project as permanent open space.

16. The multi-family senior condominium portion of the project is consistent with the proposed C-3-DP zoning classification as the applicant has requested a CUP to permit a residential use in a commercial zone pursuant to Section 22.28.210 of the County Code. The applicant has also requested a CUP to comply with the proposed DP zone to ensure that the development will comply with the proposed designs and exhibits as submitted to the Commission.

17. Of the project's 93 condominium units, the applicant proposes that all 93 dwelling units be set aside for seniors in perpetuity to qualify for the density bonus as applied for under the associated housing permit.

18. Twenty-four (24) comment letters were submitted to the Commission. Twenty (20) letters were in opposition to the project, with concerns related to lack of access being provided by this project to adjoining properties to the west and northwest, and a desire to retain horsekeeping abilities on the proposed single-family lots. Concerns also include requests for reduction in project size to reduce impacts to the SEAs as well as a question regarding the provision of an adequate second means of access; and requests for fire station to be constructed as part of the

project, and disclosure regarding fire danger. Changed circumstances due to the recent Wanger decision with respect to water supply; and request for project changes in order to preserve more oak trees for an adjacent wildlife corridor, including elimination of the "back portion" of the development, and provision of full monetary value of removed trees to the Los Angeles County Oak Tree Fund ("Oak Fund"), were also raised in written correspondence.

19. Four letters were received by the Commission with neutral comments regarding provision of water from the Valencia Water Company, and comments regarding the Draft Environmental Impact Report ("EIR") including recommended mitigation measures.

20. During the November 16, 2006 public hearing, the Commission heard a presentation from staff. Staff presented the proposed subdivision with the associated CUP, oak tree permit and housing permit. After opening the public hearing, the Commission also heard testimony from the applicant as well as the public.

21. During the November 16, 2006 public hearing, the applicant presented the history of their project including an original proposal with the City of Santa Clarita for a much larger development. A modified project was submitted by the applicant to the County of Los Angeles for processing, and was designed to be consistent with the General Plan as well as provide for dedication of open space, trails to be open to the public, and creation of a private park lot with tot lot and other amenities. The project will improve public safety by providing a fire station location as well as emergency access to properties further west of The Old Road. School district mitigation agreements have also been finalized with the Newhall and William S. Hart Union School Districts, and the project <u>was</u> designed to preserve significant natural resources with additional enhancement of habitat.

22. Ten (10) people testified during the November 16, 2006 public hearing: four representing the applicant, two in support of the project, and four in opposition. Those in support of the project addressed the project's provision of dirt trails, and offsite access to the southwest (as depicted on the tentative map). Additional issues raised during the public hearing in opposition to the project, included comments related to provision of senior housing elsewhere that is much closer to shopping, increased paving of land resulting in less recharge and loss of riparian habitat, insufficient information in the Draft EIR regarding water supply and presence of perchlorate, and preservation of additional oak trees within the project. Concerns also presented addressed the project's significant and unavoidable impacts to seven factors in the Draft EIR, and recommendation for redesign to the Draft EIR's Alternative No. 4.

23. During the November 16, 2006 public hearing, the applicant responded that claims for offsite access via prescriptive easements have yet to be verified by the applicant, and while "not interested" in constructing additional roads, the applicant indicated their willingness to maintain access. The proposed market-rate senior housing will be for active seniors with onsite access to private recreational facilities, and within short distance to shopping locations. The impacts to the SEA are primarily from the debris basin lot, which would have been required with any alternative of the project. The applicant also indicated that the SEA Technical Advisory Committee ("SEATAC") confirmed that a debris basin is a compatible use with the SEA.~~, and that~~ The project was designed with up to 71 dwelling units with a single means of access in the southwest portion. Land is available on the property for onsite oak mitigation, and efforts will be focused where previous oak habitat exists or previously existed. The applicant also committed to placing no restrictions for horsekeeping on the property. Alternative No. 4 was considered by the applicant, but was determined to be infeasible based on the cost of acquiring and developing the property with high infrastructure costs. The project however was designed to provide benefits, including public access and a location for a fire station as well as maintaining the most sensitive habitat on the property as undisturbed.

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27. After considering all testimony, the Commission closed the public hearing on November 16, 2006 and indicated their intent to approve Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), and Housing Permit Case No. 2006-00001-(5); and directed staff to return with final documents for approval including the Final EIR. The Commission also directed the applicant to work with the offsite property owners ("Kantor and Speer parties") to resolve the access issues before final action.

28. After the close of public hearing on November 16, 2006, the applicant ~~had~~ worked ~~over the course of more than 16 months~~ with the Kantor and Speer parties in addressing concerns regarding provision of offsite access. The applicant, and Kantor and Speer parties discussed various potential access routes, with the ~~applicant~~ ultimately ~~concluding~~ conclusion of three options:

- Option 1: This access route would be through the subject property in the general vicinity of debris basin Lot No. 96 and through open space Lot No. 104. An access easement could be granted through the subject property, with environmental review, engineering design and ultimate construction the responsibility of the Kantor and Speer parties.

- Option 2: Access rights may already exist along the northern property line of the subject property. ~~Through prescriptive easements however,~~ Access rights through prescriptive easements however, would have to be established through legal means by the Kantor and Speer parties, and can be done at any time ~~separate~~ independent from the subject project.

- Option 3: This access route would be through the northern Larwin development, and lies outside the boundaries of the subject project. Negotiations on the terms of the access easement between Larwin and the Kantor and Speer parties were never finalized, and can be done at any time ~~separate~~ independent from the subject project. Engineering design and ultimate construction would be the responsibility of the Kantor and Speer parties.

29. Subsequent to the close of public hearing on November 16, 2006, the applicant was required to file an application for a zone change and amended CUP request to address the multi-family use in the existing A-2 zone. The zone change

proposed changing the A-2-1 and A-2-2 zones to C-3-DP on 9.3 acres (senior multi-family Lot No. 94) of the subject property. The amended CUP includes the DP zone and request to permit a residential use in a commercial zone.

On May 7, 2008, the Commission heard a presentation from staff for discussion and possible action regarding the additional entitlements required to implement the project as originally presented. On May 7, 2008, the Commission re-opened the public hearing to consider the zone change and amended CUP request, and directed staff to prepare proper notice of the re-opened public hearing to be held on June 18, 2008.

30. During the June 18, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

31. During the June 18, 2008 public hearing, the applicant mentioned a preference for option No. 1 which would be an easement near debris basin Lot No. 96 and open space Lot No. 104 since it would not require future modifications to the tentative map.

32. During the June 18, 2008 public hearing, the Commission requested disclosure to future purchasers of the potential for the project site to contain means of access to future developments. The applicant responded in agreement.

33. During the June 18, 2008 public hearing, the Commission expressed their concerns regarding the water source, status of the project's water report and preliminary annexation. The applicant clarified that the project would be annexed to the Valencia Water District, that additional information regarding not being served water had not been received, and that additional information will be provided at the next public hearing.

34. During the June 18, 2008 public hearing, the Commission expressed concerns regarding the replacement of 1,002 oak trees and the possibility of fitting the trees and a single family residence within each lot. The applicant clarified by stating that the site supports oak trees, an oak woodland will be re-created, 83 percent of the project oak trees and 72 percent of the oak woodland are to remain, and that maps of depicting these areas have been included in the Environmental Impact Report ("EIR").

35. During the June 18, 2008 public hearing, the Commission further discussed offsite access options as presented by staff. The Commission commented whether the Fire Department would require the width to be 20 to 30 feet; and that this issue is a balancing act between providing access to a limited number of single family homes in order to not create landlocked parcels, and creating new roads to future

development. An enhanced access from what is existing today was discussed as a way to preserve and protect access opposed to a road developed to full public road standards that would enable future zone changes and proposals of increased densities.

36. During the June 18, 2008 public hearing, staff mentioned no Findings of Fact and Statement of Overriding Consideration, which is required prior to final action on the project, were included in the distributed package. The public hearing was continued to July 2, 2008 and later continued to July 30, 2008 due to lack of quorum.

37. During the July 30, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

38. After hearing all testimony, on July 30, 2008 the Commission closed the public hearing and approved TR 53653.

39. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.

40. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.

41. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.

42. The proposed project is required to comply with the development standards of the A-2, C-3 and C-3-DP zones pursuant to Sections 22.24.170, 22.28.220 and 22.40.070 of the County Code, except as otherwise modified herein and by Housing Permit Case No. 2006-00001-(5).

43. 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, hydrology/water quality, hazards, noise, air quality, biological resources, cultural resources, aesthetics, traffic, water and wastewater, schools, fire services, sheriff services, solid waste, utilities (electricity and natural gas), libraries, and parks and recreation. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Draft EIR dated September 2006 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact and Statement of

Overriding Considerations ("Findings and SOC") are incorporated herein by this reference, as if set forth in full.

44. 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 and SOC, implementation of the project will result in specifically identified significant effects upon the environment. Except for adverse impacts upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions ~~in this vesting map~~ for this project.

45. With respect to the adverse effects upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), the Commission determined that the substantial benefits resulting from the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings and SOC.

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

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

48. This project has an impact 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.

49. Approval of this subdivision is conditioned on the permittee's compliance with the attached conditions of approval as well as the conditions of approval for Vesting Tentative Tract Map No. 53653, Oak Tree Permit Case No. 2005-00039-(5), Housing Permit Case No. 2006-00001-(5) and the MMP.

50. 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.

51. 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 requested use is consistent with the General Plan;

B. That the requested use at the location will not:

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

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

   c. 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 this Title 22, 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:

   a. By highways or streets of sufficient width, and improved as necessary to carry out the kind and quantity of traffic such use would generage; and

   b. By other public or private service facilities as are required;

E. That the proposed project at the location proposed has been designed to be complementary to the surrounding area in terms of land use patterns and design;

F. That the proposed project will assist in satisfying housing needs, and is viable in terms of continuing availability to meet such housing needs; and

G. That modification of the maximum buildling height is necessary to make the housing units economically feasible; and do not have a specific adverse impact upon public health and safety or the physical environmentl or on any rela property

that is listed in the California Register of Historical Resources, and for which there is no feasbile method to satisfactorily mitigate or avoid the specific adverse impact.

**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, SOC and MMP, finding that pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation, found that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in those findings; and determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and

2. Approves Housing Permit Case No. 2006-00001-(5) subject to the attached conditions.

**DRAFT**
**FINDINGS OF THE REGIONAL PLANNING COMMISSION**
**COUNTY OF LOS ANGELES**
**FOR OAK TREE PERMIT CASE NO. 2005-00039-(5)**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a noticed public hearing in the matter of Oak Tree Permit Case No. 2005-00039-(5) on November 15, 2006 and June 18, 2008. Oak Tree Permit Case No. 2005-00039-(5) was heard concurrently with Zone Change Case No. 2008-00004-(5), Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), and Housing Permit Case No. 2006-00001-(5).

2. The subject site is located approximately 273 feet southwest of Sagecrest Circle, west of the Golden State ("I-5") Freeway and The Old Road between Calgrove Boulevard and Sagecrest Circle in Newhall Zoned District.

3. The irregularly-shaped property is 234.8 gross acres in size with slight to steeply sloping terrain. Approximately one-third of the subject property has zero to 25 percent slopes, one-third has 25 to 50 percent slopes, and one-third has slopes greater than 50 percent.

4. Oak Tree Permit Case No. 2005-00039-(5) is a request to authorize removal of 162 oak trees (including 13 heritage oaks) and encroachment within the protected zone of 52 oak trees (including six heritage oaks).

   The applicant submitted an Oak Tree Report as prepared and amended by Interface Management Services (arborist: Doug Nickles) and Trees, etc., a division of RDI and Associates, Inc., the consulting arborist, dated September 2006, that identifies and evaluates 1,395 oak trees on the subject property.

5. The applicant proposes to remove 162 oak trees and encroach into the protected zone of 52 oak trees. The proposed removals and encroachments are due to potential impacts from construction and development of the property including debris basins, roads, and grading.

6. The Los Angeles County Forester and Fire Warden ("Forester"), has reviewed the Oak Tree Report and determined that the document is accurate and complete as to the location, size, condition and species of the oak trees on the site. The Forester has recommended approval of the requested oak tree removals, subject to recommended conditions of approval, including replacement of oak tree removals at a rate of 2:1 (and 10:1 for heritage oaks) for a total of 428 mitigation oak trees.

7. Zone Change Case No. 2008-00004-(5) is a related request to change the zoning on 9.3 acres of the subject property from A-2-1 (Heavy Agriculture – One Acre

Minimum Required Lot Area) and A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) to C-3-DP (Unlimited Commercial – Development Program) for the senior multi-family Lot No. 94. The Development Program ("DP") designation will ensure that development occurring after rezoning will conform to approved plans and will ensure compatibility with the surrounding area. As applied in this case, the conditional use permit will restrict the development of the rezoned site to the proposed residential development as shown on the site plan marked "Exhibit A." No other development will be permitted on the property unless a new conditional use permit ("CUP") is first obtained.

8. Vesting Tentative Tract Map No. 53653 is a related request to create 93 single-family lots, one multi-family lot with 93 new attached senior condominium units within two buildings, five open space lots, six public facility lots, one park lot and one fire station lot on 234.8 gross acres. One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.

9. Conditional Use Permit Case No. 2005-00088-(5) is a related request to ensure compliance with the requirements of nonurban hillside management; density-controlled development; development within an SEA, DP overlay zone, and residential use in a commercial zone; and onsite project grading.

10. Housing Permit Case No. 2006-00001-(5) is a related request to authorize a 50 percent density bonus associated with a senior citizen housing development along with modification of the maximum building height of 35 feet to 50 feet

11. Access to the proposed development is provided by The Old Road, an 80-foot wide secondary highway as designated on the Los Angeles County Master Plan of Highways. The main access road serving the project will be 64-foot wide "A" Street with additional interior access provided by 64-foot collector streets, and 60-foot and 58-foot wide local streets.

12. Twenty-four (24) comment letters were submitted to the Commission. Twenty (20) letters were in opposition to the project, with concerns related to lack of access being provided by this project to adjoining properties to the west and northwest, and a desire to retain horsekeeping abilities on the proposed single-family lots. Concerns also include requests for reduction in project size to reduce impacts to the SEAs as well as a question regarding the provision of an adequate second means of access; and requests for fire station to be constructed as part of the project, and disclosure regarding fire danger. Changed circumstances due to the recent Wanger decision with respect to water supply; and request for project changes in order to preserve more oak trees for an adjacent wildlife corridor, including elimination of the "back portion" of the development, and provision of full

monetary value of removed trees to the Los Angeles County Oak Tree Fund ("Oak Fund"), were also raised in written correspondence.

13. Four letters were received by the Commission with neutral comments regarding provision of water from the Valencia Water Company, and comments regarding the Draft Environmental Impact Report ("EIR") including recommended mitigation measures.

14. During the November 16, 2006 public hearing, the Commission heard a presentation from staff. Staff presented the proposed subdivision with the associated CUP, oak tree permit and housing permit. After opening the public hearing, the Commission also heard testimony from the applicant as well as the public.

15. During the November 16, 2006 public hearing, the applicant presented the history of their project including an original proposal with the City of Santa Clarita for a much larger development. A modified project was submitted by the applicant to the County of Los Angeles for processing, and was designed to be consistent with the General Plan as well as provide for dedication of open space, trails to be open to the public, and creation of a private park lot with tot lot and other amenities. The project will improve public safety by providing a fire station location as well as emergency access to properties further west of The Old Road. School district mitigation agreements have also been finalized with the Newhall and William S. Hart Union School Districts, and the project was designed to preserve significant natural resources with additional enhancement of habitat.

16. Ten (10) people testified during the November 16, 2006 public hearing: four representing the applicant, two in support of the project, and four in opposition. Those in support of the project addressed the project's provision of dirt trails, and offsite access to the southwest (as depicted on the tentative map). Additional issues raised during the public hearing in opposition to the project, included comments related to provision of senior housing elsewhere that is much closer to shopping, increased paving of land resulting in less recharge and loss of riparian habitat, insufficient information in the Draft EIR regarding water supply and presence of perchlorate, and preservation of additional oak trees within the project. Concerns also presented addressed the project's significant and unavoidable impacts to seven factors in the Draft EIR, and recommendation for redesign to the Draft EIR's Alternative No. 4.

17. During the November 16, 2006 public hearing, the applicant responded that claims for offsite access via prescriptive easements have yet to be verified by the applicant, and while "not interested" in constructing additional roads, the applicant indicated their willingness to maintain access. The proposed market-rate senior

housing will be for active seniors with onsite access to private recreational facilities, and within short distance to shopping locations. The impacts to the SEA are primarily from the debris basin lot, which would have been required with any alternative of the project. The applicant also indicated that the SEA Technical Advisory Committee ("SEATAC") confirmed that a debris basin is a compatible use with the SEA.~~, and that~~ The project was designed with up to 71 dwelling units with a single means of access in the southwest portion. Land is available on the property for onsite oak mitigation, and efforts will be focused where previous oak habitat exists or previously existed. The applicant also committed to placing no restrictions for horsekeeping on the property. Alternative No. 4 was considered by the applicant, but was determined to be infeasible based on the cost of acquiring and developing the property with high infrastructure costs. The project however was designed to provide benefits, including public access and a location for a fire station as well as maintaining the most sensitive habitat on the property as undisturbed.

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On May 7, 2008, the Commission heard a presentation from staff for discussion and possible action regarding the additional entitlements required to implement the project as originally presented. On May 7, 2008, the Commission re-opened the public hearing to consider the zone change and amended CUP request, and directed staff to prepare proper notice of the re-opened public hearing to be held on June 18, 2008.

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32. After hearing all testimony, on July 30, 2008 the Commission closed the public hearing and approved TR 53653.

33. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.

34. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.

35. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.

36. The necessary drainage improvements for soil erosion control will be designed in accordance with the standards of the Los Angeles County Department of Public Works as a condition of approval of the associated vesting tentative tract map.

37. The proposed project is required to comply with the development standards of the A-2, C-3 and C-3-DP zones pursuant to Sections 22.24.170, 22.28.220 and 22.40.070 of the County Code, except as otherwise modified herein and by Housing Permit Case No. 2006-00001-(5).

38. 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, hydrology/water quality, hazards, noise, air quality, biological resources, cultural resources, aesthetics, traffic, water and wastewater, schools, fire services, sheriff services, solid waste, utilities (electricity and natural gas), libraries, and parks and recreation. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Draft EIR dated September 2006 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact and Statement of

Overriding Considerations ("Findings and SOC") are incorporated herein by this reference, as if set forth in full.

39. 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 and SOC, implementation of the project will result in specifically identified significant effects upon the environment. Except for adverse impacts upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions ~~in this vesting map~~ for this project.

40. With respect to the adverse effects upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), the Commission determined that the substantial benefits resulting from the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings and SOC.

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

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

43. This project has an impact 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.

44. Approval of this subdivision is conditioned on the permittee's compliance with the attached conditions of approval as well as the conditions of approval for Vesting Tentative Tract Map No. 53653, Oak Tree Permit Case No. 2005-00039-(5), Housing Permit Case No. 2006-00001-(5) and the MMP.

45. 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.

46. 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 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 proposed removal of the oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;

C. That in addition to the above facts, that the removal of up to 74 oak trees and the encroachment of 71 oak trees is necessary for development reasons as continued existence of the trees at the present location frustrates the planned improvements or proposed use of the subject property to such an extent that a) alternative development plans cannot achieve the same permitted density or the cost of such alternative would be prohibitive; or b) Placement of such trees precludes the reasonable and efficient use of such property for a use otherwise authorized;

D. That the proposed removal and encroachment of the oak trees 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, 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, SOC and MMP, finding that pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation, found that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in those findings; and determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and

2. Approves Oak Tree Permit Case No. 2005-00039-(5) subject to the attached conditions.

DRAFT

**DRAFT**
**FINDINGS OF THE REGIONAL PLANNING COMMISSION**
**COUNTY OF LOS ANGELES**
**FOR VESTING TENTATIVE TRACT MAP NO. 53653**

1. The Los Angeles County Regional Planning Commission ("Commission") conducted a noticed public hearing in the matter of Vesting Tentative Tract Map No. 53653 on November 15, 2006 and June 18, 2008. Vesting Tentative Tract Map No. 53653 was heard concurrently with Zone Change Case No. 2008-00004-(5), Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5).

2. Vesting Tentative Tract Map No. 53653 proposes a residential development of 93 single-family lots, one multi-family lot with 93 new attached senior condominium units within two buildings, which includes a 62-unit density bonus for the reservation of at least half of the proposed condominium units for seniors in perpetuity, as well as five open space lots, six public facility lots, one park lot and one fire station lot on 234.8 gross acres. <u>One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.</u>

3. The subject site is located approximately 273 feet southwest of Sagecrest Circle, west of the Golden State ("I-5") Freeway and The Old Road between Calgrove Boulevard and Sagecrest Circle in Newhall Zoned District.

4. The irregularly-shaped property is 234.8 gross acres in size with slight to steeply sloping terrain. Approximately one-third of the subject property has zero to 25 percent slopes, one-third has 25 to 50 percent slopes, and one-third has slopes greater than 50 percent.

5. Access to the proposed development is provided by The Old Road, an 80-foot wide secondary highway as designated on the Los Angeles County Master Plan of Highways. The main access road serving the project will be 64-foot wide "A" Street with additional interior access provided by 64-foot collector streets, and 60-foot and 58-foot wide local streets.

6. The project site is currently zoned A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area), A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) and C-3 (Unlimited Commercial), which were established by Ordinance No. 7168 on July 5, 1957. The project proposes a zone change on 9.3 acres from A-2-1 and A-2-2 to C-3-DP (Unlimited Commercial – Development Program) over the senior multi-family lot <u>Lot No. 94</u>.

7. Surrounding zoning includes RPD-1-1.4U (Residential Planned Development – One Acre Minimum Required Lot Area – 1.4 Dwelling Units per Net Acre) and C-3

(Unlimited Commercial) to the north; City of Santa Clarita to the east; A-2-2 and R-R (Resort and Recreation) to the south; and A-2-2 to the west.

8. The subject property consists of four vacant lots. Surrounding uses include single-family residences to the north; I-5 Freeway and single-family residences (City of Santa Clarita) to the east; park and vacant property to the south; and vacant property to the west.

9. Zone Change Case No. 2008-00004-(5) is a related request to change the zoning on 9.3 acres of the subject property from A-2-1 and A-2-2 to C-3-DP for the senior condominium development. The Development Program ("DP") designation will ensure that development occurring after rezoning will conform to approved plans and will ensure compatibility with the surrounding area. As applied in this case, the conditional use permit will restrict the development of the rezoned site to the proposed residential development as shown on the site plan marked "Exhibit A." No other development will be permitted on the property unless a new conditional use permit ("CUP") is first obtained.

10. Conditional Use Permit Case No. 2005-00088-(5) is a related request to ensure compliance with the requirements of nonurban hillside management; density-controlled development; development within an SEA, DP overlay zone, and residential use in a commercial zone; and onsite project grading.

11. Oak Tree Permit Case No. 2005-00039-(5) is a related request to authorize removal of 162 oak trees (including 13 heritage oaks) and encroachment within the protected zone of 52 oak trees (including six heritage oaks).

12. Housing Permit Case No. 2006-00001-(5) is a related request to authorize a 50 percent density bonus associated with a senior citizen housing development along with modification of the maximum building height of 35 feet to 50 feet.

13. The vesting tentative tract map and exhibit map dated July 11, 2006, depict a residential development of 93 attached senior condominiums in two buildings, and 93 single-family lots in clustered design. The single-family lots range from approximately 9,350 square feet to 3.2 acres in size. Grading consists of 2,090,350 cubic yards of cut and fill (total of 4,180,700 cubic yards) to be balanced onsite. Also depicted is a fire station location along The Old Road as well as desilting basins, a private park and a 12-foot wide hiking and riding trail traversing the property. Open space consists of 167.6 acres (71.4 percent), including 123.6 acres of natural open space. The project also depicts access to offsite properties through two tap streets to the west, and one tap street to the east. The senior multi-family lot also proposes a private recreational building, pool and spa, and will contain 172 parking spaces.

14. The property is depicted in the Non-urban 2 ("N2") and Hillside Management ("HM") land use category of the Santa Clarita Valley Areawide Plan ("Plan"), a component of the Los Angeles Countywide General Plan ("General Plan"). Residential development is permitted within the N2 and HM land use categories. The proposed 186 dwelling units exceed the maximum 123 dwelling units permitted by the N2 and HM land use categories for residential development. However, the Plan supports a density bonus of up to 50 percent for the senior development for a maximum of 185 dwelling units. One single-family residential lot will be required to be eliminated at the time of final map recordation to comply with the Plan's maximum density. The property is also designated within two Significant Ecological Areas ("SEAs") (Lyon Canyon, and Santa Susana Mountains); the project proposes development within the boundaries of both SEAs.

15. The single-family residential portion of the project is consistent with the existing zoning classifications. Single-family residential development is permitted in the A-2 zone pursuant to Section 22.24.120 of the Los Angeles County Code ("County Code"). The applicant has requested a CUP to authorize a clustered design within three areas as a density-controlled development pursuant to Section 22.24.150 and 22.56.205 of the County Code, which reduces the lot sizes to less than the one acre and two acres required but maintains an average of one and two acres per lot throughout the project (excluding the fire station and senior multi-family portion of the development) and reserves the undeveloped portion of the project as permanent open space.

16. The multi-family senior condominium portion of the project is consistent with the proposed C-3-DP zoning classification as the applicant has requested a CUP to permit a residential use in a commercial zone pursuant to Section 22.28.210 of the County Code. The applicant has also requested a CUP to comply with the proposed DP zone to ensure that the development will comply with the proposed designs and exhibits as submitted to the Commission.

17. Of the project's 93 condominium units, the applicant proposes that all 93 dwelling units be set aside for seniors in perpetuity to qualify for the density bonus as applied for under the associated housing permit.

18. Twenty-four (24) comment letters were submitted to the Commission. Twenty (20) letters were in opposition to the project, with concerns related to lack of access being provided by this project to adjoining properties to the west and northwest, and a desire to retain horsekeeping abilities on the proposed single-family lots. Concerns also include requests for reduction in project size to reduce impacts to the SEAs as well as a question regarding the provision of an adequate second

means of access; and requests for fire station to be constructed as part of the project, and disclosure regarding fire danger. Changed circumstances due to the recent Wanger decision with respect to water supply; and request for project changes in order to preserve more oak trees for an adjacent wildlife corridor, including elimination of the "back portion" of the development, and provision of full monetary value of removed trees to the Los Angeles County Oak Tree Fund ("Oak Fund"), were also raised in written correspondence.

19. Four letters were received by the Commission with neutral comments regarding provision of water from the Valencia Water Company, and comments regarding the Draft Environmental Impact Report ("EIR") including recommended mitigation measures.

20. During the November 16, 2006 public hearing, the Commission heard a presentation from staff. Staff presented the proposed subdivision with the associated CUP, oak tree permit and housing permit. After opening the public hearing, the Commission also heard testimony from the applicant as well as the public.

21. During the November 16, 2006 public hearing, the applicant presented the history of their project including an original proposal with the City of Santa Clarita for a much larger development. A modified project was submitted by the applicant to the County of Los Angeles for processing, and was designed to be consistent with the General Plan as well as provide for dedication of open space, trails to be open to the public, and creation of a private park lot with tot lot and other amenities. The project will improve public safety by providing a fire station location as well as emergency access to properties further west of The Old Road. School district mitigation agreements have also been finalized with the Newhall and William S. Hart Union School Districts, and the project was designed to preserve significant natural resources with additional enhancement of habitat.

22. Ten (10) people testified during the November 16, 2006 public hearing: four representing the applicant, two in support of the project, and four in opposition. Those in support of the project addressed the project's provision of dirt trails, and offsite access to the southwest (as depicted on the tentative map). Additional issues raised during the public hearing in opposition to the project, included comments related to provision of senior housing elsewhere that is much closer to shopping, increased paving of land resulting in less recharge and loss of riparian habitat, insufficient information in the Draft EIR regarding water supply and presence of perchlorate, and preservation of additional oak trees within the project. Concerns also presented addressed the project's significant and unavoidable impacts to seven factors in the Draft EIR, and recommendation for redesign to the Draft EIR's Alternative No. 4.

23. During the November 16, 2006 public hearing, the applicant responded that claims for offsite access via prescriptive easements have yet to be verified by the applicant, and while "not interested" in constructing additional roads, the applicant indicated their willingness to maintain access. The proposed market-rate senior housing will be for active seniors with onsite access to private recreational facilities, and within short distance to shopping locations. The impacts to the SEA are primarily from the debris basin lot, which would have been required with any alternative of the project. The applicant also indicated that the SEA Technical Advisory Committee ("SEATAC") confirmed that a debris basin is a compatible use with the SEA.~~, and that~~ The project was designed with up to 71 dwelling units with a single means of access in the southwest portion. Land is available on the property for onsite oak mitigation, and efforts will be focused where previous oak habitat exists or previously existed. The applicant also committed to placing no restrictions for horsekeeping on the property. Alternative No. 4 was considered by the applicant, but was determined to be infeasible based on the cost of acquiring and developing the property with high infrastructure costs. The project however was designed to provide benefits, including public access and a location for a fire station as well as maintaining the most sensitive habitat on the property as undisturbed.

24. During the November 16, 2006 public hearing, the Commission discussed the project and its impacts to oak trees and the SEA. The Commission discussed that while the project considers a large number of oak removals, including heritage oak trees, the property is within private ownership and project itself has benefits. The project has been mitigated to the extent feasible, and grading has been balanced onsite. Senior housing in this price range is needed, and shopping is available close to the development. The provision of offsite access via depicted tap streets allows for further development in private ownership, and with additional development comes a greater amount of open space dedication and contiguous open space.

25. During the November 16, 2006 public hearing, the Commission also expressed concerns with the development, including need for greater consideration of the tap streets and how they will affect future development. The project proposed is better than that previously proposed with the City of Santa Clarita, but further study of Alternative No. 4 was necessary to examine recharge, include a water supply assessment, and additional analysis in the Draft EIR regarding grading. A motion to continue the public hearing to a date certain to address these concerns was made, but did not pass.

26. During the November 16, 2006 public hearing, the Commission indicated that they felt there was sufficient information in all areas of the project, and that provision of

tap streets allow for access to be resolved for landlocked parcels. The project was designed with consideration of economic constraints, and conversely Alternative No. 4 as indicated by the applicant, was infeasible. Fire sprinklers will be provided in the homes and the project was designed to comply with the maximum of 75 dwelling units on a single means of access with 71 homes.

27. After considering all testimony, the Commission closed the public hearing on November 16, 2006 and indicated their intent to approve Vesting Tentative Tract Map No. 53653, Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), and Housing Permit Case No. 2006-00001-(5); and directed staff to return with final documents for approval including the Final EIR. The Commission also directed the applicant to work with the offsite property owners ("Kantor and Speer parties") to resolve the access issues before final action.

28. After the close of public hearing on November 16, 2006, the applicant ~~had~~ worked ~~over the course of more than 16 months~~ with the Kantor and Speer parties in addressing concerns regarding provision of offsite access. The applicant, and Kantor and Speer parties discussed various potential access routes, with the ~~applicant~~ ultimately ~~concluding~~ conclusion of three options:

- Option 1: This access route would be through the subject property in the general vicinity of debris basin Lot No. 96 and through open space Lot No. 104. An access easement could be granted through the subject property, with environmental review, engineering design and ultimate construction the responsibility of the Kantor and Speer parties.

- Option 2: Access rights may already exist along the northern property line of the subject property. ~~Through prescriptive easements however,~~ Access rights through prescriptive easements however, would have to be established through legal means by the Kantor and Speer parties, and can be done at any time ~~separate~~ independent from the subject project.

- Option 3: This access route would be through the northern Larwin development, and lies outside the boundaries of the subject project. Negotiations on the terms of the access easement between Larwin and the Kantor and Speer parties were never finalized, and can be done at any time ~~separate~~ independent from the subject project. Engineering design and ultimate construction would be the responsibility of the Kantor and Speer parties.

29. Subsequent to the close of public hearing on November 16, 2006, the applicant was required to file an application for a zone change and amended CUP request

to address the multi-family use in the existing A-2 zone. The zone change proposed changing the A-2-1 and A-2-2 zones to C-3-DP on 9.3 acres (senior multi-family Lot No. 94) of the subject property. The amended CUP includes the DP zone and request to permit a residential use in a commercial zone.

30. On May 7, 2008, the Commission heard a presentation from staff for discussion and possible action regarding the additional entitlements required to implement the project as originally presented. On May 7, 2008, the Commission re-opened the public hearing to consider the zone change and amended CUP request, and directed staff to prepare proper notice of the re-opened public hearing to be held on June 18, 2008.

31. During the June 18, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

32. During the June 18, 2008 public hearing, the applicant mentioned a preference for option No. 1 which would be an easement near debris basin Lot No. 96 and open space Lot No. 104 since it would not require future modifications to the tentative map.

33. During the June 18, 2008 public hearing, the Commission requested disclosure to future purchasers of the potential for the project site to contain means of access to future developments. The applicant responded in agreement.

34. During the June 18, 2008 public hearing, the Commission expressed their concerns regarding the water source, status of the project's water report and preliminary annexation. The applicant clarified that the project would be annexed to the Valencia Water District, that additional information regarding not being served water had not been received, and that additional information will be provided at the next public hearing.

35. During the June 18, 2008 public hearing, the Commission expressed concerns regarding the replacement of 1,002 oak trees and the possibility of fitting the trees and a single family residence within each lot. The applicant clarified by stating that the site supports oak trees, an oak woodland will be re-created, 83 percent of the project oak trees and 72 percent of the oak woodland are to remain, and that maps of depicting these areas have been included in the Environmental Impact Report ("EIR").

36. During the June 18, 2008 public hearing, the Commission further discussed offsite access options as presented by staff. The Commission commented whether the Fire Department would require the width to be 20 to 30 feet; and that this issue is a balancing act between providing access to a limited number of single family

homes in order to not create landlocked parcels, and creating new roads to future development. An enhanced access from what is existing today was discussed as a way to preserve and protect access opposed to a road developed to full public road standards that would enable future zone changes and proposals of increased densities.

37. During the June 18, 2008 public hearing, staff mentioned no Findings of Fact and Statement of Overriding Consideration, which is required prior to final action on the project, were included in the distributed package. The public hearing was continued to July 2, 2008 and later continued to July 30, 2008 due to lack of quorum.

38. During the July 30, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.

39. After hearing all testimony, on July 30, 2008 the Commission closed the public hearing and approved TR 53653.

40. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.

41. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.

42. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.

43. The proposed project is required to comply with the development standards of the A-2, C-3 and C-3-DP zones pursuant to Sections 22.24.170, 22.28.220 and 22.40.070 of the County Code, except as otherwise modified by Conditional Use Permit Case No. 2005-00088-(5) and Housing Permit Case No. 2006-00001-(5).

44. The proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the Plan, a component of the 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.

45. 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 flood hazards and geologic hazards mitigated in accordance with the requirements of Los Angeles County Department of Public Works.

46. 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.

47. The design of the subdivision and the proposed improvements will cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The subject property is located within two Significant Ecological Areas, and does contain any stream courses or high value riparian habitat.

48. The design of the subdivision provides for future passive or natural heating or cooling opportunities as feasible.

49. 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 tentative tract map, provide adequate protection for any such easements.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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, hydrology/water quality, hazards, noise, air quality, biological resources, cultural resources, aesthetics, traffic, water and wastewater, schools, fire services, sheriff services, solid waste, utilities (electricity and natural gas), libraries, and parks and recreation. Based on the Initial Study and project revisions, a Final EIR has been prepared for this project. The Final EIR consists of the Draft EIR dated September 2006 and the Responses to Comments and identifies mitigation measures to be implemented as part of the project. The Findings of Fact and Statement of Overriding Considerations ("Findings and SOC") are incorporated herein by this reference, as if set forth in full.

55. 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 and SOC, implementation of the project will result in specifically identified significant effects upon the environment. Except for adverse impacts upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), identified significant adverse effects can be reduced to acceptable levels with the mitigation measures identified in the Final EIR and incorporated as conditions ~~in this vesting map~~ for this project.

56. With respect to the adverse effects upon aesthetics, air quality, biological resources, geology, noise, sheriff services (cumulative) and solid waste (cumulative), the Commission determined that the substantial benefits resulting from the project outweigh the potential unavoidable adverse effects and are acceptable based upon the overriding considerations set forth in the Findings and SOC.

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

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

59. This project has an impact 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.

60. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for

Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), Housing Permit Case No. 2006-00001-(5) and the MMP.

61. 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, SOC and MMP, finding that pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation, found that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in those findings; and determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and

2. Approves Vesting Tentative Tract Map No. 53653 subject to the attached conditions and recommendations of the Los Angeles County Subdivision Committee.

**DEPARTMENT OF REGIONAL PLANNING** **Map Date: 7-11-06**
**VESTING TENTATIVE TRACT MAP NO. 53653** **Exhibit Map Date: 7-11-06**

**DRAFT CONDITIONS:**

1. The subdivider shall conform to the requirements of Title 21 of the Los Angeles County Code ("County Code") (Subdivision Ordinance). Also, conform to the requirements of Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5), Housing Permit Case No. 2006-00001-(5) and the Mitigation Monitoring Program.

2. Except as otherwise specified in Condition No. 3 and by Conditional Use Permit No. 2005-00088-(5) and Housing Permit Case No. 2006-00001-(5), the subdivider shall conform to the applicable requirements of the A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area), A-2-2 (Heavy Agriculture – Two Acre Minimum Required Lot Area) and C-3 (Unlimited Commercial) zones as well as proposed C-3-DP (Unlimited Commercial – Development Program) zone.

3. In accordance with Conditional Use Permit Case No. 2005-00088-(5) and Housing Permit Case No. 2006-00001-(5), this land division is approved as a density-controlled development in a nonurban hillside management area, in which the areas of the proposed lots may be averaged to collectively conform to the minimum lot area requirements of the A-2-1 and A-2-2 zone. If multiple final maps are recorded, the average area of all lots shown on each final unit map and all previously recorded final unit maps shall comply with the minimum lot area requirements of the A-2-1 and A-2-2 zone. This land division is also approved with ~~including~~ a senior housing ~~development with~~ component of modification to maximum permitted building height of 35 feet to allow a 50-foot high building height, for the two main residential buildings, in accordance with Section 22.56.202 of the County Code.

4. Recordation of the final map is contingent upon the effectuation of an ordinance by the Los Angeles County Board of Supervisors, changing the zoning of 9.3 acres of the ~~subject~~ property within multi-family Lot No. 94 from A-2-1 and A-2-2 to C-3-DP.

5. The subdivider shall submit a copy of the project Conditions, Covenants and Restrictions ("CC&Rs") and any covenants or maintenance agreements as proposed, to the Los Angeles County Department of Regional Planning ("Regional Planning") for review and approval.

6. The subdivider shall submit evidence that the conditions of the associated Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5) have been recorded.

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

8. The subdivider shall provide disclosure to future purchasers of the potential for the project site to contain means of access to future developments in the form of a written document, to the satisfaction of Regional Planning prior to final map.

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

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

11. The subdivider shall show The Old Road, "A" Street, "B" Street, "C" Street, "D" Street, "E" Street, "F" Street, and "G" Street as dedicated streets on the final map.

12. The subdivider shall show "H" Street and "I" street as future streets on the final map.

13. The subdivider shall place a note or notes on the final map, to the satisfaction of Regional Planning, that a portion of this subdivision (Lot No. 94) is approved as a condominium project for a total of 93 residential units whereby the owners of the units of air space will hold an undivided interest in the common areas, which will in turn provide the necessary access and utility easements for the units.

14. The subdivider shall provide in the CC&Rs a method for the continuous maintenance of the common areas within multi-family Lot No. 94, including the driveway and the lighting system along all walkways, to the satisfaction of Regional Planning.

15. The subdivider shall reserve in the CC&Rs the right for all residents within ~~senior~~ multi-family Lot No. 94 to use the driveways for access and the guest parking spaces throughout the multi-family lot.

16. The subdivider shall provide in the CC&Rs that at least 93 dwelling units within multi-family Lot No. 94 shall be reserved for senior citizens in perpetuity.

17. The subdivider shall dedicate to the County of Los Angeles on the final map, the right to prohibit the construction of any structures on the open space areas as depicted on the open space exhibit as individual open space lots (Lot Nos. 103 through 107), and shall record "Open Space-Building Restriction Area" over those open space ~~lots~~ on the final map.

18. The subdivider shall dedicate open space Lot Nos. 104 through 107 to a public agency to the satisfaction of Regional Planning. The dedication shall contain language requiring that access for emergency purposes shall not be prohibited over said open space lots.

19. The subdivider shall provide for the ownership and maintenance of recreation Lot No. 102 and open space Lot No. 103 by the homeowners' association to the satisfaction of Regional Planning.

20. The subdivider shall number all open space lots on the final map and provide access, a minimum of 15 feet in width, to each open space lot to the satisfaction of Regional Planning.

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

22. The subdivider shall grant an easement for access and utilities as necessary, to offsite properties known collectively as Assessor's Parcel Number ("APN") 2826-022-022, 2826-022-023, and 2826-022-024 ("offsite properties"), to a width necessary, including slopes, for a 28-foot wide access driveway through the subject property in the general vicinity of debris basin Lot No. 96 and or to Lot No. 104, prior to recordation of the associated tract map. The subdivider shall submit draft documents for Regional Planning review and approval prior to recordation and grant of easement. Engineering and construction of the access shall be the responsibility of the recipients.

23. Prior to final map approval, the subdivider shall submit an amendment to the approved vesting tentative map, to depict the elimination of one single-family lot and depict the location of the easement to the offsite properties with all other necessary associated changes to the satisfaction of Regional Planning and Los Angeles County Subdivision Committee ("Subdivision Committee").

24. No grading permit shall be issued prior the recordation of a final map, unless the Director determines that the proposed grading conforms to the conditions of this grant and the conditions of Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5).

25. The subdivider shall provide slope planting and an irrigation system in accordance with the Grading Ordinance. The subdivider shall include conditions in the tract's CC&Rs which would require continued maintenance of the plantings for lots having planted slopes. Prior to final map approval, the subdivider shall submit a draft copy of the document to be recorded, to Regional Planning.

26. Prior to the issuance of a grading and/or building permit, the subdivider shall submit three copies of a landscape plan which may be incorporated into a

revised site plan. The landscape plans shall be approved by the Director as required by Conditional Use Permit Case No. 2005-00088-(5) prior to any work on the property.

27. Per Section 21.32.195 of the County Code, the subdivider 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, the site/landscaping plan shall be required to be approved by the Director, and the subdivider shall post a bond with Los Angeles County Department of Public Works ("Public Works') or submit other verification to the satisfaction of Regional Planning, to ensure the planting of the required trees.

28. The subdivider shall plant or cause to be planted at least 69 trees of a non-invasive species within ~~the~~ multi-family residential Lot No. 94 in addition to the required front yard tree. The location and the species of said trees shall be incorporated into a site plan or landscape plan. Prior to final map approval, the site/landscaping plan shall be required to be approved by the Director, and the subdivider shall post a bond with Los Angeles County Department of Public Works ("Public Works') or submit other verification to the satisfaction of Regional Planning, to ensure the planting of the required trees.

29. Within five days of tentative map approval, remit processing fees (currently $2,656.75) 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.

30. The mitigation measures set forth in the "Project Mitigation Measures Due to Environmental Evaluation" section of the Draft Environmental Impact Report ("EIR") for the project are incorporated by this reference and made conditions of Vesting Tentative Tract Map No. 53653. Comply with all such mitigation measures in accordance with the attached Mitigation Monitoring Program ("MMP"). After completion of the appeal period, record a covenant and agreement, and submit a copy to Regional Planning for approval, agreeing to the mitigation measures imposed by the Draft EIR for this project. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit mitigation monitoring reports to Regional Planning as frequently as may be required by the department. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.

31. ~~Upon completion of the appeal period,~~ Within 30 days of approval, deposit the sum of $3,000.00 with Regional Planning in order to defray the cost of reviewing

the subdivider's reports and verifying compliance with the information contained in the reports required by the MMP.

32. The subdivider shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, and employees to attack, set aside, void or annul this tract map approval, or related discretionary approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of Government Code Section 65499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action or proceeding and the County shall cooperate fully in the defense.

33. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing pay Regional Planning an initial deposit of $5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to subdivider, or subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional fund to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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

    The cost for collection and duplication of records and other related documents will be paid by subdivider according to Section 2.170.010 of the County Code.

Except as modified herein above, this approval is subject to all those conditions set forth in Conditional Use Permit Case No. 2005-00088-(5), Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5); the attached MMP; and the attached reports recommended by the Subdivision Committee, which also consists of members of the Public Works, Fire Department, Department of Parks and Recreation, and Public Health.

STATE OF CALIFORNIA–THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

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June 23, 2008

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JUL 14 2008

Regional Planning Commission
Los Angeles County Department of Regional Planning
320 West Temple Avenue
Los Angeles, California 90012

**Lyons Canyon Ranch FEIR Comments**
**Vesting Tentative Tract Map No. 53653**
**SCH No. 2003031086**

Dear Planning Commission Members:

The Santa Monica Mountains Conservancy always pursues the strongest protection for natural lands located both within County-designated Significant Ecological Areas (SEA) and adjacent to significant public lands--such as the Santa Clarita Woodlands Park. A project with significant SEA, oak woodland, and streambed impacts must have the most precise and enduring mitigation.

In addition to our Draft Environmental Impact Report (DEIR) comments that are addressed in the FEIR and that provide supportive background for the below requests, we adamantly request that the following mitigation measures be added to the certified FEIR to achieve this minimum level of mitigation. These mitigation measures require no modification of the proposed project.

Without the complete incorporation of each and every one these below mitigation elements in the FEIR, we urge the Commission not to certify the document on the grounds of inadequate mitigation for several unavoidable significant adverse biological impacts.

1. Per the DEIR and FEIR, open space lots 103-106 of the subject project shall be irrevocably offered for fee simple dedication to the Mountains Recreation and Conservation Authority (MRCA) or shall be recorded in fee simple by the MRCA prior to or concurrent with tract map recordation. Under absolutely no circumstances shall there be an exception to this requirement. If the land is not recorded by the MRCA prior to, or concurrent with, map recordation, the irrevocable offer to dedicate shall be duly recorded prior to map recordation.

The amount of land transferred in fee to the MRCA shall not be less than 122.74 acres per the DEIR and FEIR. If the MRCA does not accept the land within one year after being notified via Certified Mail concurrently with the recording of an offer to dedicate, the offer to dedicate shall expire. The land shall be free and clear of all liens and encumbrances. The developer shall be allowed to conduct only the subject project required mitigation on lots 103-106 and only exactly as depicted in the DEIR and FEIR.

If any portions of lots 103-106 fall within the 200-foot-wide variable fuel modification zone depicted in the DEIR, the Homeowners Association (HOA) shall retain an easement solely for the purpose of fuel modification only where such overlap of DEIR and FEIR depicted fuel modification occurs. The Homeowners Association CC&Rs shall include all necessary elements to recognize this easement and to require that the HOA be wholly responsible for any fuel modification required on lots 103-106 as depicted in the DEIR and FEIR.

2. The Homeowners Association CC&Rs shall include an irrevocable requirement to provide an annual open space maintenance fee to the fee title holder of lots 103-106. That payment of $15,000 annually shall first be due in full concurrently with map recordation. That map recordation date shall establish the annual due date for each subsequent $15,000 payment. Fee owner of said open space lots shall invoice the HOA for all subsequent payments. Said fee shall include an indexed inflation adjustment.

3. No remedial grading or mechanical disturbance shall be allowed under any circumstances more than 15 feet outside of the shown limits of grading for Vesting Tentative Tract Map 53653. This amount of space should allow for normal calculation errors and difficult vehicle turnaround conditions that require added safety. Any grading or mechanical disturbance impact beyond 15 feet would constitute additional adverse ecological impact not addressed in the FEIR. Unforseen geological instability must thus be solved internal to the limits of grading as shown in the DEIR and FEIR and approved by the Board of Supervisors.

4. The Gavin Canyon Trail with a 12-foot-wide easement as depicted in the DEIR and FEIR must be dedicated to the Los Angeles County Department of Parks and Recreation prior to or concurrent with tract map recordation. Under no

circumstances shall there be an exception to this requirement. If the land is not transferred, an irrevocable offer to dedicate shall be duly recorded.

5. With the exception of one "required offsite access easement" (FEIR Exhibit 6-1) in the northwest project corner approximately following unpaved Lyon Ranch Road), the DEIR and FEIR do not depict or analyze any public or private access or utility easements across any portion of open space lots 103-107 or the potential impacts of their improvement.

   The two owners of APNs 2826-022, 022, 023 and 024 have gone on the public record for the subject project to request access easements. The above mentioned "required offsite access easement" could service these two subject ownerships. It is our understanding that the applicant has agreed to grant exclusive access and utility easements to the owners of these parcels in the width of approximately thirty feet. The location and scope of the easements are not otherwise defined to our knowledge. The MRCA has APN 2826-022-024 under contract to acquire in August 2008.

   Based on the DEIR and FEIR analysis and disclosure, the public must then be able to conclude that no other additional access and utility easements exist, or shall exist in the future, that can diminish the ecological integrity of open space lots 103-107 in any way shape or form. This conclusion must include any public street reservations to the Los Angeles County Department of Public Works. For the record APN 2826-022-024 does have a narrow easement across a small sliver of open space owned by the Vesting Tentative Tract Map No. 53653 owner.

   The FEIR shall include a mitigation measure that expressly states that open space lots 103-106 must be offered to the MRCA free and clear of all access and utility easements except a future exclusive easement to benefit only APNs 2826-022, 022, 023 and 024. The narrow easement coming from the north that benefits APN 2826-022-024 would be the one exception.

It seems most appropriate too that the application be required to construct the subject section of the Gavin Canyon Trail or to provide a public agency in advance with adequate funds to construct the trail. We respectfully ask the Commission to add this requirement to the conditions of approval.

Please address any future documents to the attention of Paul Edelman at the letterhead address and questions to him at (310) 589-3200 ext. 128.

Sincerely,

RONALD P. SCHAFER
Chairperson