



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

August 14, 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, Supervising Regional Planner
Land Divisions Section

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

August 20, 2008; AGENDA ITEM NO. 7 a, b, c, d, e
Supplemental Information

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 9, 2008. For the July 9, 2008 continued public hearing, the SOC were distributed to the Commission. Due to lack of quorum for July 9, 2008, this project was automatically continued to July 30, 2008.

During the July 30, 2008 public hearing, the Commission heard testimony from the applicant and the public. The Commission discussed their understanding regarding whether the project was continued for substantive issues, or for proper paperwork before the Commission could take action. The Commission also discussed concerns raised including single means of access, open space maintenance after transfer to a public agency. After discussion, the Commission continued the matter to August 20, 2008, in order for a full Commission, including Commissioner Modugno, to consider the project and ensure all previous concerns raised have been addressed before taking action on the project.

SUPPLEMENTAL INFORMATION

The project's zone resolution, findings and CEQA Findings of Fact and Statement of Overriding Considerations have been attached and are 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.

SMT:ACB
8/14/08

Attachment: Updated Zone Change Resolution, Findings and CEQA Findings of Fact and Statement of Overriding Considerations.

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-DP over 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 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. 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 worked 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 ultimately 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. 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 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 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. Five (5) people testified during the July 30, 2008 public hearing: four in opposition and one in support of Tract Map Condition Nos. 22 and 23 regarding offsite access. Issues raised by testifiers in opposition included: existing stock of senior citizen housing with specific mention of the number of senior citizen dwelling units approved and pending in the area; availability of amenities for senior citizens in the area; limited road access; fire facility not built; fire hazards; disturbance of ecological resources; removal of oak trees; request for bonding of all conditions by the applicant; slope failure in the Santa Clarita Area; and water availability.
41. During the July 30, 2008 public hearing, the applicant stated that: the senior citizen units will be outside the canyon and easily accessed ; 70 percent of the project will be open space dedicated to a public agency; open space includes trails; the Department of Parks and Recreation have an interest in the open space; the Sensitive Ecological Area within the project will be preserved; significant slope failure reports have been analyzed and mitigated; and a water analysis was included in the Draft EIR.
42. During the July 30, 2008 public hearing, the Commission expressed concerns regarding projects being improved and not developed, resulting in disturbed undeveloped areas. The applicant stated in reply, that D.R. Horton would not improve the site unless there was a market to support it.

43. During the July 30, 2008, the Commission noted that the transportation contribution noted by the applicant will be a "Dial-a-ride" type of service paid by the community and public transportation.
44. During the July 30, 2008 public hearing, the Commission noted that a pad is provided for by the project and will be available to the County for future needs of a Fire Station Facility. Fire Department staff noted that it has not yet been determined whether a fire station is required for the community.
45. During the July 30, 2008, the Commission requested the Findings and Statements of Overriding Considerations Section 1.3 mention fire hazards and fire services.
46. During the July 30, 2008 public hearing, the Commission expressed concern for the projects water availability and annexation procedure to the Valencia Water Company. Staff from the Department of Public Works stated that the annexation of the project into the Valencia Water Company will be a discretionary procedure including a public hearing, after action by the Commission is taken.
47. During the July 30, 2008 public hearing, the Commission expressed concern regarding the absence of Commissioner Mudugno and any issues that may have not been addressed.
48. After hearing all testimony, on July 30, 2008 the Commission continued the public hearing to August 20, 2008 to a date when all Commissioners could be available and the annexation of the project into the Valencia Water Company could be further clarified.
49. During the August 20, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
50. After hearing all testimony, on August 20, 2008 the Commission closed the public hearing and approved the public hearing.
51. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.
52. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.
53. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.

54. 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.
55. 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.
56. 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.
57. Compatibility with surrounding land uses will be ensured through the related, subdivision, conditional use permit, oak tree permit, housing permit and environmental conditions.
58. 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.
59. 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.
60. 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. 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.
61. 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.
62. Adoption of the proposed zone change will enable the development of the subject property as proposed.
63. The applicant in this case has satisfied the "Burden of Proof" for the requested Zone Change which is needed and appropriate.

64. 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.
65. 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 for this project.
66. 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.
67. 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.
68. 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.
69. 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.

70. 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 August 20, 2008.

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

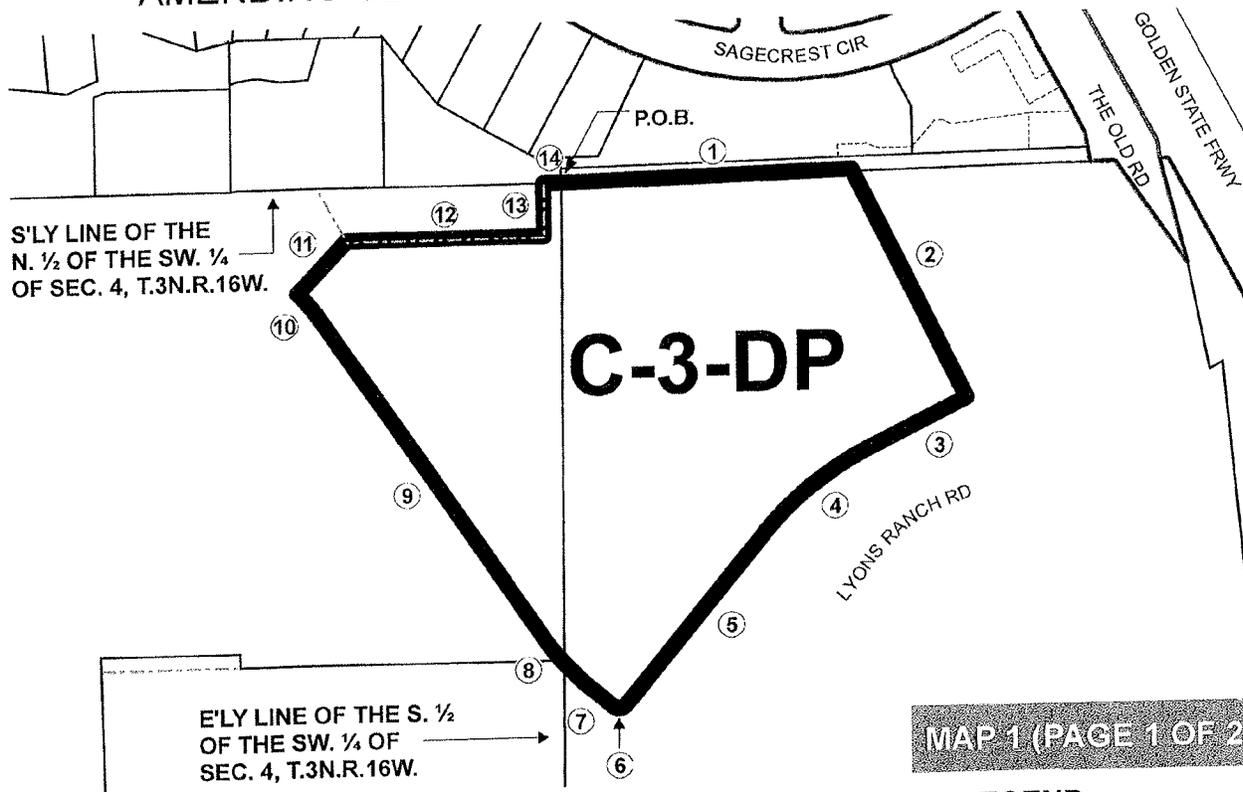
CHANGE OF PRECISE PLAN
NEWHALL ZONED DISTRICT

ADOPTED BY ORDINANCE: _____

ON: _____

ZONING CASE: **ZC 2008-00004 (5)**

AMENDING SECTION: 22.16.230 OF THE COUNTY CODE



MAP 1 (PAGE 1 OF 2)

LEGAL DESCRIPTION:

ALL THAT PORTION OF THE S. 1/2 OF SEC. 4, T.3N.R.16W., SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE S'LY LINE OF THE N. 1/2 OF THE SW. 1/4 OF SAID SEC. 4 WITH THE E. LINE OF SAID SW. 1/4 OF SAID SEC. 4, SAID INTERSECTION ALSO BEING AT AN ANGLE POINT IN THE S'LY LINE OF LOT 35 OF TR43792 AS PER MAP RECORDED IN BOOK 1071 PAGES 42 THROUGH 48, INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE N. LINE OF THE SW. 1/4 OF THE SE. 1/4 OF SAID SEC. 4,

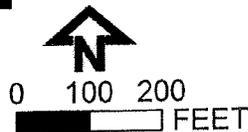
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DIGITAL DESCRIPTION: \ZCOZD_NEWHALL

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
HAROLD V. HELSLEY, CHAIR
BRUCE W. McCLENDON, PLANNING DIRECTOR

LEGEND:

-  PARCELS
-  STREET / RIGHT OF WAY
-  LOT LINE
-  CUT/DEED LINE
-  EASEMENT LINE
-  ZONE CHANGE AREA



COUNTY ZONING MAP
246H117

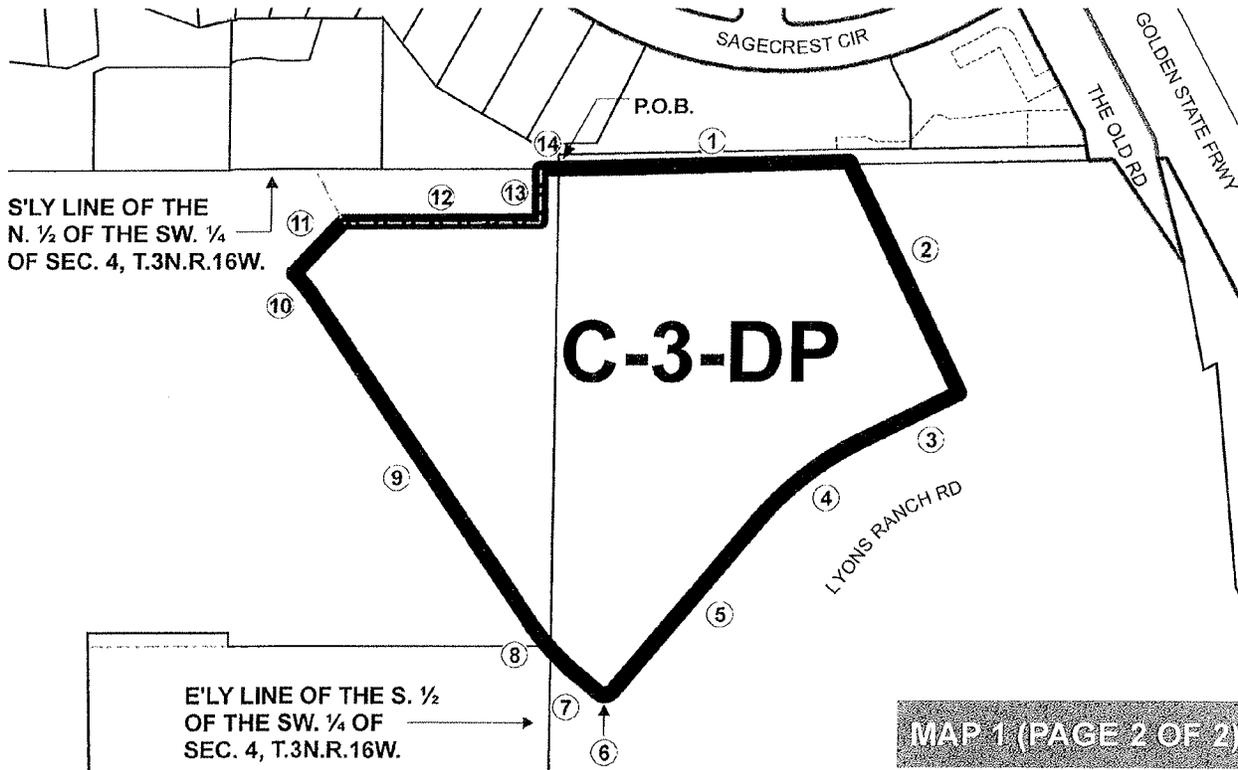
CHANGE OF PRECISE PLAN
NEWHALL ZONED DISTRICT

ADOPTED BY ORDINANCE: _____

ON: _____

ZONING CASE: **ZC 2008-00004 (5)**

AMENDING SECTION: 22.16.230 OF THE COUNTY CODE



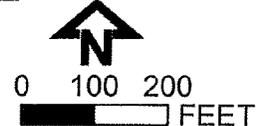
MAP 1 (PAGE 2 OF 2)

LEGAL DESCRIPTION: CONTINUED FROM PAGE 1 OF MAP 1

- | | |
|--------------------------|---------------------------|
| ①—N.88°48'07"E. 399.90' | ⑨—N.34°28'28"W. 541.88' |
| ②—S.26°07'39"E. 356.62' | ⑩—RADIUS: 230.00' |
| ③—S.63°52'21"W. 153.66' | CENTRAL ANGLE: 11°21'06" |
| ④—RADIUS: 432.00' | ARC DISTANCE: 45.57' |
| CENTRAL ANGLE: 24°19'32" | ⑪—N.44°10'26"E. 99.28' |
| ARC DISTANCE: 183.41' | ⑫—N.89°43'46"E. 275.00' |
| ⑤—S.39°32'49"W. 303.55' | ⑬—N.00°16'14"W. 75.00' TO |
| ⑥—RADIUS: 13.00' | THE S'LY LINE OF THE |
| CENTRAL ANGLE: 90°00'00" | N. 1/2 OF THE SW. 1/4 OF |
| ARC DISTANCE: 20.42' | SAID SEC. 4 |
| ⑦—N.50°27'11"W. 36.30' | ⑭—N.89°43'46"E. 25.21' TO |
| ⑧—RADIUS: 370.00' | THE POINT OF BEGINNING |
| CENTRAL ANGLE: 15°58'43" | |
| ARC DISTANCE: 103.19' | |

LEGEND:

- PARCELS
- STREET / RIGHT OF WAY
- LOT LINE
- CUT/DEED LINE
- EASEMENT LINE
- ZONE CHANGE AREA



COUNTY ZONING MAP
246H117

DIGITAL DESCRIPTION: \ZCO\ZD_NEWHALL

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
HAROLD V. HELSLEY, CHAIR
BRUCE W. McCLENDON, PLANNING DIRECTOR

**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. One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.
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 (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 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. 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 worked 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 ultimately 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. 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 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 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. Five (5) people testified during the July 30, 2008 public hearing: four in opposition and one in support of Tract Map Condition Nos. 22 and 23 regarding offsite access. Issues raised by testifiers in opposition included: existing stock of senior citizen housing with specific mention of the number of senior citizen dwelling units approved and pending in the area; availability of amenities for senior citizens in the area; limited road access; fire facility not built; fire hazards; disturbance of ecological resources; removal of oak trees; request for bonding of all conditions by the applicant; slope failure in the Santa Clarita Area; and water availability.
41. During the July 30, 2008 public hearing, the applicant stated that: the senior citizen units will be outside the canyon and easily accessed ; 70 percent of the project will be open space dedicated to a public agency; open space includes trails; the Department of Parks and Recreation have an interest in the open space; the Sensitive Ecological Area within the project will be preserved; significant slope failure reports have been analyzed and mitigated; and a water analysis was included in the Draft EIR.
42. During the July 30, 2008 public hearing, the Commission expressed concerns regarding projects being improved and not developed, resulting in disturbed undeveloped areas. The applicant stated in reply, that D.R. Horton would not improve the site unless there was a market to support it.
43. During the July 30, 2008, the Commission noted that the transportation contribution noted by the applicant will be a "Dial-a-ride" type of service paid by the community and public transportation.
44. During the July 30, 2008 public hearing, the Commission noted that a pad is provided for by the project and will be available to the County for future needs of a

Fire Station Facility. Fire Department staff noted that it has not yet been determined whether a fire station is required for the community.

45. During the July 30, 2008, the Commission requested the Findings and Statements of Overriding Considerations Section 1.3 mention fire hazards and fire services.
46. During the July 30, 2008 public hearing, the Commission expressed concern for the projects water availability and annexation procedure to the Valencia Water Company. Staff from the Department of Public Works stated that the annexation of the project into the Valencia Water Company will be a discretionary procedure including a public hearing, after action by the Commission is taken.
47. During the July 30, 2008 public hearing, the Commission expressed concern regarding the absence of Commissioner Mudugno and any issues that may have not been addressed.
48. After hearing all testimony, on July 30, 2008 the Commission continued the public hearing to August 20, 2008 to a date when all Commissioners could be available and the annexation of the project into the Valencia Water Company could be further clarified.
49. During the August 20, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
50. After hearing all testimony, on August 20, 2008 the Commission closed the public hearing and approved the public hearing.
51. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.
52. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.
53. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.
54. 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).
55. 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”).

56. 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.
57. 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.
58. 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.
59. The applicant has submitted a development progress schedule for the DP zone pursuant to Section 22.40.050 of the County Code.
60. 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.
61. 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.

62. 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 for this project.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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.

69. 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.

DEPARTMENT OF REGIONAL PLANNING

CONDITIONAL USE PERMIT CASE NO. 2005-00088-(5) Exhibit "A" Date: 7-11-2006

DRAFT CONDITIONS:

1. This grant authorizes the use of the 234.8-acre subject property for a residential development consisting of a maximum of 92 single-family units and 93 senior attached condominium units, as modified from the approved Exhibit "A" dated July 11, 2006, subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition Nos. 9 and 57.
4. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
6. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
7. The subject property shall be developed and maintained in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
8. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall

reimburse Regional Planning for all inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

9. Within 5 days of the approval date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code for Project No. TR53653-(5), which includes 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). The project impacts fish and wildlife and in order to defray the cost of wildlife protection and management, the permittee is responsible for the payment of fees established by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is **\$2,656.75**. No land use project subject to this requirement is final, vested or operative until the fee is paid.
10. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action or proceeding and the County shall reasonably cooperate in the defense.
11. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount of deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

12. This grant shall expire unless used within two years after the recordation of the final map for Vesting Tentative Tract Map No. 53653. In the event that Vesting Tentative Tract Map No. 53653 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
13. No grading permit shall be issued prior to final map recordation, unless otherwise authorized by the Director of Regional Planning ("Director of Planning").
14. The subject property shall be graded, developed and maintained in substantial compliance with the approved vesting tentative tract map. An amended tentative tract map approved for Vesting Tentative Tract Map No. 53653 may, at the discretion of the Director of Planning, constitute a revised Exhibit "A." All revised plans require the written authorization of the property owner.
15. All development shall comply with the requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Planning.
16. Submit a copy of the project Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review and approval. The CC&Rs shall include all of the project conditions, and include language that those conditions required to be in the CC&Rs may not be amended or eliminated by the homeowners association without approval from the Director of Planning.
17. The development of the subject property shall comply with all requirements and conditions approved for Vesting Tentative Tract Map No. 53653, Oak Tree Permit Case No. 2005-00039-(5) and Housing Permit Case No. 2006-00001-(5).
18. The permittee or successor in interest, shall provide a minimum of 167.6 acres or 71.4 percent open space, which includes natural, undisturbed areas; graded slopes; park; trail; and unpaved debris basin area.
19. The permittee 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.

20. The permittee 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.
21. The permittee 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.
22. The permittee 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.
23. The permittee shall provide in the CC&Rs that 93 dwelling units within multi-family Lot No. 94 shall be reserved for senior citizens in perpetuity.
24. 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. If some or all of the offsite properties are acquired by a public agency, such access easement shall be retained, but may be modified to ensure continued access to privately-held properties.
25. As agreed to by the applicant, horsekeeping activities that comply with all County requirements, shall not be prohibited within the development. Include language in the CC&Rs and provide a draft copy of the CC&Rs to Regional Planning for review and approval.
26. This project is approved as density-controlled development in which the areas of the proposed lots may be averaged to collectively conform to the minimum lot area requirements of the A-2-1 (Heavy Agriculture – One Acre Minimum Required Lot Area) and A-2-2 (Heavy Agriculture – Two Acres Minimum Required Lot Area) in accordance with Section 22.56.205 of the County Code.
27. All commonly owned areas within the density-controlled development, shall be permanently reserved as open space. Such reservation shall be by establishment of a homeowners association, maintenance district or other appropriate means or methods to ensure the permanent reservation and continued perpetual maintenance of required commonly owned areas.

28. As a means to further ensure the permanent reservation of commonly owned areas, no dwelling unit shall be sold, conveyed or otherwise alienated or encumbered separately from an undivided interest in any commonly owned areas comprising a part of such development. Such undivided interest shall include either an undivided interest in the commonly owned areas or a share in the corporation or voting membership in an association owning the commonly owned areas.
29. All dwelling units within the density-controlled development (entire property except multi-family Lot No. 94 and fire station Lot No. 95) shall be single-family residences.
30. Prior to the issuance of any grading and/or building permit, site plans covering the development shall be submitted to and approved by the Director of Planning indicating that the proposed grading and/or construction:
 - a. complies with the conditions of this grant and the standards of the zone; and
 - b. is compatible with hillside and SEA resources.
31. No structure shall exceed 35 feet in height, except for chimneys and rooftop antennas, except for the main residential structures within multi-family Lot No. 94 which shall not exceed 50 feet in height. Prior to any issuance of any building permit, a site plan including exterior elevations and major architectural features shall be submitted to and approved by the Director of Planning, as a revised Exhibit "A," to ensure compliance.
32. A minimum of two covered automobile parking spaces for each single family residential lot shall be provided and continuously maintained and developed to the specifications listed in Section 22.52.1060 of the County Code. The required parking spaces shall be continuously available for vehicle parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
33. A minimum of 172 automobile parking spaces, as depicted on the approved Exhibit "A" (dated July 11, 2006) or on an approved revised Exhibit "A", shall be provided and continuously maintained on multi-family Lot No. 94, developed to the specifications listed in Section 22.52.1060 of the County Code. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use. Continual availability and maintenance of required parking spaces shall be provided for in the CC&Rs.
34. All utilities shall be placed underground. Prior to the issuance of any building permit, the permittee shall provide evidence that contractual arrangements have

been made with the local utilities to install underground all new facilities necessary to furnish services in the proposed development.

35. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works").
36. Detonation of explosives or any other blasting device or material is prohibited unless required permits have been obtained and adjacent property owners have been notified.
37. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m., and Saturday between the hours of 8:00 a.m. and 5:00 p.m. Sunday or holiday operations are prohibited. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby residences and neighborhoods. Generator and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences.
38. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Planning and the Director of Public Works.
39. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after construction or grading activities is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high wind (i.e. greater than 20 mph average over one hour) to prevent excessive amounts of dust.
40. The permittee shall, upon commencement of any grading activity allowed by this grant, diligently pursue all grading to completion.
41. No construction equipment or vehicles, including construction crew's personal vehicles, shall be parked or stored on any existing public or private streets.
42. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect as required throughout the life of this permit.
43. All construction and development within the subject property shall comply with the applicable provisions of the Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County.
44. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not

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

45. In the event any such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence. Paint utilized in covering such markings shall be of a color that matches, as closely as possible the color of the adjacent surfaces.
46. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with the ordinances and County Building and Plumbing Codes.
47. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Public Health ("Public Health"). Adequate water and sewage disposal facilities shall be provided to the satisfaction of said department.
48. If during construction of the project, soil contamination is suspected, construction in the area shall stop, and appropriate health and safety procedures shall be implemented to the satisfaction of Public Health. If it is determined that contaminated soils exist, remediation shall be conducted to the satisfaction of Public Health and the California Regional Water Quality Control Board.
49. Prior to the issuance of any building permit, the permittee shall demonstrate compliance with State Seismic Hazard Safety laws to the satisfaction of Public Works.
50. Prior to the issuance of any grading permit, the project design shall provide for the filtering of flows to capture contaminants originating from the project site to the satisfaction of and approval by Public Works.
51. The permittee shall comply with the Standard Urban Stormwater Mitigation Plan requirements to the satisfaction of Public Works.
52. During construction, all large-size truck trips shall be limited to off-peak commute periods.
53. During construction, the permittee shall obtain a Caltrans transportation permit as necessary for any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on state highways.
54. All graded slopes (cut and fill) shall be revegetated. Prior to the issuance of any grading or building permit, three copies of a landscape plan, which may be incorporated into a revised Exhibit "A," shall be submitted to and approved by the Director of Planning. The landscape plan shall show size, type, and location of all

plants, trees, and sprinkler facilities, including all landscaping and irrigation. Watering facilities shall consist of a permanent water-efficient irrigation system, such as “bubblers” or drip irrigation, and shall use reclaimed water.

In addition to the review and approval by the Director of Planning, the landscaping plans will be reviewed by the staff biologist of Regional Planning and the Los Angeles County Forester and Fire Warden (“Forester and Fire Warden”). Their review will include an evaluation of the balance of structural diversity (e.g. trees, shrubs and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements. No invasive species are permitted.

The landscaping plan must show that landscaped areas shall contain minimum 75 percent locally indigenous species, including trees, shrubs and ground covering. However, if the permittee demonstrates to the satisfaction of the Director of Planning that compliance with this requirement is not possible due to County fire safety requirements, then the Director of Planning may determine that a lower percentage of such planting shall be required. In those areas where the Director of Planning approves a lower percentage, the amount of such required locally indigenous vegetation shall be at least 50 percent. The landscaping will include trees, shrubs and ground covering at a mixture and density determined by the Director of Planning and the Forester and Fire Warden. Fire retardant plants shall be given first consideration.

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

55. Record a covenant with the County agreeing to comply with the required environmental mitigation measures in the Mitigation Monitoring Program (“MMP”). Prior to recordation, submit a copy of the covenant to the Director of Planning for review and approval.
56. The environmental mitigation measures are incorporated herein by reference and made conditions of this grant. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to the Director of Planning for approval, until such time as all mitigation measures have been implemented and completed. Additional reports shall be submitted as required by the Director of Planning.
57. Within 30 days of the approval of this grant, the permittee shall deposit the sum of **\$3,000.00** with Regional Planning to defray the cost of reviewing the permittee’s reports and verifying compliance with the Mitigation Monitoring Program. The permittee shall retain the services of a qualified Environmental/Mitigation

Monitoring Consultant, subject to the approval of the Director of Planning, to ensure that all applicable mitigation measures are implemented and reported in the required MMP.

58. Except as otherwise modified herein, the permittee shall comply with all of the following permit conditions for Development Program zoning:
- a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the multi-family Lot No. 94;
 - b. No existing building or structure which under the program is to be demolished shall be used;
 - c. No existing building or structure which, under the program, is to be altered shall be used until such building or structure has been so altered;
 - d. All improvements shall be completed prior to the occupancy of any structures within multi-family Lot No. 94; and
 - e. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.

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. 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.

18. 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.
19. 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.
20. 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.

21. 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.

22. After the close of public hearing on November 16, 2006, the applicant worked 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 ultimately 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. 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 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 independent from the subject project. Engineering design and ultimate construction would be the responsibility of the Kantor and Speer parties.

23. 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.

24. During the June 18, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
25. 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.
26. 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.
27. 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.
28. 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").
29. 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.
30. 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.

31. During the July 30, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
32. Five (5) people testified during the July 30, 2008 public hearing: four in opposition and one in support of Tract Map Condition Nos. 22 and 23 regarding offsite access. Issues raised by testifiers in opposition included: existing stock of senior citizen housing with specific mention of the number of senior citizen dwelling units approved and pending in the area; availability of amenities for senior citizens in the area; limited road access; fire facility not built; fire hazards; disturbance of ecological resources; removal of oak trees; request for bonding of all conditions by the applicant; slope failure in the Santa Clarita Area; and water availability.
33. During the July 30, 2008 public hearing, the applicant stated that: the senior citizen units will be outside the canyon and easily accessed ; 70 percent of the project will be open space dedicated to a public agency; open space includes trails; the Department of Parks and Recreation have an interest in the open space; the Sensitive Ecological Area within the project will be preserved; significant slope failure reports have been analyzed and mitigated; and a water analysis was included in the Draft EIR.
34. During the July 30, 2008 public hearing, the Commission expressed concerns regarding projects being improved and not developed, resulting in disturbed undeveloped areas. The applicant stated in reply, that D.R. Horton would not improve the site unless there was a market to support it.
35. During the July 30, 2008, the Commission noted that the transportation contribution noted by the applicant will be a "Dial-a-ride" type of service paid by the community and public transportation.
36. During the July 30, 2008 public hearing, the Commission noted that a pad is provided for by the project and will be available to the County for future needs of a Fire Station Facility. Fire Department staff noted that it has not yet been determined whether a fire station is required for the community.
37. During the July 30, 2008, the Commission requested the Findings and Statements of Overriding Considerations Section 1.3 mention fire hazards and fire services.
38. During the July 30, 2008 public hearing, the Commission expressed concern for the projects water availability and annexation procedure to the Valencia Water

Company. Staff from the Department of Public Works stated that the annexation of the project into the Valencia Water Company will be a discretionary procedure including a public hearing, after action by the Commission is taken.

39. During the July 30, 2008 public hearing, the Commission expressed concern regarding the absence of Commissioner Mudugno and any issues that may have not been addressed.
40. After hearing all testimony, on July 30, 2008 the Commission continued the public hearing to August 20, 2008 to a date when all Commissioners could be available and the annexation of the project into the Valencia Water Company could be further clarified.
41. During the August 20, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
42. After hearing all testimony, on August 20, 2008 the Commission closed the public hearing and approved the public hearing.
43. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.
44. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.
45. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.
46. 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.
47. 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).
48. 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.

49. 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 for this project.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.

55. 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.
56. 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.

**DEPARTMENT OF REGIONAL PLANNING
OAK TREE PERMIT CASE NO. 2005-00039-(5)**

DRAFT CONDITIONS:

(Questions relating to these conditions should be addressed to the Forestry Division, Prevention Bureau of the Los Angeles County Forester and Fire Warden ("Forester") at 323-890-4330.)

1. This grant authorizes the removal of 162 trees of the Oak genus identified on the applicant's site plan and Oak Tree Report, subject to all of the following conditions of approval. This grant also authorizes encroachment within the protected zone of 54 trees of the Oak genus also identified on the applicant's site plan and Oak Tree Report.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective until the permittee and the owner of the property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions have been recorded as required by Condition No.4 and until all required monies have been paid pursuant to Condition No. 9 and 10.
4. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions.
7. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
8. No oak tree shall be removed until the permittee has obtained all permits and approvals required for the work which necessitates such removal.
9. Within 15 days of the approval date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a

Notice of Determination in compliance with Section 21152 of the Public Resources Code for Project No. TR53653-(5), which includes 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). The project impacts fish and wildlife and in order to defray the cost of wildlife protection and management, the permittee is responsible for the payment of fees established by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is **\$2,656.75**. No land use project subject to this requirement is final, vested or operative until the fee is paid.

10. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the Los Angeles County Fire Department ("Fire Department") a sum of \$600.00. Such fee shall be used to compensate the Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with these conditions of approval.

The above fees provide for one initial inspection of temporary fencing (required to secure the protected zone of the remaining Oak trees), prior to the commencement of construction and five subsequent annual inspections until the conditions of approval have been met. The Director of Regional Planning ("Director of Planning") and the Forester shall retain the right to make regular and unannounced site inspections.

11. The term "Oak Tree Report" refers to the report on file by Interface Management Services and Trees, etc., the consulting arborists, dated September 2006.
12. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Planning and the Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that her or she agrees to report to the Director of Planning and Forester any failure to fully comply with the conditions of this grant. The arborist shall prepare a schedule of construction activities wherein the arborist will be present on the project site to ensure compliance with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
13. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan and Conditions of Approval. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the Forester for the life of the Oak Tree Permit or the Vesting Tentative Tract Map No. 53653.
14. The permittee shall install temporary chain-link fencing, not less than four feet in height, to secure the protected zone of the remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall

not be removed without approval of the Forester. The term "protected zone" refers to the area extending five feet beyond the dripline of the Oak tree (before pruning), or 15 feet from the trunk, whichever is greater.

15. The permittee shall keep copies of the Oak tree report, Oak tree map, mitigation planting plan and conditions of approval on the project site and available for review. If the conditions of approval are not present on site during a monitoring inspection of an active project, the Forester will give an immediate "Stop Work Order." This will be administered both verbally and in writing. The "Stop Work Order" will be rescinded after the conditions of approval are present on the site and all employees associated with the project are fully aware of these conditions.
16. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak trees or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two inches in diameter or less accordance with the guidelines published by the national Arborist Association. Copies of these guidelines are available from the Forestry Division of the Fire Department. In no case shall more than 20 percent of the tree canopy of any one tree be removed.
17. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, Oak Trees: Care and Maintenance, prepared by the Forestry Division of the Fire Department, a copy of which is enclosed with these conditions.

MITIGATION TREES:

18. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) trees for 149 trees for a total of 298 15-gallon trees.

The permittee shall provide mitigation trees of the Oak genus at a rate of ten to one (10:1) trees for 13 heritage oak trees for a total of 130 24-inch (24") box trees. In addition, the permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved encroachment.

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

Each Heritage Oak mitigation tree shall be at least a twenty-four inch (24") box specimen in size and measure two inches or more in diameter one foot above the base unless otherwise specified by the Forester. Free form trees with multiple stems are permissible; the combined diameter of the two largest stems of such trees

shall measure a minimum of two inches in diameter one foot above the base or as deemed appropriate by the Forester.

20. This total of 428 mitigation trees shall consist of indigenous varieties of *Quercus agrifolia* or *Quercus lobata* depending on which species of tree was removed or lost due to its permitted encroachment. The seed shall be grown from a local seed source and be of high-quality.
21. The permittee shall plant one acorn of the *Quercus agrifolia* variety for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
22. All required mitigation trees shall be planted within one year of the permitted oak tree removals. Additional mitigation trees shall be planted within one year of the death of any tree which results from permitted encroachment. Mitigation trees shall be planted on-site in locations approved by the project arborist in consultation with the Forester. In circumstances where on-site planting is shown to be infeasible, the mitigation trees may be planted at an off-site location approved by the Forester, or a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resources loss. The contribution shall be calculated by the consulting arborist and approved by the Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal".
23. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to lack of proper care and maintenance with a tree meeting the specifications set forth above. The five-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Planning and the Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive five years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
24. The project arborist shall inspect all mitigation trees on a quarterly basis for two years after completion of construction. The arborist's observations shall be reported to the Forester, including any loss of trees.
25. All mitigation oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance, once the trees have survived the required maintenance period.
26. Prior to the planting of the trees, the biologist/arborist for the permittee shall determine planting sites, prepare planting plans and specifications, and a monitoring program, all of which shall be approved by the Forester and Director of Planning.
27. All work on or within the protected zone of an oak tree shall be performed by or under the supervision of the consulting arborist.

28. Trenching, excavation, or clearance of vegetation within the protected zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
29. Installation of fencing around the perimeter of the properties shall be of wrought iron or wood post type construction wherever the fencing passes within 10 feet of any oak trunk. No block walls or other type of fence or wall construction which requires substantial trenching for foundations shall be located within ten feet of any oak tree in order to limit damage caused by such types of construction.
30. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited. If the applicant encroaches or removes an Oak tree not specified in the Oak Tree Report all work must stop immediately. A new Oak Tree Report, which accurately identifies the project conditions must be submitted for approval through the permitting process. The applicant will be responsible to pay all associated fees for the new Oak Tree Permit.
31. No planting or irrigation system shall be installed within the dripline of any oak tree that will be retained.
32. Utility trenches shall not be routed within the protected zone of an oak tree unless the serving utility requires such locations.
33. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any oak tree. No temporary structures shall be placed within the protected zone of any oak.
34. Any violation of the conditions of this grant shall result in immediate work stoppage or in a Notice of Correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the Notice of Correction.
35. Should any future inspection disclose that the subject property is being used in violation of any condition of this grant, the permittee shall be held financially responsible and shall reimburse the Forestry Division of the Fire Department for all enforcement efforts necessary to bring the subject property into compliance. The Director of Planning and the Forester shall retain the right to make regular and unannounced site inspections.
36. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or as to be a nuisance.

37. The permittee shall defend, indemnify and hold harmless Los Angeles County ("County"), its agents, officers, and employees from any claim, action or proceeding against the County, or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
38. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000.00, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
- a. If during the litigation process, actual costs incurred by the department reach 80 percent of the amount on deposit up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

41. The environmental mitigation measures are incorporated herein by reference and made conditions of this grant. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to the Director of Planning for approval, until such time as all mitigation measures have been implemented and completed. Additional reports shall be submitted as required by the Director of Planning.
42. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 53653. In the event that Vesting Tentative Tract Map No. 53653 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
43. This grant shall terminate upon the completion of the authorized oak tree removal and the completion of all required mitigation and monitoring to the satisfaction of the Forester and Regional Planning.

DRAFT
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. One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.
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 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. 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 worked 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 ultimately 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. 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 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 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. Five (5) people testified during the July 30, 2008 public hearing: four in opposition and one in support of Tract Map Condition Nos. 22 and 23 regarding offsite access. Issues raised by testifiers in opposition included: existing stock of senior citizen housing with specific mention of the number of senior citizen dwelling units approved and pending in the area; availability of amenities for senior citizens in the area; limited road access; fire facility not built; fire hazards; disturbance of ecological resources; removal of oak trees; request for bonding of all conditions by the applicant; slope failure in the Santa Clarita Area; and water availability.
39. During the July 30, 2008 public hearing, the applicant stated that: the senior citizen units will be outside the canyon and easily accessed ; 70 percent of the project will be open space dedicated to a public agency; open space includes trails; the Department of Parks and Recreation have an interest in the open space; the Sensitive Ecological Area within the project will be preserved; significant slope failure reports have been analyzed and mitigated; and a water analysis was included in the Draft EIR.
40. During the July 30, 2008 public hearing, the Commission expressed concerns regarding projects being improved and not developed, resulting in disturbed undeveloped areas. The applicant stated in reply, that D.R. Horton would not improve the site unless there was a market to support it.
41. During the July 30, 2008, the Commission noted that the transportation contribution noted by the applicant will be a "Dial-a-ride" type of service paid by the community and public transportation.
42. During the July 30, 2008 public hearing, the Commission noted that a pad is provided for by the project and will be available to the County for future needs of a Fire Station Facility. Fire Department staff noted that it has not yet been determined whether a fire station is required for the community.

43. During the July 30, 2008, the Commission requested the Findings and Statements of Overriding Considerations Section 1.3 mention fire hazards and fire services.
44. During the July 30, 2008 public hearing, the Commission expressed concern for the projects water availability and annexation procedure to the Valencia Water Company. Staff from the Department of Public Works stated that the annexation of the project into the Valencia Water Company will be a discretionary procedure including a public hearing, after action by the Commission is taken.
45. During the July 30, 2008 public hearing, the Commission expressed concern regarding the absence of Commissioner Mudugno and any issues that may have not been addressed.
46. After hearing all testimony, on July 30, 2008 the Commission continued the public hearing to August 20, 2008 to a date when all Commissioners could be available and the annexation of the project into the Valencia Water Company could be further clarified.
47. During the August 20, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
48. After hearing all testimony, on August 20, 2008 the Commission closed the public hearing and approved the public hearing.
49. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.
50. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.
51. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.
52. 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).
53. 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.

54. 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 for this project.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.

60. 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.
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.

**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 generate; 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 building 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 environment or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible 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.

**DEPARTMENT OF REGIONAL PLANNING
HOUSING PERMIT CASE NO. 2006-00001-(5)**

Exhibit "A" Date: 7-11-2006

DRAFT CONDITIONS:

1. This grant authorizes the use of the 234.8-acre subject property for a residential development consisting of a maximum of 92 single-family units and a 93-unit senior housing project, including a density bonus of 62 units, as depicted on the approved Exhibit "A" dated July 11, 2006, subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition Nos. 7 and 17.
4. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
6. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
7. Within 5 days of the approval date of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code for Project No. TR53653-(5), which includes 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). The project impacts fish and wildlife and in order to defray the cost of wildlife protection and management, the permittee is

responsible for the payment of fees established by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is **\$2,656.75**. No land use project subject to this requirement is final, vested or operative until the fee is paid.

8. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action or proceeding and the County shall reasonably cooperate in the defense.
9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount of deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

10. This grant shall expire unless used within two years after the recordation of the final map for Vesting Tentative Tract Map No. 53653. In the event that Vesting Tentative Tract Map No. 53653 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
11. The subject property shall be graded, developed and maintained in substantial compliance with the approved tentative tract map. An amended tentative tract map approved for Vesting Tentative Tract Map No. 53653 may, at the discretion of the

Director of Planning, constitute a revised Exhibit "A." All revised plans require the written authorization of the property owner.

12. All development shall comply with the requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Planning.
13. Submit a copy of the project Covenants, Conditions and Restrictions ("CC&Rs") and maintenance agreements and covenants to Regional Planning for review and approval. The CC&Rs shall include all of the project conditions, and include language that those conditions required to be in the CC&Rs may not be amended or eliminated by the homeowners association without approval from the Director of Planning.
14. The development of the subject property shall comply with all requirements and conditions approved for Vesting Tentative Tract Map No. 53653.
15. Record a covenant with the County agreeing to comply with the required environmental mitigation measures in the Mitigation Monitoring Program. Prior to recordation, submit a copy of the covenant to the Director of Planning for approval.
16. The environmental mitigation measures are incorporated herein by reference and made conditions of this grant. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to the Director of Planning for approval, until such time as all mitigation measures have been implemented and completed. Additional reports shall be submitted as required by the Director of Planning.
17. Within 5 days of the approval of this grant, the permittee shall deposit the sum of **\$3,000.00** with Regional Planning to defray the cost of reviewing the permittee's reports and verifying compliance with the Mitigation Monitoring Program ("MMP"). The permittee shall retain the services of a qualified Environmental/Mitigation Monitoring Consultant, subject to the approval of the Director of Planning, to ensure that all applicable mitigation measures are implemented and reported in the required MMP.
18. The following housing permit conditions shall apply:
 - a. As agreed to by the applicant, ninety-three (93) condominium units shall be reserved for senior citizens in perpetuity; and
 - b. The permittee shall submit for review and approval by County Counsel a deed restriction, covenant or similar document running with the land for the benefit of the County of Los Angeles, suitable for recordation, that complies with all pertinent federal, state and local housing laws, to ensure the

continuing availability of the 93 total multi-family units to senior citizens in perpetuity. The document shall contain remedies for violations of the covenant including but not limited to monetary penalties. The approved document shall be recorded in the office of the Los Angeles County Recorder prior to or concurrently with the recordation of the final map for Vesting Tentative Tract Map No. 53653.

19. As agreed to by the applicant, a transportation program for residents shall be provided by the development. Submit a copy of the program for Regional Planning review, and include language in the CC&Rs to Regional Planning for review and approval.

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. One single-family lot is required to be eliminated due to density, for a maximum of 92 single-family lots.
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 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. 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 worked 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 ultimately 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. 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 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 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. Five (5) people testified during the July 30, 2008 public hearing: four in opposition and one in support of Tract Map Condition Nos. 22 and 23 regarding offsite access. Issues raised by testifiers in opposition included: existing stock of senior citizen housing with specific mention of the number of senior citizen dwelling units approved and pending in the area; availability of amenities for senior citizens in the area; limited road access; fire facility not built; fire hazards; disturbance of ecological resources; removal of oak trees; request for bonding of all conditions by the applicant; slope failure in the Santa Clarita Area; and water availability.
40. During the July 30, 2008 public hearing, the applicant stated that: the senior citizen units will be outside the canyon and easily accessed ; 70 percent of the project will be open space dedicated to a public agency; open space includes trails; the Department of Parks and Recreation have an interest in the open space; the Sensitive Ecological Area within the project will be preserved; significant slope failure reports have been analyzed and mitigated; and a water analysis was included in the Draft EIR.
41. During the July 30, 2008 public hearing, the Commission expressed concerns regarding projects being improved and not developed, resulting in disturbed undeveloped areas. The applicant stated in reply, that D.R. Horton would not improve the site unless there was a market to support it.
42. During the July 30, 2008, the Commission noted that the transportation contribution noted by the applicant will be a "Dial-a-ride" type of service paid by the community and public transportation.
43. During the July 30, 2008 public hearing, the Commission noted that a pad is provided for by the project and will be available to the County for future needs of a Fire Station Facility. Fire Department staff noted that it has not yet been determined whether a fire station is required for the community.

44. During the July 30, 2008, the Commission requested the Findings and Statements of Overriding Considerations Section 1.3 mention fire hazards and fire services.
45. During the July 30, 2008 public hearing, the Commission expressed concern for the projects water availability and annexation procedure to the Valencia Water Company. Staff from the Department of Public Works stated that the annexation of the project into the Valencia Water Company will be a discretionary procedure including a public hearing, after action by the Commission is taken.
46. During the July 30, 2008 public hearing, the Commission expressed concern regarding the absence of Commissioner Mudugno and any issues that may have not been addressed.
47. After hearing all testimony, on July 30, 2008 the Commission continued the public hearing to August 20, 2008 to a date when all Commissioners could be available and the annexation of the project into the Valencia Water Company could be further clarified.
48. During the August 20, 2008 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant and the public.
49. After hearing all testimony, on August 20, 2008 the Commission closed the public hearing and approved the public hearing.
50. As agreed to by the applicant, the Commission required disclosure of future access through the subject property to all future home buyers.
51. As agreed to by the applicant, the project shall not restrict future horsekeeping activities on the property.
52. As agreed to by the applicant, provision of transportation options for the senior development shall be incorporated into the project.
53. 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).
54. 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.

55. 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.
56. 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.
57. 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.
58. The design of the subdivision provides for future passive or natural heating or cooling opportunities as feasible.
59. 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.
60. 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.
61. 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.
62. 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.

63. 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.
64. 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.
65. 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 for this project.
66. 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.
67. 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.
68. 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.

69. 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.
70. 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.
71. 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.

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 a senior housing 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 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 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 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. If some or all of the offsite properties are acquired by a public agency, such access easement shall be retained, but may be modified to ensure continued access to privately-held properties.
 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 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. 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.

**FINDINGS OF FACT REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR
D.R. HORTON'S LYONS CANYON PROJECT
TENTATIVE TRACT MAP NO. RMTR53653
CONDITIONAL USE PERMIT NUMBER RCUP200500088
OAK TREE PERMIT NO. ROAK200500039
ZONE CHANGE PERMIT NO. RZC200800004**

INTRODUCTORY FINDINGS.

Pursuant to Public Resources Code Section 21000, et seq. ("**CEQA**") and California Code of Regulations, Title 14, Section 15000, et seq. ("**CEQA Guidelines**"), no public agency shall approve or carry out a project where an Environmental Impact Report (the "**EIR**") has been certified, which identifies one or more significant impacts on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

1. The project's potentially significant effects on the environment will be mitigated or avoided through implementation of the described mitigation measures and/or changes or alterations that have been required in, or incorporated into, the project. Any remaining impacts will be less than significant (hereinafter, "**Finding 1**").
2. Changes or alterations to the project are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (hereinafter, "**Finding 2**").
3. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (hereinafter, "**Finding 3**")

For those significant impacts that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant impacts on the environment.

Regional Planning Commission (the "**Commission**") of the County of Los Angeles (the "**County**") hereby approves Tentative Tract Map No. RMTR53653 ("**TTM**"), Conditional Use Permit Number RCUP200500088, Oak Tree Permit No. ROAK200500039, and Zone Change

Permit No. RZC200800004 (collectively, the “**Project**”) and certifies the Final EIR (“**FEIR**”), State Clearinghouse Number 2003031086, which consists of and/or relies upon and incorporates the draft EIR, including all appendices thereto and all supporting materials referenced therein (the “**DEIR**”); all comments on the DEIR, all responses thereto, and all supporting materials referenced therein; the Project description; all revisions to the DEIR, if any, and all revised impact descriptions and other supporting documents, if any; all testimony and written comments received at any public hearing relating to the Project; the County’s General Plan, as amended, and all environmental documents relating thereto; the Santa Clarita Valley Area Plan, and all environmental documents relating thereto; the County’s General Plan, and all environmental documents relating thereto; the County’s Land Use Policy Map; the Castaic Lake Water Agency 2005 Urban Water Management Plan; these findings and this Statement of Overriding Considerations made by the County and the Mitigation Monitoring and Reporting Program (“**MMRP**”) adopted by the County for the Project; all final County Staff reports relating to the DEIR, the FEIR and/or the Project; all other public reports, documents, studies, memoranda, maps, or other planning documents relating to the Project; and all matters of common knowledge to the County, including but not limited to the County’s policies, guidelines and regulations.

The County finds that the FEIR has been completed in compliance with CEQA, was presented to the decision-making body of the County and the decision-making body reviewed and considered the information contained in the FEIR prior to certifying the FEIR and approving the Project. The FEIR reflects the independent judgment and analysis of the County and has been completed in compliance with CEQA and the CEQA Guidelines. The County’s decision-making body has received, reviewed, and considered the information contained in the FEIR, the application for the Project, all testimony at public hearings and submissions from public officials and others, departments of the County, the applicant, community associations, and other public agencies and all other information in the record prior to its approval of the Project.

The documents described above, comprising the record of proceedings, are located in the County’s offices, 320 West Temple Street, Los Angeles, California 90012.

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the County’s decision-making body hereby makes findings pursuant to, and in accordance with, Section 21081 of the Public Resources Code.

ORGANIZATION OF FINDINGS.

- Section 1 of these findings discusses those potential environmental impacts of the Project that were reviewed during the Initial Study process, but were found to be less than significant.
- Section 2 discusses those potential environmental impacts of the Project that are not significant.
- Section 3 discusses those potential environmental impacts that have been mitigated to a level of insignificance.

- Section 4 discusses those unavoidable environmental impacts that cannot be mitigated to a level of insignificance.
- Section 5 discusses those potential cumulative impacts that are not significant.
- Section 6 discusses those potential cumulative impacts that have been mitigated to a level of insignificance.
- Section 7 discusses those cumulative impacts that cannot be mitigated to a less than significant level.
- Section 8 discusses the potential growth-inducing impacts of the Project.
- Section 9 discusses the alternatives to the Project as discussed in the DEIR and FEIR.
- Section 10 contains findings regarding the Mitigation Monitoring Program.
- Section 11 contains the Statement of Overriding Considerations.

The findings set forth in each section are supported by substantial evidence in the record of the approval of the Project. In accordance with the provisions of CEQA and the CEQA Guidelines, the County adopts these findings as part of its certification of the FEIR for the Project.

BACKGROUND.

In June 2005, the applicant filed with the County (i) a Zoning and Subdivision Application; (ii) an Initial Study Questionnaire; (iii) a Request for an Oak Tree Permit; (iv) a Burden of Proof Statement for a Conditional Use Permit; (v) a Density Bonus Application; (vi) supporting photographs of the Project site; (vii) a Vicinity Map; and (viii) a Slope Density Analysis. A Zone Change Application with pertinent Burden of Proof was filed for the proposed development of 93 multi-family condominium dwelling units for senior citizens on April 17, 2008.

The Project includes a mix of single-family residential, senior housing, public facilities and open space uses. Specifically, the 234.8-acre Project site will include (a) 93 single-family detached residential units situated on 46.9 gross acres, which shall be subdivided into 93 separate lots; (b) 93 senior condominium units, which shall be situated on a 9.26-acre parcel; (c) 128.87 acres of open space, which shall be divided into 5 open space parcels; (d) a recreational parcel consisting of 1.39 acres; (e) 6 basin lots, which shall cumulatively amount to 26.51 acres; (f) a 2.05-acre parcel, upon which will sit a to-be-constructed fire station; (g) 9.78 acres of graded areas, which, following grading, shall be preserved as open space; and (h) 10.04 acres of streets.

An Initial Study was prepared for the Project on June 15, 2005. Impact areas identified by the Initial Study, as potentially significant, were: Geology, Soils and Seismicity; Hydrology and Water Quality; Hazards and Hazardous Materials; Noise; Air Quality; Biological Resources; Cultural Resources; Mineral Resources; Aesthetics and Visual Resources; Traffic and Circulation; Water and Wastewater; Schools/Education; Fire Services; Sheriff Services; Solid Waste; Electricity; Natural Gas; Library Services; Parks and Recreation; and Land Use.

The Initial Study concluded that certain other impacts related to the Project will be less than significant, due to the Project's inability to create any such impacts; or due to the absence of any characteristics of the Project that were likely to produce impacts of this type. Pursuant to CEQA Section 21100 and CEQA Guideline 15128, the effects which the Initial Study determined not to be significant are not required to be included in primary analysis sections of the DEIR. Those effects are listed in Section 1.

A Notice of Preparation was circulated from July 11, 2005 to August 9, 2005.

The DEIR for the Project was prepared in accordance with CEQA, the CEQA Guidelines and the County's guidelines for the implementation of CEQA and the CEQA Guidelines. The County has relied on Section 15084(d)(3) of the CEQA Guidelines, which allows acceptance of a DEIR prepared by the applicant, consultants retained by the applicant or any other person.

The County analyzed, reviewed and edited the DEIR and circulated it for public review and comment from September 22, 2006 until November 6, 2006. A notice of availability of the DEIR was published in the local newspapers, posted on the Project site, and was distributed to known interested individuals and organizations. Copies of the DEIR were available at the Department of Regional Planning and in local public libraries during the 45-day review period.

A Supplement to the Final Environmental Impact Report (FEIR) was filed in May 2008 to address the Zone Change application, and to address the requirement for an Updated Mitigation Monitoring Program which includes Global Climate Change Mitigation Measures. The analysis of this Supplement to the FEIR has produced no findings of any additional impacts related to the project. The County also analyzed, reviewed and edited the FEIR. The responses to public agency comments on the DEIR, which are contained in the FEIR, were provided to such public agencies at least 10 days prior to the effective date of this Resolution, which certifies the FEIR. Both the DEIR and FEIR reflect the County's independent judgment.

The County Regional Planning Commission (the "Commission") conducted a public hearing on November 15, 2006 to receive comments on the DEIR and the TTM from all interested parties. The Commission then closed the public hearing and deliberated upon the adequacy of the DEIR and the TTM and, thereafter, directed Staff to prepare the FEIR, Final Conditions of Approval and Final Resolution(s) of Approval. On [*DATE], the Commission, which is the decision-making body of the County with regards to such matters, certified the FEIR, adopted these findings and approved the Project.

SECTION 1 - POTENTIAL ENVIRONMENTAL IMPACTS THAT WERE DETERMINED TO BE LESS THAN SIGNIFICANT DURING THE INITIAL STUDY PROCESS.

Upon completion of the Initial Study process, the determination was made, pursuant to CEQA Guideline 15128, that analyses of Geotechnical Hazards; Flood Hazards; Fire Hazards; Water Quality; Air Quality; Archaeological/Cultural Resources; Mineral Resources; Agricultural Resources; Visual Qualities; Traffic/Access; Utilities; Land Use; and Several General "Other Factors" and Other Environmental Safety Factors were not required in the EIR, since such potential impacts were determined not to be significant

1.1. GEOTECHNICAL HAZARDS.

The Project is not considered a sensitive use (school, hospital or public assembly site) located in close proximity to a geotechnical hazard. The Project will not be located on an expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), and will not create a related substantial risk to life or property.

1.2. FLOOD HAZARDS.

The Project site is not in or subject to high mud/low conditions.

1.3. FIRE HAZARDS.

The Project site is located in Fire Zone 4 (Very High Fire Hazard) due to wildfire hazard, but is not located in close proximity to other potentially dangerous fire hazard conditions/uses (such as refineries, flammables, explosives or manufacturing).

The proposed use does not constitute a potentially dangerous fire hazard.

1.4. WATER QUALITY.

The Project site is located in an area known to have perchlorate water contamination problems. However, the Project is not proposing the use of individual on-site water wells and thus all water used for drinking and irrigation will meet or exceed state water quality standards.

The Project will not require the use of private sewage disposal systems.

1.5. AIR QUALITY.

The Project will not exceed the state's criteria for regional significance (generally 500 dwelling units for residential uses or 40 gross acres, 650,000 SF of floor area or 1,000 employees for non-residential uses).

The Project will not conflict with or obstruct implementation of the applicable air quality plan.

The Project will not violate any air quality standard or contribute substantially to an increased or Project-air quality violation.

1.6. ARCHAEOLOGICAL/CULTURAL RESOURCES.

The Project does not contain any known historic structures or site.

The Project will not cause a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guideline 15064.5.

1.7. MINERAL RESOURCES.

The Project will not result in the loss of availability of a known mineral resource that will be of value to the region and residences of the state.

The Project will not result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan.

1.8. AGRICULTURAL RESOURCES.

The Project will not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.

The Project will not conflict with existing zoning for agricultural use or a Williamson Act contract.

The Project will not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Prime Farmland to non-agricultural use.

1.9. VISUAL QUALITIES.

The Project will not likely create substantial sun shadow, light or glare problems.

1.10. TRAFFIC/ACCESS.

The Project will not result in hazardous traffic conditions.

The Project will not conflict with adopted policies supporting alternative transportation (e.g. bus stops, bicycle racks).

1.11. UTILITIES.

The Project will not create problems with providing utility services, such as electricity, gas or propane.

1.12. OTHER FACTORS (GENERAL).

The Project will not result in an inefficient use of energy resources.

1.13. OTHER FACTORS (ENVIRONMENTAL SAFETY).

There are no residential units, schools or hospitals located within 500 feet that could be potentially affected by on-site hazardous materials.

The Project will not create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment.

The Project will not emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The Project is not located on a site that is included in a list of hazardous materials sites pursuant to Government Code Section 65962.5 and, as a result, will not create a significant hazard to the public or environment.

The Project will not result in safety hazards for people in the Project area related to airports or airstrips, because the Project site is not located within an airport land use plan, within two miles of a public or public use airport or within the vicinity of a private airstrip.

The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

1.14. LAND USE.

The Project will not physically divide an established community.

SECTION 2 - POTENTIAL ENVIRONMENTAL IMPACTS THAT ARE NOT SIGNIFICANT (NO MITIGATION REQUIRED).

2.1. GEOLOGY, SOILS AND SEISMICITY - SURFACE FAULT RUPTURE.

Please refer to DEIR page 5.1-14 for an analysis of Project impacts related to Geology, Soils and Seismicity - Surface Fault Rupture.

Potential Effects and Rationale Supporting Finding:

No known active or potentially active faults exist within, or project onto, the proposed Project site. As such, there will be no potential for surface fault rupture of an active or potentially active fault. No impact is anticipated in this regard.

Finding:

Based upon the DEIR, the FEIR and the entire record of proceedings, the County finds that any impact to people or structures due to surface fault rupture, as a result of the Project, will be less than significant. Consequently, no mitigation measures are required for this less-than-significant impact.

2.2. GEOLOGY, SOILS AND SEISMICITY - SEISMIC GROUNDSHAKING.

Please refer to DEIR page 5.1-14 for an analysis of Project impacts related to Geology, Soils and Seismicity – Seismic Groundshaking.

Potential Effects and Rationale Supporting Finding:

The proposed Project site may experience groundshaking as a result of an earthquake along any of the active or potentially active faults in the region, as is the case in all of Southern California. As a result, the proposed structures are required to be designed, engineered and constructed to meet all applicable local and state seismic safety requirements, including those of the Uniform

Building Code. Given compliance with applicable seismic safety requirements, impacts on the proposed development from seismic groundshaking will be less than significant.

Finding:

Based upon the DEIR, the FEIR and the entire record of proceedings, the County finds that any impact to people or structures due to seismic groundshaking, as a result of the Project, will be less than significant. Consequently, no mitigation measures are required for this less-than-significant impact.

2.3. HAZARDS -- LISTED HAZARDOUS MATERIAL SITES.

Please refer to DEIR pages 5.3-33 through 5.3-34 for an analysis of Project impacts related to Hazards – Listed Hazardous Material Sites.

Potential Effects and Rationale Supporting Finding:

The Phase I Environmental Site Assessment (“**ESA**”) prepared for the proposed Project reviewed a database of government-regulated properties having known and/or recognized environmental conditions that have potential environmental concerns on or in the vicinity of the Project site. Only one listed site is located within the Project boundaries, which was determined not to pose a health risk. No impacts are expected relative to listed hazardous materials sites within the Project boundaries. Moreover, the DEIR concluded that there is only a low probability that listed off-site properties in the search vicinity have impacted or are currently impacting the Project site.

Finding:

For the foregoing reasons it is found that implementation of the Project will result in less-than-significant impacts to Hazards – Listed Hazardous Material Sites.

2.4. HAZARDS -- EMERGENCY RESPONSE/EVACUATION PLANS.

Please refer to DEIR pages 5.3-35 to 5.3-36 for an analysis of Project impacts related to Hazards – Emergency Response/Evacuation Plans.

Potential Effects and Rationale Supporting Finding:

The proposed circulation plan for the Project includes two major access points located off of The Old Road. These proposed on-site roadways will provide evacuation routes for the site to The Old Road, Calgrove Boulevard and Interstate 5. Given these evacuation routes, it is not anticipated that the design of the Project will preclude implementation of an evacuation plan, which will provide for the safe movement of future residents. Consequently, no significant impacts are expected to occur with regard to emergency evacuation of the Project site or its surroundings.

Finding:

For the foregoing reasons it is found that implementation of the Project will result in less-than-significant impacts related to Hazards – Emergency Response/Evacuation Plans.

2.5. NOISE-STATIONARY NOISE IMPACTS.

Please refer to DEIR page 5.4-20 for an analysis of Project impacts related to stationary noise impacts.

Potential Effects and Rationale Supporting Finding:

The residential development proposed by the Project will likely include stationary noise sources associated with everyday residential activities. However, existing background noise levels associated with vehicle travel along local roadways and the I-5 freeway are anticipated to be much higher than typical household sources of stationary noise. Therefore, stationary noise impacts are considered less than significant.

Finding:

For the foregoing reasons, the Project will have a less-than-significant stationary noise impact.

2.6. AIR QUALITY – OPERATIONS.

Please refer to DEIR pages 5.5-20 through 5.5-23 and for an analysis of the Project’s operational air quality impacts.

Potential Effects and Rationale Supporting Finding:

The Project-related increase in CO concentrations at all eight intersections will be 0.2 ppm or less for a one-hour period and 0.1 ppm or less for the eight-hour period. Since no Federal or State standards will be exceeded, no CO “hot spot” will occur. Therefore, no air pollution control measures are necessary or recommended for operational air quality impacts.

Finding:

For the foregoing reasons, the Project will have a less-than-significant operational air quality impact.

2.7. CULTURAL RESOURCES – HISTORIC RESOURCES.

Please refer to DEIR pages 5.7-14 through 5.7-15 for an analysis of the Project’s impacts related to historic resources.

Potential Effects and Rationale Supporting Finding:

No archaeological sites or potentially significant resources were identified within the Project site as a result of the field survey.

Finding:

For the foregoing reason, the Project will have a less-than-significant impact upon the site's historic resources.

2.8. MINERAL RESOURCES -- LOSS OF MINERAL RESOURCES AND MINERAL RESOURCE RECOVERY SITES.

Please refer to DEIR pages 5.8-1 through 5.8-3 for an analysis of the Project's impacts related to loss of mineral resources and mineral resource recovery sites.

Potential Effects and Rationale Supporting Finding:

The Project site is not located in a designated Mineral Resource Zone or other known or potential mineral resource area. Development associated with the proposed Project will not result in permanent loss of -- or loss of access to -- any mineral resource that is located within a designated Mineral Resource Zone or other known or potential mineral resource area.

Finding:

For the foregoing reasons, the Project will have a less-than-significant impact with regards to the loss of mineral resources and mineral resource recovery sites.

2.9. TRAFFIC – CONGESTION MANAGEMENT PROGRAM.

Please refer to DEIR pages 5.10-33 through 5.10-34 for an analysis of the Project's traffic impacts related to the County's Congestion Management Program ("**CMP**").

Potential Effects and Rationale Supporting Finding:

The County's CMP requires that the Project address certain subject areas with regards to traffic impacts. However, that analysis is not required given the data collected from the County's CMP monitoring locations near the Project site. Moreover, the mainline freeway analysis that was prepared for the Project in accordance with the County's CMP indicated that the proposed Project will not have a significant impact to the I-5 Freeway mainline.

Finding:

For the foregoing reasons, the Project will have a less-than-significant impact with regards to the County's CMP.

2.10. TRAFFIC – PUBLIC TRANSIT.

Please refer to DEIR pages 5.10-34 through 5.10-35 for an analysis of the Project's traffic impacts related to public transit.

Potential Effects and Rationale Supporting Finding:

CMP guidelines indicate that no transit trips would ordinarily be generated by the proposed Project on existing transit routes. However, a fixed route bus line is anticipated to be added.

Nevertheless, the transit trips expected to be generated by the proposed Project will not be significant and do not require mitigation.

Finding:

For the foregoing reasons, the Project will have a less-than-significant impact on public transit.

2.11. WATER AND WASTE WATER – DISTRIBUTION.

Please refer to DEIR pages 5.11-18 through 5.11-19 for an analysis of the Project’s impacts to water distribution.

Potential Effects and Rationale Supporting Finding:

Although the Project will utilize water distribution facilities to serve proposed uses, the on-site water system has been designed to meet the pressure and flow performance criteria of each of the potential water purveyors. Moreover, the Project’s water system will meet all the design requirements of each respective purveyor, thereby precluding the possibility of adverse impacts on existing off-site water distribution facilities.

Finding:

For the foregoing reasons, the Project will have a less-than-significant impact on water distribution.

2.12. WATER AND WASTE WATER – WATER DEMANDS.

Please refer to DEIR page 5.11-20 for an analysis of the Project’s impacts to water demand.

Potential Effects and Rationale Supporting Finding:

Based on projected maximum day and peak-hour water demands for the Project, and upon other water supply analysis used or referred to in the DEIR, adequate water supplies will be available to serve the Project during normal years, single dry years, and multiple dry years.

Finding:

For the foregoing reasons, the Project will have a less-than-significant impact on water demands.

2.13. SHERIFF SERVICES – OPERATIONAL IMPACTS-COUNTY EMERGENCY/EVACUATION PLANS AND INCREASED DEMAND FOR CALIFORNIA HIGHWAY PATROL.

Please refer to DEIR pages 5.14-6 through 5.14-7 for an analysis of the Project’s operational impacts related to County emergency response/evacuation plans and increased demand for California Highway Patrol (“**CHP**”) services.

Potential Effects and Rationale Supporting Finding:

The Project's simple circulation system provides alternative evacuation routes for the site. Given these alternative evacuation routes, it is not anticipated that the Project will preclude implementation of an evacuation plan, which will provide for the safe movement of future residents.

Moreover, while at build-out the Project may create an increased demand for CHP services in the area, the DEIR determined that such impacts will remain less than significant.

Finding:

For the foregoing reasons, the Project will have a less-than-significant operational impact related to County emergency response/evacuation plans and to increased demand for CHP services.

2.14. ELECTRICITY – PROJECT-SPECIFIC.

Please refer to DEIR pages 5.16-2 through 5.16-4 for an analysis of Project-specific impacts to electricity.

Potential Effects and Rationale Supporting Finding:

Implementation of the Project will incrementally increase demands on electricity supplies and distribution infrastructure and will potentially have a cumulative impact on the same. Project-related electricity demand will only represent a 0.00095% increase of Southern California Edison's ("**SCE**") annual power deliveries. Although the Project and related projects will create additional demands on electricity supplies and distribution infrastructure, these demands are well within the service capabilities of SCE.

Finding:

For the foregoing reasons, the Project will have a less-than-significant Project-specific impact on electricity.

2.15. NATURAL GAS – PROJECT-SPECIFIC.

Please refer to DEIR pages 5.17-3 through 5.17-5 for an analysis of Project-specific impacts on natural gas.

Potential Effects and Rationale Supporting Finding:

Project-related natural gas demand is only projected to represent 0.0014 percent of Southern California Gas Company's ("**SCGC**") annual deliveries. Existing pipelines are adequate to serve the Project's natural gas demands. All on-site natural gas distribution pipelines will be installed to serve proposed uses, at the expense of the applicant. No other improvements related to natural gas are necessary. Although the proposed Project will create additional demands on natural gas supplies and distribution infrastructure, these demands are well within the service capabilities of SCGC.

Finding: For the foregoing reasons, the Project will have a less-than-significant Project-specific impact on natural gas.

2.16. PARKS AND RECREATION - IMPACTS TO REGIONAL PARKS, STATE AND FEDERAL RECREATION AND FORESTS AND LOCAL TRAILS.

Please refer to DEIR pages 5.19-11 through 5.19-12 for an analysis of the Project's impacts upon regional parks, state parks and federal recreation areas and forests, and local trails.

Potential Effects and Rationale Supporting Finding:

The Project proposes a total of 8.25 acres of active and passive park space within 129.5 acres of dedicated open space. It is not expected that the Project residents will, in any appreciable manner, need to use regional parks that are located off-site. It is anticipated that new residents of the Project will use the state and federal recreation areas and forests. In fact, the Lyons Canyon Ranch plan will provide trail linkages to the Santa Monica Mountains Conservancy property located south of the Project site. As such, increased usage will be considered a potentially adverse impact. However, the state and National Forest facilities charge user fees for water sports and overnight camping at the reservoirs and camping areas. Additionally, state and federal taxes, which will be paid by residents and businesses located within the Project site, will be available for maintenance of these facilities.

Finding:

For the foregoing reasons, the Project will have less-than-significant impacts upon regional parks, state parks and federal recreation areas and forests, and local trails.

SECTION 3 - POTENTIAL ENVIRONMENTAL IMPACTS THAT HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE.

3.1. GEOLOGY, SOILS AND SEISMICITY - GROUND FAILURE.

Please refer to DEIR pages 5.1-15 through 5.1-16 for an analysis of potential Project impacts related to ground failure.

Potential Effect and Rationale for Finding:

Development associated with the Project could expose people or structures to potential substantial adverse effects from ground failure. These potentially substantial adverse effects are related to the geologic conditions of the Project site, which are potentially subject to soil settlement and collapse, ground lurching, liquefaction, and lateral spreading.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to ground failure to less-than-significant levels because they will help prevent soil settlement and collapse, ground lurching, liquefaction and lateral spreading.

3.1.1. GEO1. All on-site soils that are prone to settlement and collapse in areas proposed for development of structures shall be removed and replaced with engineered fill.

3.1.2. GEO2. If identified during on-site grading by a registered Geotechnical Engineer and/or Geologist, Holocene-age alluvium shall be removed and replaced with engineered fill in areas proposed for development where alluvium directly overlies bedrock, to preclude the possibility of ground lurching.

3.1.3. GEO3. All liquefaction-prone soils identified during on-site grading by a registered Geotechnical Engineer and/or Geologist shall be removed from areas proposed for development and replaced with engineered fill.

Finding:

With regards to impacts related to ground failure, for the foregoing reasons, the Commission adopts Finding 1.

3.2. GEOLOGY, SOILS AND SEISMICITY - LANDSLIDES AND SLOPE STABILITY.

Please refer to DEIR pages 5.1-16 through 5.1-18 for an analysis of potential Project impacts related to landslides and slope stability.

Potential Effects and Rationale for Finding:

Development associated with the Project could expose people or structures to potential substantial adverse effects from landslides or other slope failures. Although the probability of such adverse effects actually occurring is low, it is possible the Project site could experience seismically-induced landslide and rock fall and/or deep landslides and slope failures.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to landslides and slope stability to less-than-significant levels by providing necessary and appropriate set-backs and surface drainage.

3.2.1. GEO4. Setbacks from over-steepened slopes or grading of slopes to a shallower angle, as recommended in the Project's Geotechnical Report, shall be required to minimize rock fall hazards to development along the northern boundary of the Project site.

3.2.2. GEO5. Adequate structural setbacks for homes and commercial sites shall be required, and surface drainage shall be directed away from the toe of the affected steep slopes, in order to prevent landslides or other slope failures in on-site areas susceptible to block- and/or toppling-type failures.

Finding:

With regards to impacts related to landslides and slope stability, for the foregoing reasons, the Commission adopts Finding 1.

3.3. GEOLOGY, SOILS, AND SEISMICITY – SOIL EROSION.

Please refer to DEIR pages 5.1-18 through 5.1-19 for an analysis of potential Project impacts related to soil erosion.

Potential Effects and Rationale for Finding:

Development associated with the Project could result in substantial wind or water soil erosion or the loss of topsoil, either on- or off-site. If it were to occur, this erosion would likely be caused by grading, loss of vegetative cover, construction of cut slopes, run-off from construction of impermeable surfaces and channelization of surface run-off collected from such surfaces and natural drainages.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to soil erosion to less-than-significant levels by providing necessary and appropriate protective cover and surface drainage controls.

3.3.1. GEO6. As soon as grading is completed for each lot, establish a protective vegetative cover in all disturbed areas via planting and/or seeding, then place a temporary protective cover, such as jute netting, mulch, hay or other non-erodible form of ground cover, until a vegetative cover is established.

3.3.2. GEO7. Divert surface drainage from cut-and-fill slopes via brow ditches; collect surface drainage in ditches with relatively shallow gradients; and provide a means to inhibit sediment runoff into natural drainages until a protective vegetative cover effectively mitigates further soil erosion. Place energy-dissipating devices in drainages subject to increased runoff.

3.3.3. GEO8. When grading, attempt to minimize the area of disturbance. A construction staging plan shall accompany the final grading plan and shall clearly delineate the limits of grading and identify any construction staging areas that are located outside of the proposed grading boundary.

Finding:

With regards to impacts related to soil erosion, for the foregoing reasons, the Commission adopts Finding 1.

3.4. GEOLOGY, SOILS AND SEISMICITY – EXPANSIVE SOILS.

Please refer to DEIR pages 5.1-19 through 5.1-20 for an analysis of potential Project impacts related to expansive soils.

Potential Effects and Rationale for Finding:

On-site expansive soils could pose a risk to people and structures associated with the development of the Project.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to expansive soils to less-than-significant levels by using specific foundation designs.

3.4.1. GEO9. Incorporate recommended foundation designs, where applicable, to preclude any adverse effects on proposed structures in areas characterized by expansive soils, including but not limited to, post-tensioned slabs, mat-slabs, or other foundation systems for residential structures.

Finding:

With regards to impacts related to expansive soils, for the foregoing reasons, the Commission adopts Finding 1.

3.5. GEOLOGY, SOILS AND SEISMICITY – PALEONTOLOGICAL RESOURCES.

Please refer to DEIR page 5.1-21 for an analysis of potential Project impacts related to paleontological resources.

Potential Effects and Rationale for Finding:

The Project will move approximately 3.8 million cubic yards of earth, which will be balanced on-site, including cutting and filling of hillside areas and canyon bottoms. Loss of on-site fossil beds, consisting of marine vertebrate and macroinvertebrate fossils will destroy portions of the fossil record. The scientific value of these fossil beds could be lost.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to paleontological resources to less-than-significant levels by protecting and preserving fossil beds, should any be found on-site.

3.5.1. GEO10. Fossil beds impacted by the Project should be excavated by a qualified paleontologist to gather and record which species of vertebrate and macroinvertebrate fauna existed on-site during the Pliocene. The fossil record should be preserved in an appropriate museum, such as the Natural History Museum of Los Angeles County, and the results published for the benefit of the scientific community and general public. (Same as mitigation measure CR6).

Finding:

With regards to impacts related to paleontological resources, for the foregoing reasons, the Commission adopts Finding 1.

3.6. HYDROLOGY AND WATER QUALITY - DRAINAGE.

Please refer to DEIR pages 5.2-17 through 5.2-22 for an analysis of potential Project impacts related to drainage.

Potential Effects and Rationale for Finding:

Development associated with the Project will alter the drainage pattern of the Project site which could result in increased run-off and potential flooding.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to drainage to less-than-significant levels by installing and constructing appropriate and necessary debris and detention basins, culverts, drains, channels and outlets.

3.6.1. HWQ1. Debris/detention basins are planned on the westerly side of the intersection of “A” Street and “F” Street and the northerly side of the intersection of “A” Street and “D” Street. In addition to the debris basins, additional detention basins will be placed in series above each debris basin to prevent the debris basins from becoming jurisdictional dams under the California Division of Safety of Dams. The result of these basins will not only retain the debris that would usually accumulate at the existing double 8-foot by 8-foot box culvert, but they will significantly retard storm water runoff from the Project area.

In addition to these drainage improvements the following items will also be required:

3.6.1.1. The development area adjacent to the double 8-foot by 8-foot culvert shall be raised to reduce the flooding potential. The final elevation shall be determined by the Federal Emergency Management Agency (“**FEMA**”) during its review of a Conditional Letter of Map Revision request.

3.6.1.2. In addition, the County shall require the developers to obtain a drainage acceptance letter from the property owner immediately downstream of the double 8-foot by 8-foot culvert (mobile home park) prior to issuance of grading permits.

3.6.1.3. The proposed debris/detention basin shall be cleared/maintained as necessary by the County Department of Public Works Flood Control Division, as appropriate.

3.6.2. HWQ2. Storm drains, culverts, channels and outlets shall be designed per County and FEMA design standards.

3.6.3. HWQ3. Erosion protection (or energy dissipating structures) shall be placed at outlets to natural drainage channels in order to minimize the potential for erosion, subject to approval by the County Department of Public Works Flood Control Division, as appropriate.

Finding:

With regards to impacts related to drainage, for the foregoing reasons, the Commission adopts Finding 1.

3.7. HYDROLOGY AND WATER QUALITY – HYDROLOGY/STORMWATER FLOW RATES.

Please refer to DEIR pages 5.2-23 through 5.2-26 for an analysis of potential Project impacts related to stormwater flow rates.

Potential Effects and Rationale for Finding:

The development associated with the Project could increase storm water flow rates, which could lead to sedimentation and other impacts to surrounding watersheds.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to stormwater flow rates to less-than-significant levels by installing and constructing appropriate and necessary debris and detention basins, culverts, drains, channels and outlets.

3.7.1. Mitigation Measures: See mitigation measures **HWQ1** through **HWQ3**, listed above and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to impacts related to stormwater flow rates, for the foregoing reasons, the Commission adopts Finding 1.

3.8. HYDROLOGY AND WATER QUALITY - FLOODPLAINS.

Please refer to DEIR page 5.2-27 for an analysis of potential Project impacts related to floodplains.

Potential Effects and Rationale for Finding:

The development associated with the Project could place structures in a designated flood hazard zone.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to floodplains to less-than-significant levels by insuring compliance with FEMA and by installing and constructing appropriate and necessary debris and detention basins.

3.8.1. HWQ4. Any construction in the FEMA Zone A shall require a Conditional Letter of Map Revision prior to issuance of grading permits. A Letter of Map Revision shall be required prior to building occupancy.

3.8.2. Other Mitigation Measures: See also, mitigation measure **HWQ1**, listed above and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to impacts related to floodplains, for the foregoing reasons, the Commission adopts Finding 1.

3.9. HYDROLOGY AND WATER QUALITY – WATER QUALITY.

Please refer to DEIR pages 5.2-28 through 5.2-32 for an analysis of potential Project impacts related to water quality.

Potential Effects and Rationale for Finding:

Development associated with the Project will increase pollutant loads in the local storm drain system and receiving water bodies.

Required Mitigation Measures:

The following required mitigation measures will reduce Project impacts related to water quality to less-than-significant levels by insuring compliance with the State Water Resources Control Board, implementing the County’s Best Management Practices, providing necessary education programs and by implementing and including several other programs and facilities.

3.9.1. HWQ5. Project developers shall prepare and submit a Notice of Intent to comply with the Construction General Permit to the State Water Resources Control Board.

3.9.2. HWQ6. Project developers shall prepare a Stormwater Pollution Prevention Plan (“**SWPPP**”) per requirements of the Construction-General National Pollution Discharge Elimination System (“**NPDES**”) Permit.

3.9.3. HWQ7. Project developers shall comply with post-construction Best Management Practice (“**BMP**”) requirements as detailed in the County Standard Urban Stormwater Mitigation Plan (“**SUSMP**”).

3.9.4. HWQ8. Project developers shall construct and maintain all structural stormwater filtration devices as shown on Figure 5.2-5 of the DEIR. The final location of the proposed

structural stormwater filtration systems shall be determined by the County Department of Public Works prior to issuance of building permits.

3.9.5. HWQ9. In order to limit the amount of coliform leaving the site in stormwater runoff, Project developers shall implement public education programs for residents concerning the clean-up of pet waste. Also, pet waste disposal bags and containers shall be provided around parks and other areas of high pet traffic.

3.9.6. HWQ10. The County Department of Public Works shall be responsible for the operation and maintenance of any debris/detention basins on the site, which include:

- Dispersion of alluvial sediment deposition at inlet structures, thus limiting the extended localized ponding of water.
- Periodic sediment removal to ensure adequate storage and treatment volume.
- Monitoring of the basin to ensure it is completely and properly drained.
- Outlet rise cleaning.
- Vegetation management to prevent marsh vegetation from taking hold, and to limit the growth of habitat for disease-carrying fauna.
- Removal of graffiti, litter, vegetative and other debris.
- Preventative maintenance on monitoring equipment.
- Vegetative stabilization of eroding banks.

3.9.7. HWQ11. The County Department of Public Works shall be responsible for the operation and maintenance of any stormwater filters on the site, to include:

- Providing adequate access for inspection and maintenance.
- Removal of accumulated trash, paper and debris.
- Corrective maintenance, including removal and replacement of top layers of media.
- Complete replacement of filter media every 3 to 5 years.
- Periodic removal of vegetative growth.

3.9.8. HWQ12. The County Department of Public Works shall be responsible for the operation and maintenance of any stormwater clarifiers on the site, which include:

- Inspection prior to the beginning of the storm season.
- Regular inspection following storm events.

- Removal of accumulated sediment, trash and debris.

3.9.9. HWQ13. Pesticide applications shall be managed through educational and other source control efforts, including the installation of efficient landscape irrigation systems in common areas and the development of guidance on applying these types of chemicals for contractors maintaining landscape areas. Examples of material which may be used for education may include educational pamphlets currently available through the County and/or other sources (i.e., <http://www.americanococeans.org/runoff/epa-bro.htm>). Because of the concerns regarding indicators of human pathogens, education programs shall emphasize animal waste management, such as the importance of cleaning up after pets and not feeding wild animals, such as pigeons, seagulls, ducks and geese. The applicant shall create and distribute these pamphlets to landscape contractors prior to on-site planting.

3.9.10. HWQ14. The applicant shall prepare an herbicide/pesticide program to be utilized by landscaping contractors on commonly-owned landscaped areas. This program shall include requirements to minimize the use of herbicides and pesticides in these landscaped areas and shall be prepared and in place prior to on-site planting.

Finding:

With regards to impacts related to water quality, for the foregoing reasons, the Commission adopts Finding 1.

3.10. HAZARDS - HAZARDOUS MATERIALS.

Please refer to DEIR page 5.3-26 for an analysis of potential Project impacts related to hazardous materials.

Potential Effects and Rationale for Finding:

Construction of the Project has the potential to expose people to sources of potential health hazards, as a result of past and future on-site activities. These hazards are identified as Recognized Environmental Conditions (“**RECs**”) in the Phase 1 ESA and in the DEIR. Hazardous materials will, for the most part, be addressed prior to and during construction, since the Project – as a residential development – does not contemplate routine transportation, use or disposal of hazardous materials.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to hazardous materials to less-than-significant levels by removing such materials, if encountered.

3.10.1. HAZ1. If unknown wastes or suspect materials are discovered during construction by the contractor, which he/she believes may involve hazardous waste/materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;

- Notify the Project engineer of the implementing agency;
- Secure the areas directed by the Project engineer; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator.

Finding:

With regards to impacts related to hazardous materials, for the foregoing reasons, the Commission adopts Finding 1.

3.11. HAZARDS - ABANDONED OIL WELLS.

Please refer to DEIR pages 5.3-27 through 5.3-28 for an analysis of potential Project impacts related to abandoned oil wells.

Potential Effects and Rationale for Finding:

Implementation of the Project has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving explosion or the release of hazardous materials into the environment resulting from existing on-site abandoned oil wells.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to on-site abandoned oil wells to less-than-significant levels by implementing and following California Department of Oil, Gas, and Geothermal Resources ("**DOGGR**") standards.

3.11.1. HAZ2. If deemed appropriate by the Project's geotechnical engineer, the on-site abandoned oil well shall be re-abandoned per current California DOGGR standards prior to issuance of any grading permit.

Finding:

With regards to impacts related to abandoned oil wells, for the foregoing reasons, the Commission adopts Finding 1.

3.12. HAZARDS - DEBRIS PILES.

Please refer to DEIR page 5.3-28 for an analysis of potential Project impacts related to debris piles.

Potential Effects and Rationale for Finding:

Construction and operation of the Project has the potential to expose people to existing sources of potential health hazards resulting from the potential presence of hazardous materials associated with various on-site debris piles. During a 2004 site visit, no evidence was discovered that would indicate the presence of hazardous materials associated with on-site debris. The

mitigation measures discussed below shall be implemented to ensure all debris is properly removed and disposed of at an appropriate facility, and that all potentially impacted soils are sampled and remediated as deemed necessary by affected regulatory agencies.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to on-site debris piles to less-than-significant levels by removing and appropriately disposing of such debris.

3.12.1. HAZ3. All miscellaneous debris shall be removed off-site and properly disposed of at an approved landfill facility prior to issuance of building permits. Once removed, a visual inspection shall be completed by a representative from the County Department of Public Works, of the areas beneath the removed materials. Any stained soils observed underneath the removed materials shall be sampled. Based on the results of the sampling, the applicant's consultant and a representative from the County Department of Public Works shall determine the level of remediation efforts that may be required (if any).

Finding:

With regards to impacts related to on-site debris piles, for the foregoing reasons, the Commission adopts Finding 1.

3.13. HAZARDS - ABOVE-GROUND STORAGE TANKS.

Please refer to DEIR page 5.3-29 for an analysis of potential Project impacts related to above-ground storage tanks.

Potential Effects and Rationale for Finding:

Construction and operation of the Project has the potential to expose people to existing sources of potential health hazards resulting from the potential presence of hazardous materials associated with above-ground storage tanks. There is only one known abandoned aboveground storage tank ("**AST**") located on-site. There is no indication of hazardous materials associated with the on-site AST, however there is a potential for the presence of such materials within and near that tank. As recommended in the Phase I ESA, and included as mitigation below, this tank will be removed prior to construction activities, and visual inspections and sampling (if warranted) will be conducted to determine the need for further remedial action.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to the on-site AST to less than significant levels by removing and properly disposing of that tank.

3.13.1. HAZ4. One 500-gallon abandoned AST was observed atop a hill within the central portion of the Project site. The tank shall be removed and properly disposed of at an appropriate landfill facility prior to issuance of building permits. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination

migration into the subsurface). If observed, stained soils shall be tested to identify appropriate remedial activities (if necessary).

Finding:

With regards to impacts related to an on-site AST, for the foregoing reasons, the Commission adopts Finding 1.

3.14. HAZARDS - POWER LINES/TRANSFORMERS.

Please refer to DEIR pages 5.3-29 through 5.3-30 for an analysis of potential Project impacts related to power lines/transformers.

Potential Effects and Rationale for Finding:

Construction and operation of the Project has the potential to expose people to existing sources of potential health hazards resulting from the potential presence of polychlorinated biphenyls (PCBs) associated with on-site transformers. Power lines and transformers are located on-site, and one fallen power line, with associated transformer box, was discovered in the central portion of the Project site. The power line/transformer and underlying concrete slab will be removed and properly disposed of, and surrounding soils will be sampled for PCBs prior to construction activities, as recommended in the Phase I ESA. If necessary, nearby soils will be removed or otherwise remediated to the satisfaction of affected regulatory agencies.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to on-site power lines or transformers to less-than-significant levels by removing and properly disposing of such power lines and transformers.

3.14.1. HAZ5. The fallen power line and transformer shall be removed off-site and properly disposed of at an approved landfill facility prior to issuance of building permits. Additionally, other transformers on-site shall be removed/relocated during site construction/demolition. This removal/relocation shall be conducted under the purview of the local utility to identify proper handling procedures regarding potential PCBs. The concrete on which the power line and transformer fell shall be removed and properly disposed of at an approved landfill facility. Any stained soils observed underneath the concrete shall be sampled. Results of the sampling (if necessary) will indicate the level of remediation efforts that may be required.

Finding:

With regards to impacts related to power lines/transformers, for the foregoing reasons, the Commission adopts Finding 1.

3.15. HAZARDS - CONCRETE STORAGE STRUCTURE.

Please refer to DEIR pages 5.3-30 through 5.3-31 for an analysis of potential Project impacts related to an on-site concrete storage structure.

Potential Effects and Rationale for Finding:

There is a concrete storage structure located on-site which contains various debris and equipment, which have not yet been characterized, and which could contain materials that are considered hazardous. The contents of the structure will be removed and properly disposed of, and the interior surfaces will be inspected for evidence of hazardous materials. If necessary, the concrete structure itself may be removed and properly disposed and, if also necessary, sampling and remediation will be conducted to the extent necessary to reduce the associated health risks from hazardous materials to an acceptable level.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to an on-site concrete storage structure to less-than-significant levels by removing and properly disposing of the contents of that structure.

3.15.1. HAZ6. The contents of the concrete structure shall be removed off-site and properly disposed of at an approved landfill location prior to the issuance of building permits. Once removed, a visual inspection of the area beneath the removed materials shall be performed. Any stained concrete or soil (depending on material) observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) will indicate the level of remediation efforts that may be required. If concrete is present and staining is noted, the concrete shall be removed and disposed of at an appropriate permitted facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils shall be tested to identify appropriate remedial activities (if necessary).

Finding:

With regards to impacts related to an on-site concrete storage structure, for the foregoing reasons, the Commission adopts Finding 1.

3.16. HAZARDS – UNDOCUMENTED PIPES.

Please refer to DEIR pages 5.3-31 through 5.3-32 for an analysis of potential Project impacts related to undocumented pipes.

Potential Effects and Rationale for Finding:

Undocumented pipes at the Project site may have been used for agricultural irrigation purposes, but also may indicate the presence of an underground storage tank (“**UST**”). If part of an irrigation system, the pipes are not expected to pose any hazardous materials risks and will be removed from the site and disposed of at an appropriate facility. If associated with an

unrecorded or otherwise unknown UST, the removal of the pipes and UST may involve hazardous materials, depending on the contents of the UST. Although the Phase I ESA government records search and on-site investigations concluded that no USTs are currently located within the Project site, if a UST is discovered during subsequent investigations and/or site grading, the recommendations contained in the Phase I ESA will be implemented as appropriate.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to undocumented pipes or a possible on-site UST to less-than-significant levels by investigating such pipes and removing and properly disposing of the UST, if any.

3.16.1. HAZ7. The terminus of all undocumented pipes shall be defined. The primary concern with pipes that extend into the ground surface is the potential for the pipe(s) to act as a ventilation apparatus for an undocumented UST. Should a UST be present, the UST shall be removed and properly disposed of at an approved landfill facility prior to issuance of building permits. Once removed, a visual inspection of the areas beneath and around the removed UST shall be performed. Any stained soils observed underneath the UST shall be sampled. Results of the sampling (if necessary) will indicate the level of remediation efforts that may be required.

Finding:

With regards to impacts related to undocumented pipes, for the foregoing reasons, the Commission adopts Finding 1.

3.17. HAZARDS – WATER WELL.

Please refer to DEIR page 5.3-32 for an analysis of potential Project impacts related to an on-site water well.

Potential Effects and Rationale for Finding:

The water well observed on the Project site is not expected to pose a health risk relative to hazardous materials. It was likely used for irrigation purposes associated with former agricultural operations, and therefore it would have a low potential to have resulted in the presence of substantial hazardous materials concentrations. Nonetheless, as recommended in the Phase I ESA, the well and associated structures and any equipment will be removed and disposed of properly, a visual inspection of the areas beneath the removed materials (if present) will be performed, and soil sampling around the well will be performed, as determined appropriate by a qualified Phase II professional. With implementation of the Phase I ESA recommendations, included as mitigation measures, the water well will pose no hazardous materials risk to residents and workers at the Project site.

Required Mitigation Measures:

The following required mitigation measure will reduce Project impacts related to the on-site water well to less than significant levels by removing and properly abandoning such well.

3.17.1. HAZ8. The on-site water well shall be properly removed and abandoned prior to issuance of a building permit pursuant to the latest procedures required by the County Department of Health Services with closure responsibilities for the wells. Any associated equipment (i.e., piping) shall be removed off-site and properly disposed of at a permitted landfill. A visual inspection of the areas beneath the removed materials (if present) shall be performed. Soil sampling around the well shall be performed, as determined appropriate by a qualified Phase II professional.

Finding:

With regards to impacts related to on-site water well, for the foregoing reasons, the Commission adopts Finding 1.

3.18. HAZARDS – PESTICIDES.

Please refer to DEIR pages 5.3-32 through 5.3-33 for an analysis of potential impacts related to past use of pesticides on the Project site.

Potential Effects and Rationale for Finding:

Implementation of the Project could have the potential to expose people to existing sources of potential health hazards resulting from the potential presence of pesticide residues from past agricultural operations at the site.

Required Mitigation Measures:

The following required mitigation measure will reduce impacts related to possible past use of pesticides on the Project site to less-than-significant levels by performing the proper investigations and, if necessary, remediation.

3.18.1. HAZ9. The Project site was utilized for agricultural purposes in the past and may contain pesticide residues in the soil. Soil sampling shall occur throughout the Project site, especially in areas of past development (as identified within the historical aerial photographs) prior to issuance of building permits. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify proper handling procedures that may be required.

Finding:

With regards to impacts related to pesticides, for the foregoing reasons, the Commission adopts Finding 1.

3.19. HAZARDS – OFF-SITE PETROLEUM PIPELINE.

Please refer to DEIR pages 5.3-32 through 5.3-33 for an analysis of potential impacts related to an off-site petroleum pipeline.

Potential Effects and Rationale for Finding:

Construction and operation of the Project has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving explosion or the release of hazardous materials into the environment associated with an off-site petroleum pipeline.

Required Mitigation Measures:

The following required mitigation measures will reduce impacts related to an off-site petroleum pipeline to less-than-significant levels by avoiding any disturbance to the same.

3.19.1. HAZ10. Pipeline operators shall be notified in advance of any grading activity in the vicinity of the off-site oil pipeline. Any specific requirements of the operator to avoid disturbance that could create a safety hazard shall be fully implemented. Possible methods to protect underground utilities include dielectric coating, cathodic protection, mortar coating or encasement in cement slurry or concrete.

3.19.2. HAZ11. Prior to grading in the vicinity of the off-site oil pipeline, the location of the pipeline shall be marked. Underground Service Alert shall be notified 48 hours in advance of grading and shall clear the pipeline location prior to grading activity.

Finding:

With regards to impacts related to an off-site petroleum pipeline, for the foregoing reasons, the Commission adopts Finding 1.

3.20. NOISE – LONG TERM TRAFFIC NOISE IMPACTS.

Please refer to DEIR pages 5.4-13 through 5.4-19 for an analysis of long term traffic noise impacts.

Potential Effects and Rationale for Finding:

Development associated with the Project could result in a permanent increase in traffic-related noise in the Project area. Specifically, residential units planned on the exterior portions of the Project fronting The Old Road, and near the I-5, could be exposed to high noise levels. With regards to off-site uses, Project-related traffic noise increase along roadway segments in the Project vicinity will be mostly small and negligible. With regards to on-site uses, the fire station will act as a partial barrier to noise. Moreover, noise barriers will be required along the property lines or along the perimeter of outdoor active use areas of the residential lots (including the fire station) that are along, and directly exposed to, traffic noise from The Old Road and I-5. If no outdoor active use areas are proposed along the eastern edge of these frontline dwelling units or the fire station, no sound walls will be required along the eastern property boundary to attenuate traffic noise. Balconies or decks proposed on the second story of these units are prohibited on the eastern side of single-family dwelling units within Lots 79-90, the fire station, and the attached senior housing units, because they will be directly exposed to The Old Road and I-5 traffic noise. Balconies or decks on Lots 79-90 and the senior housing units are allowed on the side of the building facing away from the street, and on any lots outside of the 65 dBA CNEL impact zone.

With regards to interior noise, facade enhancements, such as double-paned windows with sound transmission class (STC) ratings higher than standard building construction provides, will be required to achieve the 45 dBA CNEL interior noise standard for those units along the far eastern edge of the Project site, Lots 79-83, the fire station and the attached senior housing units.

Required Mitigation Measures:

The following required mitigation measures will reduce long-term noise impacts related to traffic to less-than-significant levels by providing necessary and appropriate sound barriers and by implementing specific designs and using specific materials that will reduce the same.

3.20.1. N3. A sound barrier, with a minimum wall height of six feet, is required for ground-floor frontline outdoor active use areas on the following lots: Lots 79 through 81 and Lots 83-86. Frontline second story balconies or decks are prohibited.

3.20.2. N4. A sound barrier, with a minimum wall height of seven feet, is required for ground-floor frontline outdoor active use areas on Lot 82. Frontline second-story balconies or decks are prohibited.

3.20.3. N5. A sound barrier, with a minimum wall height of five feet, is required for ground-floor frontline outdoor active use areas on the following lots: Lot 87-90. Frontline second-story balconies are prohibited.

3.20.4. N6. Balconies or decks shall be prohibited on walls with direct second story (or higher) exposure for Lots 79 through 90, the fire station or the attached senior housing, which are directly exposed to traffic noise from The Old Road and I-5. Balconies or decks on the side of the building facing away from the street or outside of the 65 dBA CNEL impact zone shall not require sound wall protection and thus are allowed.

3.20.5. N7. Mechanical ventilation, such as an air-conditioning system, for all units in the senior housing lot and the fire station.

3.20.6. N8. Windows with a minimum STC-30 rating are required for bedrooms exposed to I-5 traffic on Lots 79-84, except for Lot 82, where windows with a minimum STC-32 rating are recommended for bedrooms exposed to I-5 traffic.

3.20.7. N9. Windows with a minimum STC-34 rating are required for sleeping quarters associated with the proposed fire station.

Finding:

With regards to impacts related to long-term traffic noise impacts, for the foregoing reasons, the Commission adopts Finding 1.

3.21. AIR QUALITY – OPERATIONAL.

Please refer to DEIR pages 5.5-19 through 5.5-20 for an analysis of operational air quality impacts related to the Project.

Potential Effects and Rationale for Finding:

With regards to area sources emissions, the Project will result in stationary source emissions from natural gas usage and consumer products. The emissions associated with area sources will be small when compared to mobile source emissions.

With regards to mobile sources emissions, the Project is estimated to generate 1,261 vehicular trips per day. Total Project-related emissions for CO, ROC, and NO_x will be less than the South Coast Air Quality Management District's ("**SCAQMD**") daily emissions thresholds. Therefore, no significant regional air quality impacts will occur as a result of operation of the proposed Project.

Required Mitigation Measures:

The following required mitigation measures will reduce operational air quality impacts to less-than-significant levels by implementing and using more energy-efficient materials and designs.

3.21.1. AQ5 Future on-site buildings shall incorporate design principles of the Energy Star program and/or Leadership in Energy and Environmental Design (LEED) program, and associated energy-saving features, including energy-efficient heating and cooling systems, tight construction and ducts, improved insulation, high-performance windows and built-in energy efficient appliances.

3.21.2. AQ6 All public and private parking areas (i.e. recreational facilities, trailhead parking, senior housing parking) shall be planted with trees to ensure shading and prevent heat buildup.

Finding:

With regards to air quality impacts related to the Project's operation, for the foregoing reasons, the Commission adopts Finding 1.

3.22. AIR QUALITY – ODORS.

Please refer to DEIR page 5.5-24 for an analysis of impacts related to objectionable odors resulting from the Project.

Potential Effects and Rationale for Finding:

Development associated with the Project will create objectionable odors that could adversely affect people in the vicinity of the Project site. Specifically, construction will involve operation of diesel-powered equipment and application of paint and other architectural coatings, which create odorous emissions. However, construction-related odors will be temporary in nature, as they will only occur during the construction period, and will be adequately minimized through implementation of all applicable mitigation measures (below).

The proposed residential uses on the Project site, once constructed, are not anticipated to generate objectionable odors that will be noticeable to surrounding uses. Residential uses typically do not generate objectionable odors. Nonetheless, all such uses will be required to

comply with SCAQMD Rule 402, Nuisance, which will preclude the possibility of impacts to surrounding uses resulting from nuisance odor.

Required Mitigation Measures:

The following required mitigation measures will reduce impacts related to objectionable odors to less-than-significant levels by implementing certain standards that minimize construction-related emissions and by using low emission-producing materials.

3.22.1. Mitigation Measures: See mitigation measures **AQ1** through **AQ4**, discussed below in Section 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to impacts related to objectionable odors, for the foregoing reasons, the Commission adopts Finding 1.

3.23. BIOLOGICAL RESOURCES - DIRECT IMPACTS TO SPECIAL STATUS PLANT SPECIES OBSERVED ON-SITE.

Please refer to DEIR pages 5.6-90 through 5.6-104 for an analysis of direct impacts to special status plant species observed on-site related to the Project.

Potential Effects and Rationale for Finding:

No federal or state listed plant species were observed on the Project site; however, 27 special-status plant species have the potential to occur in the vicinity of the Project site. Of these 27 special-status plant species, only 7 were actually observed on-site. Those 7 species are *Ambrosia confertiflora* (Weakleaf Burweed); *Calochortus clavatus var. gracilis* (Slender Mariposa Lily); *Calochortus plummerae* (Plummer's Mariposa Lily); *Calystegia peirsonii* (Peirson's Morning-glory); *Ericameria ericoides ssp. ericoides* (Mock Heather); *Juglans californica var. californica* (Southern California Black Walnut); and *Navarretia hamata ssp. hamata* (Skunk Navarretia). Development associated with the Project could potentially have significant direct impacts on these 7 special status plant species observed on-site. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce direct impacts to special status plant species to less than significant levels by conducting necessary and appropriate surveys, preserving habitat, implementing preserve maintenance programs and by relocating, transplanting and propagating such species.

3.23.1. BIO1 Supplemental Surveys. Prior to site disturbance activities associated with the proposed project, supplemental seasonal field surveys for *Ambrosia confertiflora*, and any other special-status plant species, should be conducted to clearly determine and to mark off the exact

locations and numbers of plants onsite in the development footprint as well as those to be preserved. Surveys should be conducted in the spring prior to construction to flag locations of special-status plants within and immediately adjacent to the project site. As many seeds as possible of populations within the grading areas shall be salvaged and planted in preserve areas. Rancho Santa Ana Botanic Garden would be an appropriate facility to conduct the salvage, storage, and ongoing propagation of these special-status plant species.

Avoidance and Protection. Areas with *Ambrosia confertiflora*, and other special-status plant species, outside of the development footprint shall be avoided and preserved in perpetuity through an appropriate recordable legal instrument. The legal document shall be recorded prior to issuance of a grading permit. A qualified botanist shall survey for, and appropriately mark, all populations of special-status plant species at Lyons Canyon Ranch that are to be avoided and preserved. Where avoidance and protection is not possible, mitigation shall be accomplished through seed planting.

Seed Collection and Propagation. A seasonal survey shall be conducted in suitable habitat after the flowering season and shall be obtained from the native trees, shrubs, herbs, and grasses cleared from the project site during construction activities. The survey shall be conducted by a qualified botanist familiar with the flora of the Santa Susana Mountains. Seeds shall be collected when ripe, cleaned, and stored by a qualified nursery or institution with appropriate storage facilities, and transferred to a native plant nursery experienced with propagating special-status plant species and grown out to 1-gallon container size. The best time to sow seed is in the fall in conjunction with the onset of rain. These plants shall be planted in suitable preserved habitat onsite at a ratio of 10 plants for every 1 plant impacted by the project. The propagated plants shall be maintained and monitored for a period of five (5) years after initial planting, with annual reports submitted to the County.

Determine Final Mitigation Sites. A site analysis plan must be conducted to determine potential planting areas and to identify the most appropriate mitigation site(s) acceptable to the Los Angeles County Department of Regional Planning, which should be conducted prior to seed collection. A detailed mitigation plan shall be prepared and submitted to the appropriate agency(ies) for review prior to implementation. The plan must be prepared by a qualified botanist as determined by Los Angeles County Director of Planning. Potential mitigation areas for special-status plant species onsite are shown above on Exhibit 5.6-21, Potential Special-Status Plant Species Mitigation Areas. The estimated mitigation area available for relocation and plantings of *Ambrosia confertiflora* and other special-status plant species is approximately 5.58 acres.

Prepare Detailed Mitigation Plan. Following seed collection, special-status species plantings shall be planted into suitable mitigation sites in the undeveloped portions of the project site, or in an adjacent undeveloped acreage that shall be preserved in perpetuity. A qualified botanist shall be selected by the applicant that is acceptable to the County to prepare and implement a detailed mitigation plan, which shall include the following requirements:

- Following collection, seeds shall be stored by a qualified nursery, or by an institution with appropriate storage facilities. Then, the upper 12 inches of topsoil

from the special-status plant species locations shall be scraped, stockpiled, and re-spread at the selected mitigation site(s).

- The mitigation site(s) shall be located in dedicated open space on the project site, or at an appropriate offsite location acceptable to the County. The site shall be selected based on the species habitat requirements and to promote growth of the individual plantings and the population as a whole.
- The mitigation site(s) shall be prepared for seeding and plantings as described in a detailed restoration plan.
- The topsoil shall be re-spread in the selected location as approved by the project biologist. Approximately sixty percent (60%) of the seeds shall be planted in the site during the fall, following soil preparation. Forty percent (40%) of the seeds shall be kept in storage by a qualified nursery for subsequent seeding, if necessary.
- A detailed maintenance and monitoring plan for the mitigation site shall be developed by a qualified botanist prior to issuance of the grading permit. The plan shall include descriptions of maintenance activities appropriate for the site, monitoring requirements, and annual reporting requirements. The project botanist shall have the full authority to suspend any operation on the project site that is directly impacting special-status plants outside the approved development footprint, and to suspend any activity related to the special-status plants that is not consistent with the restoration plan. Any dispute regarding the consistency of an action with the restoration plan shall be resolved by the applicant and the County of Los Angeles Department of Regional Planning.
- The performance criteria developed in the maintenance and monitoring plan shall include requirements for a minimum of 60 percent germination of the amount of plant material collected and transferred to the mitigation site. This assumes that there will be a 40 percent mortality of the seed plantings. The performance criteria should also include percent cover created by the established plants, density, and seed production requirements, and shall be developed by the project botanist following habitat analysis of other existing high-quality special-status species habitat. Performance monitoring shall be conducted by a qualified botanist.
- If the seed germination goal of 60 percent is not achieved following the first season, remediation measures shall be implemented prior to planting with the remaining 40 percent of collected seeds. Remedial measures shall include at a minimum: soil testing and amendments, control of invasive species, and physical disturbance of the planted areas by raking (or similar actions) to provide scarification of the seed.
- Potential seed sources from donor sites shall also be identified in case it becomes necessary to collect additional seeds for use on the site, following performance of

remedial measures. The contractor shall provide a list of any materials that must be obtained from other than onsite sources prior to planting. Unacceptable plant material will be rejected, at the contractor's expense, by restoration specialists.

- Site shall be maintained and monitored for five years to ensure that the newly created special-status species populations are self-sustaining, with annual reports submitted to the County. .

3.23.2. BIO2. Implement Conditions of Approval Related to Preserve Maintenance. The Project shall provide for the establishment of a Home Owners' Association ("**HOA**") and the preparation of Conditions, Covenants, and Restrictions ("**CC&Rs**") prior to the recordation of the final tract map as a condition of Project approval. The HOA shall be governed by CC&Rs that describe all aspects of property maintenance of common area preserves and biological resource mitigation areas under control of the HOA. The HOA shall be fully funded, pursuant to, and consistent with, the recorded CC&Rs.

The HOA shall be responsible to maintain all common areas consistent with the applicable mitigation measures and conditions of approval adopted by the County. The applicable mitigation measures and conditions of approval that fall under the responsibility of the HOA shall be explicitly specified in the CC&Rs, and shall be verified by the County prior to recordation of the final tract map.

Prior to undertaking any activities within preserve areas, the HOA shall retain the services of a wildlands ecologist acceptable to the DRP and familiar with plants and wildlife native to the Santa Clarita region to provide review and approve of the specific activities in preserve parcels. The ecologist shall also oversee HOA maintenance staff, when performing the following maintenance, to ensure compliance with biological mitigation measures applicable to the Project site:

- Fuel modification within common areas;
- Maintenance of privately owned wetlands restoration areas;
- Maintenance of common areas designated as preserves or mitigation areas; and
- Maintenance of privately owned trails.

Said landscape architect and/or HOA shall not be responsible for maintenance or oversight of activities within lands dedicated to the County or any other agency. The HOA shall enforce the CC&Rs at all times through the terms outlined in the recorded CC&Rs.

3.23.3. BIO3. Supplemental Surveys. Prior to site disturbance activities associated with the Project, supplemental seasonal field surveys for *Calochortus plummerae* and *Calochortus clavatus* shall be conducted to clearly determine and to mark off the exact locations and numbers of plants on-site in the development footprint as well as those to be preserved. Surveys shall be conducted in the spring prior to construction to flag locations of *Calochortus* within and immediately adjacent to the Project site. All bulbs and seeds of populations within the grading areas shall be salvaged, translocated, and subsequently planted in preserve areas. Rancho Santa

Ana Botanic Garden would be an appropriate and County-acceptable facility to conduct the translocation, storage and ongoing propagation of these species.

Avoidance and Protection. Areas with *Calochortus* outside of the development footprint shall be avoided and preserved in perpetuity through an appropriate recordable legal instrument. The legal document shall be recorded prior to issuance of a grading permit. A qualified botanist shall survey for, and appropriately mark, all populations of *Calochortus* at Lyons Canyon Ranch that are to be avoided and preserved. Where avoidance and protection is not possible, mitigation shall be accomplished through seed collection, bulb translocation and subsequent planting.

Bulb Translocation. A pre-construction survey during the peak flowering period, approximately March through June, shall be conducted by a qualified botanist, acceptable to the DRP, in the areas of the Project site that will be disturbed, and all individual *Calochortus* plants shall be marked for subsequent relocation. Each impacted *Calochortus* bulb shall be clearly delineated with pin flags for collection by a qualified collector. Bulbs shall be collected after the flowering period when the plants are dormant. Where high lily concentrations exist on-site, the first ten inches or more of topsoil shall be moved in large blocks to the selected re-vegetation site. The salvaged bulbs or bulb-containing topsoil shall be translocated to an appropriate site(s) acceptable to the DRP within the preserved portions of the Project site.

Seed Collection and Propagation. *Calochortus* are typically grown from seed for mitigation purposes (Carol Bornstein, pers. comm. 30 January 2006). A seasonal survey prior to grading shall be conducted in suitable habitat during and after the flowering season to collect seeds. The survey shall be conducted by a qualified botanist acceptable to the DRP and familiar with the flora of the Santa Susana Mountains. Seeds shall be collected when ripe, cleaned, stored by a qualified nursery or institution with appropriate storage facilities, and transferred to a native plant nursery experienced with propagating *Calochortus* species and grown out to 1-gallon container size. The best time to sow seed is in the fall in conjunction with the onset of rain. *Calochortus* usually takes at least 3 years to achieve flowering size, depending upon the species (Carol Bornstein, pers. comm. 30 January 2006). These plants shall be planted in suitable preserved habitat on-site and acceptable to the DRP at a ratio of 10 plants for every 1 plant impacted by the Project. The propagated plants shall be maintained and monitored for a period of 5 years after initial planting, with annual reports submitted to the County.

Determine Final Mitigation Sites. A site analysis plan must be conducted prior to bulb collection to determine potential planting areas and to identify the most appropriate mitigation site(s) acceptable to the DRP. A detailed mitigation plan shall be prepared and submitted to the DRP for review prior to implementation. The plan must be prepared by a qualified botanist as determined by the County Director of Planning. Potential mitigation areas for *Calochortus* species on-site are shown on Exhibit 5.6-21 to the DEIR, Potential Special-status Plant Species Mitigation Areas. The estimated mitigation area available for relocation and plantings of *Calochortus* is approximately 28.53 acres.

Prepare Detailed Mitigation Plan. Following seed and bulb collection, the *Calochortus* shall be relocated into a suitable mitigation site in the undeveloped portion of the Project site, or in adjacent undeveloped acreage that shall be preserved in perpetuity. A qualified botanist shall be

selected by the applicant that is acceptable to the County to prepare and implement a detailed mitigation plan, which shall include the following requirements:

- Following collection, seeds and bulbs shall be stored by a qualified nursery, or by an institution with appropriate storage facilities. Then, the upper 12 inches of topsoil from the *Calochortus* locations shall be scraped, stockpiled and re-spread at the selected mitigation site(s).
- The mitigation site(s) shall be located in dedicated open space on the Project site, or at an appropriate offsite location acceptable to the County. The site shall be selected based on the species habitat requirements and to promote growth of the individual plantings and the population as a whole.
- The mitigation site(s) shall be prepared for seeding and bulb planting as described in a detailed restoration plan.
- The topsoil shall be re-spread in the selected location as approved by the Project biologist. Approximately 60 percent of the seeds and bulbs shall be planted in the site during the fall, following soil preparation. 40 percent of the seeds and bulbs shall be kept in storage by a qualified nursery for subsequent seeding, if necessary.
- A detailed maintenance and monitoring plan for the mitigation site shall be developed by a qualified botanist prior to issuance of the grading permit. The plan shall include descriptions of maintenance activities appropriate for the site, monitoring requirements, and annual reporting requirements. The Project botanist shall have the full authority to suspend any operation on the Project site that is directly impacting *Calochortus* plants outside the approved development footprint, and to suspend any activity related to the *Calochortus* plants that is not consistent with the restoration plan. Any dispute regarding the consistency of an action with the restoration plan shall be resolved by the applicant and the DRP.
- The performance criteria developed in the maintenance and monitoring plan shall include requirements for a minimum of 60 percent germination and transplantation of the amount of plant material collected and transferred to the mitigation site. This assumes that there will be a 40 percent mortality of the bulbs and seed plantings. The performance criteria should also include percent cover created by the established plants, density and seed production requirements, and shall be developed by the Project botanist following habitat analysis of an existing high-quality lily habitat. Performance monitoring shall be conducted by a qualified botanist.
- If the seed germination and bulb sprouting goal of 60 percent is not achieved following the first season, remediation measures shall be implemented prior to planting with the remaining 40 percent of collected seeds and bulbs. Remedial measures shall include at a minimum: soil testing and amendments, control of

invasive species and physical disturbance of the planted areas by raking (or similar actions) to provide scarification of the seed.

- Potential seed sources from backup donor sites shall also be identified in case it becomes necessary to collect additional seeds for use on the site, following performance of remedial measures.
- The site shall be maintained for 5 years to ensure *Calochortus* populations are self-sustaining.

3.23.4. BIO4. Plant *Juglans californica* var. *californica* On-site. To mitigate for the loss of 0.50 acre of *Juglans californica* Alliance, including the loss of approximately 10 individual Southern California Black Walnut trees, plant locally indigenous seeds (walnuts) of *Juglans californica* var. *californica* in a designated mitigation site. *Juglans californica* var. *californica* fruit (walnuts) shall be collected from locally indigenous (on-site) sources. Seeds shall be gathered when ripe and transferred to a native plant nursery experienced with propagating *Juglans californica* for seed storage and subsequent propagation. Seedlings shall be grown out to 1-gallon container size, preferably in liners rather than 1-gallon pots. Seeds are a viable source for mitigation and will be utilized for some replacement. However, nursery-grown plantings should have higher success. These plants shall be planted in suitable preserved habitat found on-site at a ratio of 10 plants for every 1 plant impacted by the Project. Since approximately 10 individuals of this species will be impacted from the Project, at least 100 trees will be required to mitigate for this species. The seedlings should be monitored and irrigated on a regular basis to ensure survival. *Juglans californica* can also be grown from mature stem cuttings and sprouted in a greenhouse. Rooted cuttings can then be planted at the mitigation site(s). Planting should occur on one or more of the preserve areas on-site on a north-facing slope adjacent to Coast Live Oak Woodland areas. With proper maintenance and monitoring, the impacts should be fully mitigable. No sensitive habitat shall be impacted during *Juglans* mitigation efforts. The planted plants shall be maintained and monitored for a period of 5 years after initial planting, with annual reports submitted to the County.

Potential *Juglans californica* var. *californica* mitigation areas on-site are shown in Exhibit 5.6-21 of the DEIR, Potential Special-status Plant Species Mitigation Areas. The estimated mitigation area available for plantings of *Juglans californica* var. *californica* is approximately 6.96 acres.

Finding:

With regards to direct impacts to special status plant species observed on-site, for the foregoing reasons, the Commission adopts Finding 1.

3.24. BIOLOGICAL RESOURCES - INDIRECT IMPACTS TO SPECIAL STATUS PLANT SPECIES.

Please refer to DEIR pages 5.6-104 through 5.6-107 for an analysis of indirect impacts to special status plant species observed on-site related to the Project.

Potential Effects and Rationale for Finding:

Indirect impacts to special-status plant species occurring on-site include (i) increased dust resulting from grading activities and increased urban pollutants, which will disturb soils and cause accumulation of dust on the surface of the leaves of trees, shrubs and herbs, thereby interrupting the plants' respiratory functions; and (ii) changes in water quality and water velocity resulting from urban runoff from the proposed development site, which could potentially adversely affect these plant species; and (iii) the introduction of invasive plant species. With implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce indirect impacts to special status plant species to less-than-significant levels by (i) complying with grading permit requirements; (ii) implementing conditions of approval for, and requiring County approval on all landscaping; (iii) by implementing certain standards that minimize construction-related emissions; and (iv) using low emission-producing materials.

3.24.1. BIO6. Apply for 401 Certification. Prior to the issuance of a grading permit, the applicant shall obtain coverage under the California Regional Water Quality Control Board's general permit for storm water discharge associated with construction activity and shall comply with all the provisions of the permit, including the development of a storm water pollution prevention plan, which includes provisions for the implementation of best management practices and erosion control measures. Best management practices shall include both structural and non-structural measures.

3.24.2. BIO7. Implement Conditions of Approval Related to Landscaping. The Project shall provide for the establishment of the HOA and the preparation of CC&Rs prior to the recordation of the final tract map as a condition of Project approval. The HOA shall be governed by CC&Rs that describe all aspects of property maintenance of common area landscape, and the overall regulation of aesthetics for the property grounds and buildings. The HOA shall be fully funded, pursuant to, and consistent with, the recorded CC&Rs.

The HOA shall be responsible for maintaining all common areas that are routinely maintained, consistent with the applicable mitigation measures and conditions of approval adopted by the County. The applicable mitigation measures and conditions of approval that fall under the responsibility of the HOA shall be explicitly specified in the CC&Rs, and shall be verified by the County prior to recordation of the final tract map.

Prior to landscaping installation, the HOA shall retain the services of a licensed landscape architect acceptable to the DRP and familiar with plants native to the Santa Clarita region to provide review and approval of the landscaping of individual parcels consistent with the plant list approved by the County Biologist. The landscape architect shall also oversee HOA maintenance staff, when performing the following maintenance, to ensure compliance with biological mitigation measures applicable to the Project site:

- Fuel modification within common areas;

- Maintenance of street or roadway landscaping;
- Maintenance of parks;
- Maintenance of landscaped common areas; and
- Maintenance of roadway landscaping.

The landscape architect and/or HOA shall not be responsible for maintenance or oversight of activities within lands dedicated in fee title to the County or any other agency. The HOA shall enforce the CC&Rs at all times through the terms outlined in the recorded CC&Rs.

3.24.3. BIO8. Submit Project Landscape Design for County Approval. Project landscape design shall be submitted by a qualified botanist to the County Biologist for review and approval. The review shall ensure that no invasive, exotic plant species such as those listed in the CNPS and California Invasive Plant Council 1999 List (CalIPPC 1999) and subsequent (draft) list for 2005 are used in any proposed landscaping, and that suitable substitutes are proposed. Only locally indigenous native species shall be used in landscaping along a boundary bordering open space/significant environmental area (“**SEA**”). Native plants used shall include coastal sage scrub, chaparral and woodland species that currently occur on the Project site.

3.24.4. BIO9 Comply with CC&R Landscape Plan Review. The CC&Rs shall prohibit planting any invasive exotic species listed by either CNPS or CalIPPC. Homeowner landscaping plans shall be submitted to the DRP for review and approval consistent with this requirement as described in the CC&Rs. The review shall ensure that no invasive exotic plant species are planted on-site in order to reduce the chance of inadvertent introductions or escapes of invasive exotic species into native habitats, including bordering open space areas and SEAs.

3.24.5. Additional Mitigation Measures. Implementing mitigation measures **AQ1** through **AQ4** (mitigation measures for dust control) will also help mitigate this potentially significant impact to a less-than-significant level. Mitigation measures **AQ1** through **AQ4** are discussed below in Section 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to indirect impacts to special status plant species observed on-site, for the foregoing reasons, the Commission adopts Finding 1.

3.25. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS TO GENERAL WILDLIFE SPECIES.

Please refer to DEIR pages 5.6-107 through 5.6-111 for an analysis of Project-specific impacts to general wildlife species related to the Project.

Potential Effects and Rationale for Finding:

Project-specific impacts to general wildlife species include loss of and disturbance to (i) aquatic/semi-aquatic wildlife; (ii) amphibian wildlife, (iii) reptile wildlife; and (iv) mammal wildlife during construction; and loss of and disturbance to breeding and nesting birds during construction. The degree of these impacts is dependent on the use of heavy equipment and temporary and long-term streambed alteration on the Project site, disturbance of habitat as a result of timing of construction, temporary loss of foraging and cover habitat and temporary reductions in food sources. With the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce Project-specific impacts to general wildlife species to less-than-significant levels by implementing appropriate and necessary BMPs, by locating and, if necessary, relocating such species and by complying with the Migratory Bird Act.

3.25.1. BIO10 Implement BMPs. In order to minimize impacts to aquatic (riparian) habitat and aquatic wildlife due to alteration of the riparian habitat on-site, the construction activities shall be conducted during times of no active channel flows (during the dry season, generally June through October). However, if construction must be conducted while active flows are present within the riparian system, the following measures shall be implemented to minimize impacts:

- Equipment contact with the active channel should be avoided, and equipment should enter the active channel only within the permitted and demarcated areas;
- Flows should be diverted from the work area prior to initiating work;
- Sedimentation barriers should be installed downstream of any work areas within the active channel and should be maintained frequently to ensure they are working properly;
- Exposed groundwater should be allowed to settle behind a downstream diversion berm prior to discharge to the primary flow channel;
- Turbidity levels should be monitored and minimized to levels consistent with the Project's regional water quality control board General Permit for storm water discharge requirements (no greater than a 20 percent increase in turbidity downstream of the work areas); and
- All foreign materials and litter should be removed from the channel, including but not limited to trash, concrete, metal, fencing, rebar, Styrofoam, plastic and any dumped materials.

3.25.2. BIO11. Pre-construction Surveys and Relocation. Prior to grading or site-clearing activities, a qualified biologist acceptable to the DRP shall survey the construction areas of the site to determine if wildlife species are foraging, frequenting or nesting on or adjacent to the

construction areas. If any wildlife species are observed foraging, frequenting or nesting during construction activities, the wildlife biologist shall allow the wildlife species to escape or shall relocate the wildlife species to a preserved area with similar required habitat.

3.25.3. BIO12. Comply with Migratory Bird Treaty Act. To avoid violating the Migratory Bird Treaty Act or Fish and Game Code §3503, a qualified ornithologist shall survey the construction site(s) 2 weeks prior to initiation of site disturbance to identify any nests of birds that will be directly or indirectly affected by the construction activities. Bird nesting typically occurs from February through August. Some bird species nest outside this period. To protect any active nest sites, the following restrictions on construction are required between February and August (or until nests are no longer active as determined by a qualified biologist). Clearing limits shall be established a minimum of 300 feet in any direction from any occupied nest (or as otherwise deemed appropriate by the monitoring biologist). Access and land surveying shall not be allowed within 100 feet of any occupied nest (or as otherwise deemed appropriate by the monitoring biologist). On-site nests shall be avoided until vacated. Any encroachment into the 300/100-foot buffer area around the known nest shall only be allowed if it is determined by a qualified biologist that the proposed activity will not disturb the nest occupants. Construction during the non-nesting season shall occur at the site(s) only if a qualified biologist has determined that fledglings have left the nest. Occupied nests adjacent to the construction site(s) may need to be avoided for short durations to ensure nesting success. Any nest permanently vacated for the season need not be protected.

3.25.4. Additional Mitigation Measures. Implementing mitigation measure **BIO6** will also help mitigate these potentially significant impacts to less-than-significant levels. Mitigation measure **BIO6** is discussed below in Section 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to Project-specific impacts to general wildlife species, for the foregoing reasons, the Commission adopts Finding 1.

3.26. BIOLOGICAL RESOURCES - DIRECT IMPACTS TO NESTS OF SPECIAL STATUS WILDLIFE SPECIES OBSERVED ON-SITE OR IMMEDIATELY ADJACENT TO THE PROJECT SITE.

Please refer to DEIR pages 5.6-111 through 5.6-118 for an analysis of direct impacts to nests of special status wildlife species observed on-site or immediately adjacent to the Project site.

Potential Effects and Rationale for Finding:

Special status wildlife species observed on-site or immediately adjacent to the Project site include Cooper's Hawk (*Accipiter cooperii*); Barn Owl (*Tyto alba*); Oak Titmouse (*Baeolophus inornatus*); Nuttall's Woodpecker (*Picoides nuttallii*); and the San Diego Desert Woodrat (*Neotoma lepida intermedia*). Potential direct impacts to special status wildlife species observed on-site or immediately adjacent to the Project site include (i) impacts to active nests of such species; (ii) impacts resulting in or related to habitat loss; and (iii) cumulative impacts to such species. There are several impacts to special status wildlife species that have been observed on-

site, or immediately adjacent to the Project site. However, it is important to note that the only impacts to special status wildlife species observed on-site, or immediately adjacent to the Project site, which are capable of mitigation to a less-than-significant level are those associated with the active nests. Impacts resulting in or related to habitat loss and cumulative impacts to such species will remain significant and unavoidable and, as a result, are discussed in Section 4, below. However, with the implementation of the recommended mitigation measures (described below), direct impacts to nests of special status wildlife species observed on-site, or immediately adjacent to the Project site, will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce direct impacts to nests of special status wildlife species observed on-site, or immediately adjacent to the Project site, to less-than-significant levels by performing necessary and appropriate surveys; by avoiding disturbance to sensitive areas; by maintaining buffers; by avoiding contact with such species; and by replacing or compensating habitats of such species.

3.26.1. BIO13. Preconstruction Surveys and Fencing off Sensitive Areas. Prior to grading or site-clearing activities, a qualified biologist acceptable to the DRP shall survey the construction areas of the site to determine if any special-status wildlife species are foraging, frequenting or nesting on or adjacent to the construction areas. If any special-status wildlife species are observed foraging, frequenting or nesting during construction activities, the area in which the special-status species was observed should be flagged or fenced off to protect the wildlife species. In addition, the equipment operators shall be informed of the species' presence and provided with pictures in order to help avoid impacts to this species to the maximum extent possible. As part of the environmental training, contractors and heavy equipment operators shall be provided with photographs of expected special-status wildlife species to identify them, and to avoid harming them during construction.

3.26.2. BIO14. Survey for Nests and Nesting Activity. 30 days prior to the onset of construction activities, a qualified biologist acceptable to the DRP shall survey within the limits of Project disturbance for the presence of any active raptor and bird nests. Any nest found during survey efforts shall be mapped on the construction plans and marked on the ground. If no active nests are found, no further mitigation is required. Results of the surveys shall be provided to the California Department of Fish and Game ("**CDFG**"). If nesting activity is present at any raptor nest site, the active nest site -- whether on-site or at nearby off-site locations -- shall be protected by maintaining a 100 to 300 foot buffer area away from construction activities, until nesting activity has ended, to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for bird species in the region of the Project site normally occurs from February through August.

3.26.3. BIO15. Avoid Contact or Harm to Special-status Species. To avoid impacts to all special-status wildlife species observed on-site, equipment operators shall avoid contact with or harm to any special-status species and any of their sources of cover (e.g. nest, midden, burrow). If a special-status wildlife species is encountered during construction activities, it shall be allowed to escape any danger that may result from construction work, and the on-site biological

monitor shall be notified in order to implement all measures necessary to protect the sensitive species.

3.26.4. BIO16. Replace Required Habitat of Observed Special-status Species. Existing habitat, required by observed or likely special-status wildlife species, shall be replaced, or compensated for, after all development activities have been completed, as provided in mitigation measures **BIO1**; **BIO2**; **BIO4**; and **BIO24** through **BIO35**, which are provided in this Section 3 and below in Section 4. Compensation for lost habitat on-site shall be accomplished at least in part through improving habitat conditions of preserved on-site habitats, such as through removal of invasive exotic plant species and replacing them with indigenous native species. A residual less-than-significant impact will remain, since there will be a reduction of the total net area of habitat available on-site.

3.26.5. Additional Mitigation Measures. Implementing mitigation measures **BIO11** and **BIO12** will also help mitigate these potentially significant impacts to less-than-significant levels. Mitigation measures **BIO11** and **BIO12** are discussed in this Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to direct impacts to nests of special status wildlife species observed on-site or immediately adjacent to the Project site, for the foregoing reasons, the Commission adopts Finding 1.

3.27. BIOLOGICAL RESOURCES - INDIRECT IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES.

Please refer to DEIR pages 5.6-125 through 5.6-130 for an analysis of indirect impacts to special-status wildlife species related to the Project.

Potential Effects and Rationale for Finding:

Potentially significant indirect impacts to special-status wildlife species include (i) noise impacts related to the Project's construction; (ii) impacts related to human activity; and (iii) lighting impacts resulting from the Project's operation. It is important to note, as discussed in Section 2, above, that some less-than-significant indirect impacts to special-status wildlife species will remain.

Required Mitigation Measures:

The following required mitigation measures will reduce indirect impacts to special-status wildlife species to less-than-significant levels by (i) installing protective perimeter fencing; (ii) using designs and materials that will reduce light impacts to such species; and (iii) implementing construction techniques and guidelines which minimize noise impacts.

3.27.1. BIO21. Install Perimeter Fencing. Perimeter fencing at houses on-site, adjacent to open space areas, shall be designed to prevent dogs from accessing open space areas on-site, and

keep wildlife from entering yards and homes as much as feasible. Details of acceptable fencing materials will be included in the CC&Rs.

3.27.2. BIO22 County Review of Project Plans. Prior to issuance of building permits, the County shall ensure that the following elements are included in all Project plans, as appropriate:

- All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the Project site. Motion detectors, low-intensity street lighting, and low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site areas;
- Design and placement of site lighting shall minimize glare affecting adjacent properties, buildings and roadways;
- Fixtures and standards shall conform to state and local safety and illumination requirements;
- All trail and park lighting shall provide optimum public safety, while at the same time reducing nighttime light spillover and glare;
- Development projects shall use minimally reflective glass and all other materials used on exterior building and structures shall be selected to minimize reflective glare; and
- Automatic timers on lighting shall be designed to maximize personal safety during nighttime use while saving energy.

These measures will partially mitigate for adverse impacts of landscaping nuisance lighting impacting wildlife in adjacent open space areas of the Project site.

3.27.3. BIO23. Hooded Outdoor Lighting. Require all street and outdoor lighting to be hooded to direct away from, or prevent light from entering, open space areas of the Project site. Light intensity should be set as low as possible while meeting the primary objective of the outdoor lighting.

3.27.4. Additional Mitigation Measures. Implementing mitigation measures **BIO2**, **BIO13**, **BIO14** and **N1** through **N9** will also help mitigate these potentially significant impacts to less-than-significant levels. Mitigation measures **BIO2**, **BIO13**, **BIO14** and **N1** through **N9** are discussed in this Section 3 and below in Section 4 and are also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to indirect impacts to special-status wildlife species, for the foregoing reasons, the Commission adopts Finding 1.

3.28. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS TO VEGETATION-INCLUDING SENSITIVE HABITATS.

Please refer to DEIR pages 5.6-130 through 5.6-154 for an analysis of Project-specific impacts to vegetation-including sensitive habitats.

Potential Effects and Rationale for Finding:

The potential Project-specific impacts to vegetation – including impacts to sensitive habitats – include impacts to, and potential loss of, Grassland habitats; Lichen-Rock Outcrop habitats; Coastal Sage Scrub; Chaparral habitats; Southern California Black Walnut woodland; Coast Live Oak trees; Valley Oak trees; Scrub Oaks; Oak woodlands; and wetland habitats and plants. Only 3 of these Project-specific impacts concerning vegetation are capable of mitigation to a less-than-significant level. Those are the impacts related to potential loss of Grassland habitats; Coastal Sage Scrub; and Southern California Black Walnut woodland. Those impacts are addressed here in this Section 3. With the successful implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level. The remaining potential impacts to vegetation – including sensitive habitats – will remain significant and unavoidable and, as a result, are discussed below in Section 4.

Required Mitigation Measures:

The following required mitigation measures will reduce Project-specific impacts to vegetation, including those to sensitive habitats, to less-than-significant levels by (i) protecting and enhancing grasslands and coastal scrub brush; (ii) conducting necessary and appropriate surveys; (iii) preserving habitat; (iv) implementing preserve maintenance programs and (v) relocating, transplanting and propagating such vegetation.

3.28.1. BIO24. Protect and Enhance Grassland. The loss of 29.53 acres of Grassland vegetation shall be mitigated by enhancing at an acreage rate of 1.5 acres for each acre lost (1.5:1 replacement ratio), equaling 44.29 acres of required mitigation. Prior to implementation of any restoration, a detailed program shall be developed by the applicant for review and approval by the DRP and shall contain the following items:

- **Responsibilities and Qualifications Specified.** The responsibilities of the landowner, technical specialists, and maintenance personnel that shall supervise and implement the restoration plan shall be specified.
- **Protect Grassland Preserved On-site.** The Project shall preserve 8.43 acres of Grassland on-site in perpetuity by a legal instrument.
- **Enhance Degraded Grassland Preserved On-site.** Habitat enhancement of the required 44.29 acres of Grassland will include eradicating invasive exotics from the remaining Grassland on-site. The areas of Grassland, from which invasive species will be eradicated, will be planted with supplemental native Grassland grasses and herbs. This will increase native ground-layer cover to match desired cover levels, and increase dominance by native species. Approximately 8.43 acres of Grassland vegetation will be avoided by the Project; however, the

Grassland on-site is contaminated with invasive exotic plant species in varying amounts. Enhancement of up to 8.43 acres of degraded Grassland habitat on-site will mitigate for 19% of the area needed, based on the 1.5:1 enhancement ratio. An additional 35.86 acres will need to be preserved and enhanced, for a total of 44.29 acres of Grassland enhanced and protected. The lack of reasonable availability (the offsite component) may render this mitigation measure at least partially infeasible.

- **Mitigation Site Selection.** The site for the mitigation shall be determined in coordination with the applicant and resource agencies. The site shall be located on the proposed development site in a dedicated open space area or dedicated open space area shall be purchased offsite. Appropriate sites shall have suitable hydrology and soils for the establishment of target native species.
- **Site Preparation and Planting Implementation.** A seasonal survey shall be conducted in suitable habitat after the flowering season to collect seeds from the native grasses and wildflowers inhabiting Grassland habitats on-site. The survey shall be conducted by a qualified botanist acceptable to the DRP and familiar with the flora of the Santa Susana Mountains. Seeds shall be collected when ripe, cleaned and stored by a qualified nursery or institution with appropriate storage facilities, and transferred to a native plant nursery experienced with propagating native herbaceous grassland species and grown out to 1-gallon container size plantings. The site preparation shall include: protection of existing native species; trash and weed removal; native species salvage and reuse (i.e., duff); soil treatments (i.e., imprinting, de-compacting); temporary irrigation installation; erosion control measures (i.e., rice or willow wattles); seed mix application; and container plantings. The best time to sow seed is in the fall in conjunction with the onset of rain. These native annual and perennial grass and herb plantings shall be planted in suitable preserved habitat on-site. The propagated plants shall be maintained and monitored for a period of 5 years after initial planting, with annual reports submitted to the County. Mitigation measure **BIO1** (discussed in this [Section 3](#)) will aid in planting implementation.
- **Schedule.** A schedule shall be developed which includes planting to occur in late fall and early winter between October 1 and January 30.
- **Maintenance Plan/Guidelines.** The maintenance plan shall include: weed control; herbivore control; trash removal; irrigation system maintenance; maintenance training; and replacement planting.
- **Mitigation and Monitoring Plan.** A detailed mitigation plan shall be submitted for approval to the County prior to Project implementation. The mitigation plan shall include specifics regarding grassland enhancement, planting details, timing and monitoring proposed for grassland mitigation. The monitoring plan shall include: qualitative monitoring (i.e., photographs and general observations); quantitative monitoring (e.g. randomly placed transects); performance criteria as approved by the resource agencies; monthly reports for the first year and

bimonthly thereafter; and annual reports for 5 years that shall be submitted to the resource agencies. The site shall be monitored and maintained for 5 years to ensure successful establishment of Grassland habitat within the restored and created areas.

- **Long-term Preservation.** Long-term preservation of the site shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. An appropriate legal instrument over the area to be preserved shall be recorded prior to implementation of site grading to ensure protection in perpetuity.
- **Earth-moving Equipment.** Earth-moving equipment shall avoid maneuvering in any area identified as natural open space areas. Prior to grading, the open space limits shall be marked by the construction supervisor and the Project biologist. These limits shall be identified on the grading plan.

3.28.2. BIO25. Protect and Enhance Coastal Sage Scrub. The loss of 40.39 acres of Coastal Sage Scrub vegetation shall be mitigated by enhancing at an acreage rate of 1.5 acres for each acre lost (1.5:1 replacement ratio), equaling 60.58 acres of required mitigation. Prior to implementation of any restoration, a detailed program prior to issuance of a grading permit shall be developed by the applicant and shall contain the following items:

- **Responsibilities and Qualifications Specified.** The responsibilities of the landowner, technical specialists and maintenance personnel that shall supervise and implement the restoration plan shall be specified.
- **Protect Coastal Sage Scrub Preserved On-site.** The Project shall preserve 17.04 acres of Coastal Sage Scrub on-site in perpetuity by a legal instrument.
- **Enhance Degraded Coastal Sage Scrub Preserved On-site.** Habitat enhancement of the required 60.58 acres of Coastal Sage Scrub will include eradicating invasive exotics from the remaining Coastal Sage Scrub on-site. The areas of Coastal Sage Scrub, from which invasive species will be eradicated, will be planted with supplemental Coastal Sage Scrub species. This will increase native shrub canopy cover to match desired cover levels, and increase dominance by native species. Approximately 17.04 acres of Coastal Sage Scrub vegetation will be avoided by the Project; however, the Coastal Sage Scrub on-site is contaminated with invasive exotic plant species in varying amounts. Specifically, of the 17.04 acres avoided, 7.6 acres of Coastal Sage Scrub vegetation is highly infested with invasive exotic plants (*Salvia leucophylla-Brassica Alliance*). Enhancement of up to 17.04 acres of degraded Coastal Sage Scrub habitat on-site will mitigate for 28% of the area needed, based on the 1.5:1 enhancement ratio. An additional 43.54 acres will need to be preserved and enhanced, for a total of 60.58 acres of Coastal Sage Scrub enhanced and protected. The lack of reasonable availability (the offsite component) may render this mitigation measure at least partially infeasible.

- **Mitigation Site Selection.** The site for the mitigation shall be determined in coordination with the applicant and the lead and resource agencies. The site shall be located on the proposed development site in a dedicated open space area or dedicated open space area shall be purchased offsite. Appropriate sites shall have suitable hydrology and soils for the establishment of target native species.
- **Site Preparation and Planting Implementation.** The site preparation shall include: protection of existing native species; trash and weed removal; native species salvage and reuse (i.e., duff); soil treatments (i.e., imprinting, de-compacting); temporary irrigation installation; erosion control measures (i.e., rice or willow wattles); seed mix application; and container species.
- **Schedule and Maintenance.** A schedule shall be developed which includes planting to occur in late fall and early winter between October 1 and January 30. The maintenance plan shall include: weed control; herbivore control; trash removal; irrigation system maintenance; maintenance training; and replacement planting.
- **Mitigation and Monitoring Plan.** A detailed mitigation plan shall be submitted for approval to the County prior to Project implementation. The mitigation plan shall include specifics regarding grassland enhancement, planting details, timing, and monitoring proposed for Coastal Sage Scrub mitigation. The monitoring plan shall include: qualitative monitoring (i.e., photographs and general observations); quantitative monitoring (e.g. randomly placed transects); performance criteria as approved by the resource agencies; monthly reports for the first year and bimonthly thereafter; and annual reports for 5 years that shall be submitted to the resource agencies. The site shall be monitored and maintained for 5 years to ensure successful establishment of Coastal Sage Scrub habitat within the restored and created areas.
- **Long-term Preservation.** Long-term preservation of the site shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. An appropriate legal instrument over the area to be preserved shall be recorded prior to implementation of site grading to ensure protection in perpetuity.
- **Earth-moving Equipment.** Earth-moving equipment shall avoid maneuvering in any area identified as natural open space areas. Prior to grading, the open space limits shall be marked by the construction supervisor and the Project biologist. These limits shall be identified on the grading plan.

3.28.3. Additional Mitigation Measures. Implementing mitigation measures **BIO1**, **BIO2** and **BIO4** will also help mitigate these potentially significant impacts to less-than-significant levels. These mitigation measures are discussed in this Section 3 and are also discussed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to Project-specific impacts to vegetation-including sensitive habitats, for the foregoing reasons, the Commission adopts Finding 1.

3.29. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS RESULTING FROM PROJECT LANDSCAPING.

Please refer to DEIR page 5.6-165 for an analysis of Project-specific impacts resulting from Project landscaping.

Potential Effects and Rationale for Finding:

The Project will include landscaping adjacent to the natural vegetation. The landscaping may include ornamental species that are known to be particularly invasive. Subsequent homeowners may also plant invasive plant species in their yards. Seeds or propagules from invasive planted species may escape to natural areas and degrade the native vegetation, particularly along downstream riparian areas. These impacts will be considered adverse and potentially significant considering the two SEAs on the Project site. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measure will reduce Project-specific impacts resulting from Project landscaping to less-than-significant levels by implementing conditions of approval for, and requiring County approval on all landscaping.

3.29.1. Mitigation Measures: See mitigation measures **BIO7**, **BIO8** and **BIO9**, discussed above in this Section 3 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to Project-specific impacts resulting from Project landscaping, for the foregoing reasons, the Commission adopts Finding 1.

3.30. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS RELATED TO INTERFERENCE WITH WILDLIFE CORRIDORS WITHIN LYONS CANYON.

Please refer to DEIR page 5.6-172 for an analysis of Project-specific impacts related to interference with wildlife corridors within Lyons Canyon.

Potential Effects and Rationale for Finding:

The Project potentially creates a physical barrier to terrestrial wildlife movement to the east side of the Project site, and will interfere with movement within Lyons Canyon. Although 57% of the Project site will be preserved, portions of the remaining habitat will be isolated as relatively

small islands surrounded by development. Connected areas will be reduced in value due to edge effects of the new adjacent land use. This loss of habitat will not represent a significant impact to the most common wildlife species that use the Project site habitats. However, the use of these areas by special-status wildlife species could result in a significant adverse impact by preventing or restricting movement on-site. Nevertheless, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce Project-specific impacts upon wildlife corridors within Lyons Canyon to less-than-significant levels by (i) conducting necessary and appropriate surveys, preserving habitat and implementing preserve maintenance programs; (ii) avoiding disturbance to sensitive areas; (iii) maintaining buffers and avoiding contact with wildlife; (iv) replacing or compensating for wildlife habitats; (v) installing protective perimeter fencing; (vi) using designs and materials that will reduce light impacts; and (vii) implementing construction techniques and guidelines which minimize noise impacts.

3.30.1. Mitigation Measures: See mitigation measures **BIO1; BIO2; BIO13** through **BIO16; BIO21** through **BIO23; BIO24** through **BIO35**; and **N1** through **N9**, all of which are discussed in this Section 3 or below in Section 4, and also in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to Project-specific impacts related to interference with wildlife corridors within Lyons Canyon, for the foregoing reasons, the Commission adopts Finding 1.

3.31. CULTURAL RESOURCES - ARCHEOLOGICAL.

Please refer to DEIR pages 5.7-15 through 5.7-17 for an analysis of archeological impacts that are related to the Project.

Potential Effects and Rationale for Finding:

Implementation of the Project will have the potential to adversely affect the significance of archaeological resources at the Project site, including significant impacts to undiscovered human remains. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce archeological impacts to less-than-significant levels by (i) receiving instruction from the Project archaeologist regarding protecting and safely removing potentially significant materials; (ii) implementing a cultural resources monitoring program; and (iii) properly handling Native American remains, if any are discovered on-site.

3.31.1. CR1. A pre-grade meeting shall be conducted in which the Project archaeologist shall explain the procedures necessary to protect and safely remove potentially significant cultural materials.

3.31.2. CR2. A cultural resource monitoring program shall be instituted during the initial vegetation clearance and soil disturbance for the Project. The purpose of this monitoring program is to determine if any significant deposits not identified during the Phase I survey exist within the Project boundary. The monitoring shall be limited to the initial vegetation clearance phase of the grading program. If cultural deposits meeting the significance criteria defined in Public Resources Code Section 21083.2(g) are encountered, limited data recovery shall be conducted consistent with present financial and research limitations established in CEQA Guidelines. Native Americans shall be actively involved in the monitoring and any subsequent phases of the Project mitigation program. Participation shall include monitoring of archaeological investigations, construction monitoring and data analysis. The County shall retain control over the selection and participation of Native Americans in any program required for the Project.

3.31.3. CR3. If human remains are discovered during grading activities, the County Coroner's Office shall be notified immediately, per state law, and all activities in the immediate area shall cease, until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are Native American, the Native American Heritage Commission ("**NAHC**") shall also be contacted. The NAHC shall designate a Most Likely Descendent (MLD) who will make recommendations concerning the disposition of the remains in consultation with the property owner and Project archaeologist.

Finding:

With regards to archeological impacts, for the foregoing reasons, the Commission adopts Finding 1.

3.32. CULTURAL RESOURCES - PALEONTOLOGICAL.

Please refer to DEIR pages 5.7-17 through 5.7-18 for an analysis of paleontological impacts that are related to the Project.

Potential Effects and Rationale for Finding:

The Project site is composed of relatively recent alluvium in canyon bottoms and the fossil-bearing Saugus and Pico Formations in adjacent hillsides and ridges. Two fossil localities are recorded in or near the southeast corner of the Project site, and significant fossils have been recovered from the Saugus and Pico Formations at other localities in the general vicinity. Fossilized marine shell material is currently visible in some areas of the Project site, particularly in the south. The Project site has a relatively high potential to contain paleontological resources. As such, hillside, ridge and associated bedrock grading will be monitored so as to reduce such impacts to significant fossil resources to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce paleontological impacts to less-than-significant levels by (i) receiving instruction from the Project paleontologist regarding protecting and safely removing potentially significant materials; (ii) carefully monitoring grading; and (iii) properly excavating any fossil beds by a qualified paleontologist.

3.32.1. CR4. A pre-grade meeting shall be conducted in which the Project paleontologist shall explain the procedures necessary to protect and safely remove potentially significant fossil materials for study and curation at the Natural History Museum of Los Angeles County (“**NHMLAC**”).

3.32.2. CR5. Monitoring of grading activities shall be conducted and shall include periodic screening of sediment samples to identify potential microfossil materials. Sediment samples may be removed in bulk and screened off-site to minimize interference with grading operations. The monitoring program shall be directed by a qualified paleontologist and shall consist of the recovery, preparation (to a point of identification) and cataloguing of fossil materials.

3.32.3. CR6. Fossil beds impacted by the Project should be excavated by a qualified paleontologist to gather and record which species of vertebrate and macroinvertebrate fauna existed on-site during the Pliocene. The fossil record should be preserved in an appropriate museum, such as the NHMLAC, and the results published for the benefit of the scientific community and general public.

Finding:

With regards to paleontological impacts, for the foregoing reasons, the Commission adopts Finding 1.

3.33. AESTHETICS - SHORT-TERM AESTHETIC IMPACTS RELATED TO CONSTRUCTION.

Please refer to DEIR pages 5.9-12 through 5.9-13 (erroneously referred to as Chapter 3.9 in the DEIR) for an analysis of short-term aesthetic impacts related to construction.

Potential Effects and Rationale for Finding:

The Project will result in grading and construction activities that will temporarily alter the existing character/quality of the Project site. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce short-term aesthetic impacts related to construction to less-than-significant levels by (i) carefully staging construction equipment so as to screen it from view; (ii) carefully aiming construction lighting away from surrounding

residential areas; and (iii) having the Project biologist review the above steps, so as to minimize impacts on wildlife.

3.33.1. AES1. Construction equipment staging areas shall be located a minimum of 500 feet from existing residential uses and appropriate screening (i.e., temporary fencing with opaque material), shall be used to buffer views of construction equipment and material, when feasible. Staging location shall be indicated on Project Final Development Plans and Grading Plans.

3.33.2. AES2. All construction-related lighting shall be located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit applications for the subdivision of the lots.

3.33.3. AES3. The Project biologist shall review the construction staging and construction safety lighting plans and determine the most appropriate location for the staging of construction equipment and construction lighting so that impacts to wildlife are minimized. The Project biologist shall provide written certification of his/her approval of these plans to the County Biologist prior to issuance of a grading permit.

Finding:

With regards to short-term aesthetic impacts related to construction, for the foregoing reasons, the Commission adopts Finding 1.

3.34. AESTHETICS – LIGHT AND GLARE.

Please refer to DEIR pages 5.9-27 through 5.9-28 (erroneously referred to as Chapter 3.9 in the DEIR) for an analysis of Project-specific aesthetic impacts related to light and glare.

Potential Effects and Rationale for Finding:

The Project will introduce new sources of light and glare into the Project area. With the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce aesthetic impacts related to light and glare to less-than-significant levels by implementing location and design techniques to minimize intrusive effects of the same.

3.34.1. AES5. Prior to issuance of building permits, the County shall ensure that the following elements are included in all Project plans, as appropriate:

- All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the Project site. Low-intensity street lighting and low-intensity exterior lighting shall be used

throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses;

- Design and placement of site lighting shall minimize glare affecting adjacent properties, buildings, and roadways;
- Fixtures and standards shall conform to state and local safety and illumination requirements;
- All trail and park lighting shall provide optimum public safety, while at the same time reducing nighttime light spillover and glare;
- Development projects shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare; and
- Automatic timers on all lighting fixtures within any on-site recreational structures shall be included in the building design to maximize personal safety during nighttime use while saving energy and reducing light pollution. The timers shall be set so that structure lighting within common areas is turned off at 10:00 PM.

Finding:

With regards to impacts related to light and glare, for the foregoing reasons, the Commission adopts Finding 1.

3.35. TRAFFIC - INTERSECTIONS AND ROADWAY SEGMENTS.

Please refer to DEIR pages 5.10-21 to 5.10-33 for an analysis of Project-related traffic impacts to area intersections and roadways.

Potential Effects and Rationale for Finding:

Traffic impacts within the Project study area are based on the cumulative traffic volumes within the study boundaries pursuant to the County methodology. The incremental increase in traffic generated by the Project is compared to the baseline scenario in order to determine the significance of Project-related traffic impacts.

Existing plus Ambient Growth Traffic Conditions

Since occupancy of the Project site is anticipated in 2008, a 2008 horizon year was utilized for analysis purposes to determine Project-only impacts. To derive 2008 conditions, County staff specified a 3.8 percent per year growth rate for this portion of Los Angeles County. Traffic volumes for existing plus ambient growth conditions plus Project conditions within the study area are shown in Exhibit 5.10-9 of the DEIR. The Horizon Year peak hour turning movement volumes for intersections in the study area are illustrated in Exhibits 5.10-10 and 5.10.11 of the DEIR for the AM and PM peak hours, respectively. Table 5.10-7 provides the corresponding intersection capacity utilization (“**ICU**”) values and also lists ICUs for existing conditions. The

ICU tabulations indicate that none of the study area intersections are forecast to exceed the available capacity by the Horizon Year (2008), either with or without the Project.

Interim Year (2015) Traffic Conditions

The cumulative traffic conditions are based on the Interim Year setting. This setting forms the basis for identifying the potential cumulative traffic impacts of the Project together with other planned and pending development projects. The Interim Year traffic volumes represent existing plus ambient growth plus Project plus related Project conditions. Table 5.10-8 of the DEIR provides the corresponding ICU values and also listed for comparison purposes are the ICUs for existing conditions.

The Project will generate approximately 1,261 new vehicle trips per day, with approximately 90 trips in the AM peak hour and approximately 121 trips in the PM peak hour.

Interim Year (2015) volumes that include Project-generated traffic are provided in Exhibits 5.10-12, 5.10-13 and Exhibit 5.10-14 of the DEIR for the AM and PM peak hours, respectively. Peak hour ICU values can be found in Table 5.10-8, which provides a comparison between existing plus ambient growth (no Project) conditions and Interim Year with Project conditions. Table 5.10-8 indicates that several intersections will experience a significant impact due to the cumulative impact of Project traffic and related traffic (refer to Table 5.10-2 for significant impact criteria). The following five intersections are significantly impacted:

Freeway Ramp Intersections

- I-5 SB Ramps/Marriott & Pico Canyon Rd – LOS C (PM Peak Hour);
- I-5 NB Ramps & Lyons Ave – LOS D (PM Peak Hour); and
- I-5 SB Ramps & Calgrove Blvd – LOS D (PM Peak Hour)

County Intersections

- The Old Road & Pico Canyon Rd – LOS C (PM Peak Hour); and
- Chiquella Lane & The Old Road – LOS C (PM Peak Hour)

Although the Project will increase traffic volumes at local intersections and along roadways in the Project area, implementation of recommended mitigation measures will reduce such impacts to a level less than significant. Traffic impacts, before and after implementation of applicable mitigation measures, are summarized in Table 5.10-9.

Traffic Signal Warrants

Two of the study locations are currently stop sign controlled intersections. See Table 4-3, included in Appendix D of the DEIR. This table summarizes peak hour traffic volumes for these locations and evaluates them using the Caltrans peak hour volume warrant.

The following locations meet the peak hour volume warrant for existing plus ambient growth plus Project conditions:

- I-5 SB Ramps & Calgrove Blvd; and
- Chiquella Lane & The Old Road

No additional locations meet the peak hour volume warrant when related projects are included.

The Project will incrementally increase the need for signalization to maintain an adequate level of service at these locations. As such, the applicant will be required to pay a portion (as noted below) of the total improvement fees for these intersections to the County. It is important to note that actual construction of the traffic signals will not be undertaken until such time that each intersection reaches the signalization traffic volume warrant.

Required Mitigation Measures:

Traffic mitigation measures can generally be classified into two categories: (i) measures related directly to Project site access; and (ii) measures related to off-site locations. The following mitigation measures address both Project-specific and off-site roadway and intersection impacts. They will reduce Project-related traffic impacts to area intersections and roadways to less-than-significant levels by implementing the below-described improvements to such intersections, roadways and freeway on/off ramp intersections.

3.35.1. T1. The improvements summarized below shall be implemented to address Project site-specific traffic impacts at the following locations:

3.35.1.1. Roadway Improvements

3.35.1.1.1. The Old Road

The Old Road shall be improved to include four travel lanes and a center turn-lane/median along the Project frontage. Appropriate roadway transitions south of the Project site shall also be constructed by the developer pursuant to the County Department of Public Works roadway design standards.

Project Share – 100%

3.35.1.2. Intersection Improvements

3.35.1.2.1. The Old Road & “A” Street

The developer shall improve the above referenced intersection to include the following lane specifications:

Northbound: 1 Left-turn Lane, 2 Through Lanes
Southbound: 1 Through Lane, 1 Shared Through/Right-turn Lane
Eastbound: 1 Left-turn Lane, 1 Right-turn Lane

Project Share – 100%

3.35.1.2.2. The Old Road & “E” Street

The developer shall improve the above referenced intersection to include the following lane specifications:

Northbound: 2 Through Lanes (left turns prohibited)

Southbound: 1 Through Lane, 1 Shared Through/Right-turn Lane

Eastbound: 1 Right-turn Lane (left turns prohibited)

Project Share – 100%

3.35.2. T2. The improvements summarized below shall be implemented to address off-site traffic impacts. These mitigation measures are required to address cumulative traffic impacts. Thus, the Project developer shall be responsible for providing its “fair-share” contribution towards ultimate implementation of the following roadway improvements:

3.35.2.1. Freeway On/Off Ramp Intersections

3.35.2.1.1. I-5 SB Ramps/Marriott & Pico Canyon Rd.

Add 3rd Eastbound Through Lane (striping)

Project Share – 4%

3.35.2.1.2. I-5 NB Ramps and Lyons Ave.

Add 2nd Eastbound Left-turn lane (striping)

Project Share – 100%

3.35.2.1.3. I-5 SB Ramps & Calgrove Blvd.

Add 2nd Eastbound Through Lane, and

Add 2nd Westbound Through Lane (striping)

Install Traffic Signal

Project Share – 20.3%

3.35.2.1.4. The Old Road & Pico Canyon Rd.

Convert Eastbound Right-turn Lane to 3rd Eastbound Through Lane (striping)

Project Share – 3.3%

3.35.2.1.5. Chiquella Lane and The Old Road

Add Southbound Right-turn Lane (striping)
Install Traffic Signal

Project Share – 48.3%

Finding:

With regards to traffic impacts to area intersections and roadways, for the foregoing reasons, the Commission adopts Finding 1.

3.36. WASTEWATER.

Please refer to DEIR pages 5.11-21 through 5.11-24 for an analysis of impacts related to wastewater.

Potential Effects and Rationale for Finding:

The Project will utilize an on-site wastewater collection system to convey wastewater flow from the site, which will pass through off-site facilities, to County-approved connection points into the County Sanitation District's ("LACSD") trunk sewer lines. Mitigation requiring approval of points of connection and quantification of available capacity, listed below, will ensure that impacts to wastewater conveyance and treatment facilities will be less than significant.

The wastewater generated by the Project will represent only approximately 0.15 percent of the Santa Clarita Valley Sanitary District's ("SCVSD") 28.1 mgd treatment capacity for average day flows. The County will not issue connection permits to the Project's sewer system unless it is first demonstrated that sufficient capacity exists to serve the proposed development. As such, the Project will not cause an exceedance of capacity of the wastewater conveyance system or of SCVSD's treatment plants, since adequate capacity must be demonstrated in order to contribute flows to the system.

Required Mitigation Measures:

The following required mitigation measures will reduce impacts related to wastewater to less-than-significant levels by having LACSD review and approve all points of connection and insure capacity qualification prior to such approval.

3.36.1. WW1. The LACSD shall review and approve the points of connection and quantification of the available capacity in the affected portions of the sewer system serving any project proposed within the SCVSD service area boundary.

Finding:

With regards to impacts related to wastewater, for the foregoing reasons, the Commission adopts Finding 1.

3.37. SCHOOLS – INCREASED ENROLLMENT.

Please refer to DEIR pages 5.12-4 through 5.12-6 for an analysis of the Project’s impacts related to increased enrollment in area schools.

Potential Effects and Rationale for Finding:

The Project will impact enrollment in both the Newhall and Hart School Districts. With regards to the Newhall School District, the District has required the applicant to enter into a mitigation agreement that will require payment of fees in excess of the statutory limit, so that space can be constructed at the nearest sites to accommodate the impact of Project-generated students. Project participation in the mitigation agreement will reduce impacts to the Newhall School District to a less-than-significant level.

The Hart School District has required the applicant to enter into a fair share mitigation agreement so that space can be constructed at the nearest sites to accommodate the impact of Project-generated students. Compliance with the fee payment requirements as specified within the fair share mitigation agreement will reduce impacts to the Hart School District to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project’s impacts related to increased enrollment in area schools by requiring the applicant to enter into a written mitigation agreement with the appropriate school districts. Such written mitigation agreement will require all necessary fees be paid, so as to reduce the Project’s impacts related to increased enrollment in area schools to less-than-significant levels.

3.37.1. SE1. Project participation in a mitigation agreement with the Newhall School District fully mitigates Project-specific impacts on this District. This agreement will provide full funding of the costs to construct new facilities necessary to house the additional students generated by the Project. Therefore, the developer shall enter into a School Facilities Funding and Mitigation Agreement with Newhall School District prior to issuing building permits for the first residential unit.

3.37.2. SE2 Project participation in the fair share mitigation agreement with the Hart School District fully mitigates Project-specific impacts on this District. This agreement will provide full funding of the costs to construct new facilities necessary to house the additional students generated by the Project. Therefore, the developer shall enter into a School Facilities Funding and Mitigation Agreement with the William S. Hart School District prior to issuing building permits for the first residential unit.

Finding:

With regards to impacts related to increased enrollment in area schools, for the foregoing reasons, the Commission adopts Finding 1.

3.38. FIRE SERVICES - PROJECT-SPECIFIC IMPACTS TO FIRE SERVICES AND FIRE HAZARDS.

Please refer to DEIR pages 5.13-4 through 5.13-9 for an analysis of the Project's impacts related to fire services and fire hazards.

Potential Effects and Rationale for Finding:

The Project will result in numerous potential impacts related to fire services and fire hazards.

Construction-Related Impacts

First, construction of the Project will result in an increased demand for fire services. However, mitigation measures, such as brush clearance prior to the initiation of construction activities; availability of adequate water to service construction activities; and construction-related requirements of the Fuel Modification Plan, landscape plan and irrigation plan, as approved by the Fire Department, will reduce these impacts. During build-out, the Project will comply with all applicable Building and Fire Code requirements for such items as types of roofing materials, building construction, brush clearance, water mains, fire hydrant flows, hydrant spacing, access and design and other hazard reduction programs for Very High Fire Hazard Severity Zone, as set forth by the County Forester and Fire Warden.

Operational Impacts

Second, with regards to operational impacts, the applicant is voluntarily proposing to dedicate a 1.26-acre site to improve fire and emergency services in the area. A new 8,000-square-foot fire station will be located on the 1.26-acre site, located at the northeast corner of subject site. The Project shall also meet County codes and requirements relative to providing adequate fire protection services to the site during both the construction and operational stages of the Project.

Wildland Fire Hazards

Finally, with regards to wildland fire hazards, the Project will establish residential uses in areas that have been designated as Very High Fire Hazard Severity Zones. Characteristics of the Project site that contribute to this designation include: access, lack of adequate water supplies, topography and vegetative cover. However, the Project shall (i) comply with all circulation and access requirements imposed upon it by the County Fire Department; (ii) implement a water supply system that includes water mains and fire hydrants and provides fire flows sufficient to meet County standards; (iii) during development, remove fire hazards associated with the natural vegetative cover and replace the same with urban landscape vegetation, which is irrigated and less combustible than the existing vegetation; and (iv) prepare a Fuel Modification Plan consistent with existing County Fire Department standards.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's impacts related to fire services and fire hazards to less-than-significant levels by (i) insuring compliance with all applicable fire protection codes; (ii) dedicating an on-site parcel to the County for the

construction of a future fire station; (iii) implementing a Fuel Modification Plan; (iv) clearing brush; (v) insuring adequate access to all on-site buildings; and (vi) providing for adequate fire-flow water availability.

Construction-Related Impacts

3.38.1. FS1. All proposed development on the site must comply with applicable state and County code and ordinance requirements for fire protection.

3.38.2. FS2. Prior to the issuance of a certificate of occupancy, the Applicant shall dedicate to the County Fire Department, a 1.26-acre fire station site at the northeast corner of the Project. The fire station site must be constructed and dedicated to the County Fire Department in accordance with the provisions of the AGREEMENT BETWEEN THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY AND WESTERN PACIFIC HOUSING – LYONS CANYON PARTNERS, LLC. That agreement is found in Appendix P of the DEIR.

3.38.3. FS3. The Project shall prepare a Fuel Modification Plan (which includes a landscape plan and irrigation plan) as required for projects located within a Very High Fire Hazard Severity Zone. The Fuel Modification Plan shall be submitted and approved by the County Fire Department and the DRP prior to issuance of a grading permit. The Fuel Modification Plan shall depict a fuel modification zone in conformance with the Fuel Modification Ordinance in effect at the time of subdivision. The Fuel Modification Plan shall not conflict with the revegetation plan which is directed by the mitigation measures concerning biological impacts.

3.38.4. FS4. Brush clearance shall be conducted prior to initiation of construction activities in accordance with County Fire Department requirements.

3.38.5. FS5. Adequate access to all buildings on the Project site shall be provided for emergency vehicles during the building construction process.

3.38.6. FS6. Adequate water availability shall be provided to service construction activities.

Operational Impacts

3.38.7. FS7. The Project shall comply with the County Fire Department development standards with respect to access roadways, building orientation, brush clearance and fire flows.

Wildland Fire Hazards

3.38.8. Mitigation Measures: See mitigation measures **FS1** through **FS7**, discussed above in this Section 3.38 and also in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to the Project's impacts related to fire services and fire hazards, for the foregoing reasons, the Commission adopts Finding 1.

3.39. SHERIFF SERVICES – CONSTRUCTION & OPERATIONAL DEMANDS FOR INCREASED SHERIFF SERVICES

Please refer to DEIR pages 5.14-3 through 5.14-4 for an analysis of the Project's impacts to sheriff services related to construction and operations which will create an additional demand for such services.

Potential Effects and Rationale for Finding:

Construction and operation of the Project could result in an increased demand for sheriff services. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's impacts to sheriff services - related to construction and operations -- to less-than-significant levels by (i) requiring private security during construction; (ii) incorporating Sheriff Department design requirements into building designs; (iii) incorporating landscaping and lighting designed to avoid concealment of criminal activity; (iv) requiring clearly visible address and building number signs; and (v) incorporating doors and windows that are visible from the street.

3.39.1. SS1. During construction, private security patrols shall be utilized to protect the Project site.

3.39.2. SS2. As final building plans are submitted to the County for approval in the future, Sheriff's Department design requirements which reduce demands for service and ensure adequate public safety (such as those pertaining to site access, site security lighting), shall be incorporated into building designs.

3.39.3. SS3. Project design shall landscape the Project site with low-growing groundcover and shade trees, rather than a predominance of shrubs which could conceal potential criminal activity around buildings and parking areas.

3.39.4. SS4. Project design shall provide lighting, to the satisfaction of the Sheriff's Department, around and throughout the development to enhance crime prevention and enforcement efforts.

3.39.5. SS5. Project design shall provide clearly visible (during the day and night) address signs and/or building numbers for easy identification during emergencies.

3.39.6. SS6. Project design shall provide visibility of doors and windows from the street and between buildings.

Finding:

With regards to construction- and operations-related impacts to sheriff services, for the foregoing reasons, the Commission adopts Finding 1.

3.40. SOLID WASTE - CONSTRUCTION-RELATED IMPACTS.

Please refer to DEIR pages 5.15-3 through 5.15-4 for an analysis of the Project's impacts to solid waste generation related to construction.

Potential Effects and Rationale for Finding:

Construction of the Project will generate solid waste, which will incrementally decrease the capacity and lifespan of landfills. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measure will reduce the Project's impacts to solid waste generation related to construction to less-than-significant levels by requiring adherence to all existing source reduction programs.

3.40.1. 1. SW1. The Applicant/individual Project applications shall adhere to all existing source reduction programs for the disposal of construction materials and solid waste, as required by the County. Prior to issuance of building permits, a source reduction program shall be prepared and submitted to the Director of Public Works for each future structure constructed on the subject properties to achieve a minimum 50 percent reduction in waste disposal rates, including green waste.

Finding:

With regards to impacts to solid waste generation related to construction, for the foregoing reasons, the Commission adopts Finding 1.

3.41. PROJECT-SPECIFIC LIBRARY IMPACTS.

Please refer to DEIR pages 5.18-4 through 5.18-5 for an analysis of the Project's impacts to libraries.

Potential Effects and Rationale for Finding:

The Project will create additional demand for library services, facilities and materials within the Santa Clarita Valley. Nonetheless, as previously discussed, the Commission considers payment of fees for new residential development projects adequate mitigation for library service impacts. Based on the amount of residential development associated with the Project, the County will require payment of \$665 per dwelling unit to mitigate library service impacts. The Project shall pay requisite library fees to the County, and as a result, impacts to library facilities and services will be less than significant.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's impacts to libraries to less-than-significant levels by requiring the Applicant to pay the necessary and appropriate library mitigation fees.

3.41.1. LIB1 The Applicant shall pay the standard County Public Library mitigation fee of \$665 per dwelling unit, or other amount determined to be appropriate by the County Public Library at the time of building permit issuance.

Finding:

With regards to impacts to area libraries, for the foregoing reasons, the Commission adopts Finding 1.

3.42. PARKS AND RECREATION -- NEIGHBORHOOD AND COMMUNITY PARKS.

Please refer to DEIR page 5.19-10 for an analysis of the Project's impacts to neighborhood and community parks.

Potential Effects and Rationale for Finding:

Development of the Project will increase usage of neighborhood and community parks. However, with the implementation of the recommended mitigation measures (described below), these impacts will be mitigated to a less-than-significant level.

Required Mitigation Measures:

The following required mitigation measure will reduce the Project's impacts to neighborhood and community parks to less-than-significant levels by requiring the Applicant to comply with County Ordinance and/or the Quimby Act.

3.42.1. 1. PR1. The Project shall comply with the County Ordinance and/or Quimby Act by paying the in-lieu fees totaling \$364,931 to the County.

Finding:

With regards to the Project's impacts to neighborhood and community parks, for the foregoing reasons, the Commission adopts Finding 1.

3.43. LAND USE - CONDITIONAL USE PERMITS.

Please refer to DEIR pages 5.20-6 through 5.20-14 for an analysis of the Project's impacts to land use, in the context of conditional use permits.

Potential Effects and Rationale for Finding:

In order to be found consistent with the goals and policies of the Santa Clarita Valley Area Plan, the Project needs to demonstrate consistency with the Burden of Proof statements required for a

general Conditional Use Permit; a Conditional Use Permit for development within the Hillside Management land use designation; a Conditional Use Permit for development within Significant Ecological Areas; and a Conditional Use Permit for a Density Bonus. These Burden of Proof Statements have been provided to and accepted by the County.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's impacts to land use, in the context of conditional use permits, to less-than-significant levels by requiring the Applicant to comply with the County's Burden of Proof requirements.

3.43.1. Consistency Determination for Conditional Use Permit Burden of Proof. The Applicant is required to provide a statement proving the Project's consistency with the County's Burden of Proof for the Conditional Use Permit requested in the context of this Project. The Applicant has previously provided the County with this statement and the County has previously accepted and certified such statement.

3.43.2. Consistency Determination for Density Bonus Conditional Use Permit Burden of Proof. The Applicant is required to provide a statement proving the Project's consistency with the County's Burden of Proof for the Density Bonus Conditional Use Permit requested in the context of this Project. The Applicant has previously provided the County with this statement and the County has previously accepted and certified such statement.

3.43.3. Consistency Determination for Hillside Management Conditional Use Permit Burden of Proof. The Applicant is required to provide a statement proving the Project's consistency with the County's Burden of Proof for the Hillside Management Conditional Use Permit requested in the context of this Project. The Applicant has previously provided the County with this statement and the County has previously accepted and certified such statement.

3.43.4. Consistency Determination for Significant Ecological Areas Conditional Use Permit Burden of Proof. The Applicant is required to provide a statement proving the Project's consistency with the County's Burden of Proof for the Significant Ecological Areas Conditional Use Permit requested in the context of this Project. The Applicant has previously provided the County with this statement and the County has previously accepted and certified such statement.

Finding:

With regards to the Project's impacts to land use, in the context of conditional use permits, for the foregoing reasons, the Commission adopts Finding 1.

The County also finds that the Project is consistent with its General Plan and all its applicable ordinances, including, without limitation, the County's new Density Bonus Alternative with regards to senior housing. Moreover, the County finds that it has imposed mitigation measures and conditions of approval to reduce the environmental impacts associated with Project, to the maximum extent feasible.

SECTION 4 - UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Implementation of the Project will result in unavoidable significant environmental impacts that cannot be mitigated to a less-than-significant level.

4.1. GEOLOGY, SOILS, AND SEISMICITY - GRADING.

Please refer to DEIR page 5.1-20 for an analysis of the Project's impacts related to grading activities.

Potential Effect and Rationale for Finding:

Development associated with the Project will result in a change in topography and ground surface relief features, earth movement of 10,000 cubic yards or more and development and/or grading on slopes greater than 10 percent natural grade. Only through avoidance of disruption to such topographic features could grading-related impacts to topography be reduced to a less-than-significant level. There are no other feasible mitigation measures or acceptable Project alternatives that would substantially lessen or avoid this remaining impact because any development on the Project site necessitates substantial grading to the site's topography.

Required Mitigation Measures:

No mitigation measures or acceptable Project alternatives are proposed or recommended that could feasibly reduce the Project's significant impacts related to grading activities.

Finding:

The Commission adopts Finding 3. The Project's impacts related to grading activities will remain significant and unavoidable, because the physical impact of grading can not be avoided. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.2. GEOLOGY, SOILS, AND SEISMICITY - UNIQUE GEOLOGIC OR PHYSICAL FEATURES.

Please refer to DEIR pages 5.1-20 through 5.1-21 for an analysis of the Project's impacts to unique geologic or physical features.

Potential Effect and Rationale for Finding:

The Project will move approximately 3.8 million cubic yards of earth, which will be balanced on-site, including cutting and filling of hillside areas and canyon bottoms. Although the Project will preserve on-site primary and secondary ridgelines, grading for proposed development will permanently alter on-site natural drainages and slope areas. This will result in an adverse significant and unavoidable impact. There are no feasible mitigation measures or acceptable

Project alternatives that would substantially lessen or avoid this remaining significant and unavoidable impact because any development on the Project site necessitates substantial grading, cutting and filling and alteration of the site's natural drainages and slope areas.

Required Mitigation Measures:

No mitigation measures or acceptable Project alternatives are proposed or recommended that could feasibly reduce the Project's significant impacts to unique geologic or physical features.

Finding:

The Commission adopts Finding 3. The Project's impacts to unique geologic or physical features will remain significant and unavoidable, because the physical impact of grading cannot be avoided. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.3. CONSTRUCTION-RELATED NOISE.

Please refer to DEIR pages 5.4-10 through 5.4-12 for an analysis of the Project's construction-related noise impacts.

Potential Effect and Rationale for Finding:

Project-related grading and construction activities could result in temporary noise impacts to nearby noise-sensitive receptors.

Construction noise related to worker commutes and equipment transport will not be significant, as the Project-specific construction traffic responsible for such noise will be small compared to existing noise cause by area traffic volumes. Moreover, there will not be any significantly perceptible noise-level change over the long term. However, noise associated with the actual construction of the Project (i.e., excavation, grading, etc.) will be temporarily significant and unavoidable since it will exceed the County's exterior noise level threshold.

There are no other feasible mitigation measures or acceptable Project alternatives that would substantially lessen or avoid this remaining impact because any development on the Project site requires construction, excavation, grading, etc. and each of these activities would generate noise in excess of the appropriate County standards.

Required Mitigation Measures:

The Project's construction-related noise impacts will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) limiting construction to reasonable times; and (ii) implementing noise-reduction measures and practices to and with construction equipment.

Notwithstanding the foregoing, the implementation of the mitigation measure described below will not be sufficient to reduce all construction-related noise impacts to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable construction-related noise impacts would be somewhat reduced under the No Project Alternative discussed in the DEIR because, under that alternative, there would be no construction whatsoever. However, that Alternative is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.3.1. N1. Construction shall be limited to the hours of 7:00 A.M. to 7:00 P.M. on any working day except Sundays and holidays, in accordance with the County's Noise Control Ordinance (County Code Section 12.080.440).

4.3.2. N2. The following measures shall be implemented to reduce potential construction noise impacts on nearby sensitive receptors:

- During all site excavation and grading, the construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.
- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's construction-related noise impacts to the greatest extent feasible. However, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.4. AIR QUALITY - CONSTRUCTION

Please refer to DEIR pages 5.5-14 through 5.5-18 for an analysis of the Project's air quality impacts related to construction.

Potential Effect and Rationale for Finding:

Construction of the Project will increase air pollutant concentrations in the Project area.

It is anticipated that such increases will be significant, in that they will likely contribute to continuing violations of federal and state maximum concentration standards.

Required Mitigation Measures:

The Project's construction-related air quality impacts will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by implementing certain standards that minimize construction-related emissions and by using low emission-producing materials.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all construction-related air quality impacts to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable construction-related air quality impacts would be somewhat reduced under the No Project Alternative discussed in the DEIR because, under that alternative, there would not be any construction whatsoever. However, that Alternative is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.4.1. AQ1. The construction contractor shall be responsible for ensuring that all measures listed in Table 5.5-7, Standard Measures for Construction-Related Emissions, of the DEIR are implemented. To achieve the particulate control efficiencies shown, it is assumed that finished surfaces will be stabilized with water and/or soy-based, or other non-chloride-based, dust palliatives and isolated from traffic flows to prevent emissions of fugitive dust from these areas. In addition, the following water application rates are assumed:

- Roads traveled by autos, rock trucks, water trucks, fuel trucks and maintenance trucks: up to twice per hour;
- Roads traveled by scrapers and loaders; active excavation area: up to three times per hour; and
- Finish grading area: up to once every two hours.

4.4.2. AQ2. All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained.

4.4.3. AQ3. The construction contractor shall utilize, as much as possible, precoated/natural colored building materials, water-based or low-VOC coating on all interior and exterior walls, and coating transfer or spray equipment with high transfer efficiency, such as HVLP spray

method, or manual coatings application, such as paint brush, hand roller, trowel, spatula, dauber, rag or sponge.

4.4.4. AQ4. Low-emitting paints and solvents shall be used on all future on-site structures.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's air quality impacts related to construction to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.5. AIR QUALITY MANAGEMENT.

Please refer to DEIR page 5.5-24 for an analysis of the Project's impacts related to air quality management.

Potential Effect and Rationale for Finding:

The development associated with the Project will conflict with the SCAQMD's adopted Air Quality Management Plan ("AQMP"). Specifically, the Project will not require amendments to the projections of the County's General Plan, but will conflict with the SCAQMD's 1997 AQMP due to Project-related air emissions above SCAQMD thresholds of significance. The Project is considered inconsistent with the most recently adopted AQMP, and is therefore significant and unavoidable.

Required Mitigation Measures:

No mitigation measures or acceptable Project alternatives are proposed or recommended that could feasibly reduce the Project's significant impacts related to air quality management.

Finding:

The Commission adopts Finding 3. The Project's impacts related to air quality management will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.6. BIOLOGICAL RESOURCES - DIRECT IMPACTS TO RARE PLANTS POTENTIALLY OCCURRING ON-SITE.

Please refer to DEIR pages 5.6-90 through 5.6-104 for an analysis of the Project's direct impacts to rare or special-status plant species potentially occurring on-site.

Potential Effect and Rationale for Finding:

Several (i.e., 6) special-status plant species are likely to occur on-site but have not been detected during the field surveys conducted on-site. These special-status plant species include: *Aster greatae* (Greata's Aster); *Erodium macrophyllum* (Round-leaved Filaree); *Horkelia cuneata ssp. puberula* (Mesa Horkelia); *Lepidium virginicum var. robinsonii* (Robinson's Pepper-grass); *Nolina cismontana* (Chaparral Nolina); and *Senecio aphanactis* (Rayless Ragwort). Impacts to these species are potentially significant; that is, since they have not yet occurred on-site -- and are only likely to occur -- there can be no actual impact. Nevertheless, both direct and indirect impacts to these species could be significant if (i) these species actually occurred on-site; and (ii) implementation of the mitigation measures described below fail. Despite the fact that there cannot be any impact, let alone a significant impact, until these two conditions are met, out of an abundance of caution, the potential impacts to these special-status species are included in this Section 4 as significant and unavoidable impacts.

Required Mitigation Measures:

The Project's direct impacts to rare or special-status plant species potentially occurring on-site will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by conducting surveys, propagating seeds and, once propagated, planting such rare plant species on-site and by preserving habitat and implementing preserve maintenance programs.

Notwithstanding the foregoing, the implementation of the mitigation measure described below will not be sufficient to reduce all direct impacts to rare or special-status plant species potentially occurring on-site to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable direct impacts to rare or special-status plant species potentially occurring on-site would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps with the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.6.1. BIO5 Conduct Survey, Propagate Seeds, and Plant On-site. Since the location or presence of these special-status plant species likely to occur on-site is not actually confirmed, seasonal surveys shall be conducted in suitable habitat at a time when positive identifications can be made. The surveys shall be conducted by a qualified botanist acceptable to the DRP and familiar with the flora of the Santa Susana Mountains. If any of these plants are found to be within the Project impact area, then, prior to grading, seeds shall be gathered when ripe and transferred to a native plant nursery experienced with propagating sensitive or similar species, and grown out to 1-gallon container size. These plants shall be propagated in suitable preserved

habitat found on-site at a ratio of 10 plants for every 1 plant of each species impacted by the Project.

The mitigation plantings shall be maintained and monitored for a period of 5 years after initial planting, with annual reports submitted to the County. Seeding may require several seed sowing events to establish viable reproducing populations at the mitigation site.

4.6.2. Additional Mitigation Measures. Implementing mitigation measures **BIO1** and **BIO2** will also mitigate these significant and unavoidable impacts. However, these additional mitigation measures will not mitigate these impacts to less-than-significant levels; rather, the impacts will remain significant and unavoidable. Mitigation measures **BIO1** and **BIO2** are discussed in this Section 3 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's direct impacts to rare or special-status plant species potentially occurring on-site, to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.7. BIOLOGICAL RESOURCES - DIRECT IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES OBSERVED ON-SITE OR IMMEDIATELY ADJACENT TO THE PROJECT SITE.

Please refer to DEIR pages 5.6-111 through 5.6-118 for an analysis of the Project's direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site.

Potential Effect and Rationale for Finding:

Direct impacts to the habitat of special-status wildlife species observed on-site, or immediately adjacent to the Project site, are expected to remain significant and unavoidable. Such species include Cooper's Hawk (*Accipiter cooperii*); Barn Owl (*Tyto alba*); Oak Titmouse (*Baeolophus inornatus*); Nuttall's Woodpecker (*Picoides nuttallii*); and San Diego Desert Woodrat (*Neotoma lepida intermedia*). The direct impacts to such species will also be cumulatively significant and unavoidable (as discussed below in Section 7). Note, however, that such impacts to active nests will be less than significant after mitigation. As such, those impacts are discussed above in Section 3.

Required Mitigation Measures:

The Project's direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) performing

necessary and appropriate surveys; (ii) avoiding disturbance to sensitive areas; (iii) maintaining buffers; (iv) avoiding contact with such species; and (v) replacing or compensating habitats of such species.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.7.1. BIO13. Preconstruction Surveys and Fencing off Sensitive Areas. Prior to grading or site-clearing activities, a qualified biologist acceptable to the DRP shall survey the construction areas of the site to determine if any special-status wildlife species are foraging, frequenting or nesting on or adjacent to the construction areas. If any special-status wildlife species are observed foraging, frequenting or nesting during construction activities, the area in which the special-status species was observed should be flagged or fenced off to protect the wildlife species. In addition, the equipment operators shall be informed of the species' presence and provided with pictures in order to help avoid impacts to this species to the maximum extent possible. As part of the environmental training, contractors and heavy equipment operators shall be provided with photographs of expected special-status wildlife species to identify them, and to avoid harming them during construction.

4.7.2. BIO14. Survey for Nests and Nesting Activity. 30 days prior to the onset of construction activities, a qualified biologist acceptable to the DRP shall survey within the limits of Project disturbance for the presence of any active raptor and bird nests. Any nest found during survey efforts shall be mapped on the construction plans and marked on the ground. If no active nests are found, no further mitigation is required. Results of the surveys shall be provided to the CDFG. If nesting activity is present at any raptor nest site, the active site shall be protected, by providing a 100 to 300 foot buffer, until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for bird species in the region of the Project site normally occurs from February through August.

4.7.3. BIO15. Avoid Contact or Harm to Special-status Species. To avoid impacts to all special-status wildlife species observed on-site, equipment operators shall avoid contact with or harm to any special-status species and any of their sources of cover (e.g. nest, midden, burrow). If a special-status wildlife species is encountered during construction activities, it shall be allowed to escape any danger that may result from construction work, and the on-site biological

monitor shall be notified in order to implement all measures necessary to protect the sensitive species.

4.7.4. BIO16. Replace Required Habitat of Observed Special-status Species. Existing habitat, required by observed or likely special-status wildlife species, shall be replaced, or compensated for, after all development activities have been completed, as presented in mitigation measures **BIO1**; **BIO2**; **BIO4**; and **BIO24** through **BIO35**, which are provided in Section 3 above and in this Section 4. Compensation for lost habitat on-site shall be accomplished at least in part through improving habitat conditions of preserved on-site habitats, such as through removal of invasive exotic plant species and replacing them with indigenous native species. A residual impact will remain since there will be a reduction of the total area of habitat available on-site.

4.7.5. Additional Mitigation Measures. Mitigation measures **BIO11** and **BIO12** will also help mitigate these significant and unavoidable impacts. However, these other mitigation measures will not mitigate these impacts to less-than-significant levels; rather, the impacts will remain significant and unavoidable. Mitigation measures **BIO11** and **BI12** are discussed in Section 3 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.8. BIOLOGICAL RESOURCES - DIRECT IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES LIKELY TO OCCUR ON-SITE.

Please refer to DEIR pages 5.6-118 through 5.6-125 for an analysis of the Project's direct impacts to special-status wildlife species likely to occur on-site.

Potential Effect and Rationale for Finding:

Several (i.e., 19) special-status wildlife species are *likely* to occur on-site but have not been detected during the field surveys conducted on-site. These special-status wildlife species include: Silvery Legless Lizard (*Anniella pulchra pulchra*); Coastal Western Whiptail (*Aspidoscelis tigris stejnegeri*); Rosy Boa (*Charina trivirgata*); San Diego Banded Gecko (*Coleonyx variegates abbotti*); San Diego Horned Lizard (*Phrynosoma coronatum*); Coast Patch-nosed Snake (*Salvadora hexalepis virgultea*); Southern California Rufous-crowned Sparrow (*Aimophila ruficeps canescens*); Grasshopper Sparrow (*Ammodramus savannarum*); Bell's Sage Sparrow (*Amphispiza belli ssp. belli*); Long-eared Owl (*Asio otus*); Costa's Hummingbird (*Calypte costae*); Lawrence's Goldfinch (*Caroluelis lawrencei*); Lark Sparrow (*Chondestes*

grammacus); Northern Harrier (*Circus cyaneus*); Loggerhead Shrike (*Lanius ludovicianus*); California Thrasher (*Toxostoma redivivum*); Ring-tailed Cat (*Bassariscus astutus*); Western Mastiff Bat (*Eumops perotis californicus*); and the Mountain Lion (*Puma concolor*). Direct impacts to these species are potentially significant. (However, indirect impacts to these species are either significant, but mitigated to a level of less than significant, or are less than significant, and, as a result, are discussed above in [Section 3](#) or [Section 2](#), respectively.)

Since these species are not known to have actually occurred on-site, and are only likely to occur, there cannot be any actual impact found at this time. Nevertheless, both direct and cumulative impacts to these species could be significant if these species *actually occurred on-site*. However, in all events, and regardless of whether any of these species are found on-site, the Project will have a significant and unavoidable cumulative impact on these species, since the Project will destroy up to 118.74 acres of foraging and nesting habitat.

Required Mitigation Measures:

The Project's direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) conducting surveys; (ii) implementing wildlife relocation programs; (iii) controlling invasive species; (iv) creating replacement habitat and (v) replacing or compensating habitats of such species.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all direct impacts to special-status wildlife species likely to occur on-site to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable direct impacts to special-status wildlife species likely to occur on-site would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in [Section 9](#). The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.8.1. BIO17. Conduct Focused Surveys. Prior to grading, focused surveys shall be conducted on the proposed development site for special-status reptile species that have a high potential to occur on-site. The surveys results shall be submitted within 45 days after completion of the last survey to the CDFG and DRP for concurrence. If it is determined that special-status wildlife species are not present on the proposed development site, then no further mitigation is necessary.

4.8.2. BIO18. Implement Relocation Program. If Silvery Legless Lizard, Coastal Western Whiptail, Rosy Boa, San Diego Banded Gecko, San Diego Horned Lizard and/or Coast Patch-nosed Snake (the 6 special-status reptile species that are likely to occur on-site) is/are found on-site, then a capture and relocation program shall be implemented. Prior to implementation of the

relocation program, the program and the biologist(s) implementing the program shall be subject to approval of the CDFG and the County Biologist. A relocation program shall be prepared to include a detailed methodology for locating, safely capturing and successfully relocating individuals prior to construction. The program shall identify a suitable location for relocation of each species prior to capture. A qualified biologist with the necessary permits (if required by CDFG) shall be required for handling the specific special-status wildlife species. The adopted relocation program shall be implemented.

4.8.3. BIO19. Control Argentine Ants. The control of Argentine Ant from the Project site is necessary to prevent the loss of forage resources for the San Diego Horned Lizard, which cannot survive on consumption of Argentine Ant. The landscaping plan, within 300 feet of any natural areas containing San Diego Horned Lizard, shall be designed to utilize native plant species that do not require supplemental irrigation in an attempt to keep invading Argentine Ant populations as low as possible. In addition, an Argentine Ant control plan shall be developed and implemented in perpetuity by the homeowners association or other responsible party.

4.8.4. BIO20. Install Bat Boxes. If the Western Mastiff Bat, or other special-status bat species, is found to forage or nest on-site, then bat boxes shall be installed at appropriate locations within preserved land on-site to replace lost nesting habitat. A mitigation plan designed specifically to provide nesting and foraging habitat for special-status bat species shall be prepared and submitted to CDFG and the County Biologist for approval, and after approval, it shall be implemented.

4.8.5. Additional Mitigation Measures. Implementing mitigation measures **BIO11** and **BIO16** will also mitigate these significant and unavoidable impacts. However, these other mitigation measures will not mitigate these impacts to less-than-significant levels; rather, the impacts will remain significant and unavoidable. Mitigation measures **BIO11** and **BIO16** are discussed in Section 3 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's direct impacts to special-status wildlife species likely to occur on-site to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.9. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS TO VEGETATION-INCLUDING SENSITIVE HABITATS.

Please refer to DEIR pages 5.6-130 through 5.6-154 for an analysis of the Project's impacts related to vegetation, including those impacts to sensitive habitats.

Potential Effect and Rationale for Finding:

The potential Project-specific impacts to vegetation – including impacts to sensitive habitats – includes impacts to, and potential loss of, Grassland habitats; Lichen-Rock Outcrop habitats; Coastal Sage Scrub; Chaparral habitats; Southern California Black Walnut woodland; Coast Live Oak trees; Valley Oak trees; Scrub Oaks; Oak woodlands; and wetland habitats and plants. Three of these Project-specific impacts concerning vegetation are *potentially significant, but mitigated to a less-than-significant level*. Those are impacts related to potential loss of Grassland habitats; Coastal Sage Scrub; and Southern California Black Walnut woodland, and they are discussed above in Section 3. The remainder of the potential Project-specific impacts to vegetation – including impacts to sensitive habitats – will remain significant and are discussed here in this Section 4.

Required Mitigation Measures:

The Project's impacts related to vegetation, including those impacts to sensitive habitats, will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) preserving on-site oaks; (ii) planting additional oaks on-site and relocating certain mature oaks; and (iii) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all impacts related to vegetation, including those impacts to sensitive habitats, to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable impacts related to vegetation, including those impacts to sensitive habitats, would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.9.1. BIO26. Preserve and Protect Avoided On-site Oak Trees. The 1,179 oak trees to be avoided by the Project shall be protected on-site in perpetuity by establishing on-site preserves that are permanently protected from future development and managed for conservation purposes. Management of the preserved trees shall be minimal, focused on facilitating the natural growth and condition of the protected trees and associated habitat. Prior to the issuance of a grading permit, the Applicant shall have prepared an oak resource management plan to be reviewed and approved by the DRP and County Forester. Only oak trees and oak resource habitat not in private lots will be credited as preserved habitat.

4.9.2. BIO27. Plant 15-gallon Young Oaks On-site. To mitigate for the loss of 162, and the encroachment of 54, mature oak trees by the Project, young oak trees of all three species

impacted shall be planted at a 2:1 ratio for non-heritage trees impacted, and at a 10:1 ratio for heritage trees impacted, per the County Oak Tree Ordinance replacement criteria. Specifically, to mitigate for impacted non-heritage oak trees, an overall mitigation ratio of two 15-gallon oaks shall be planted for each tree impacted. To mitigate for impacted heritage oak trees, an overall mitigation ratio of ten 15-gallon oaks shall be planted for each tree impacted. Therefore, at a 2:1 ratio, 298 15-gallon young oak individuals (including 282 *Q. agrifolia*, 4 *Q. berberidifolia*, and 12 *Q. lobata*) will be required for mitigation for the impacts to 216 non-heritage oak trees (including 162 non-heritage lost and 54 non-heritage encroached) on-site. In addition, 130 15-gallon young oak individuals (all *Q. agrifolia*) will be required for mitigation for the impacts to 19 heritage oak trees (including 13 heritage lost and 6 heritage encroached) on-site. A total of 428 15-gallon oaks will be required to mitigate for impacts to 216 oak trees, including 19 heritage trees. No existing sensitive habitat shall be impacted as a result of any planting activities. The planted trees shall be maintained and monitored for a period of seven years after planting. Success of this mitigation measure will be achieved if 100 percent of the acorns or seedlings survive after seven years.

- **Contribute Funds to the Oak Species Forest Fund.** If the success criteria for this mitigation measure are not met, the Applicant shall contribute to the Oak Species Forest Fund. The compensation rate shall be set at 50 percent of the assessed economic value of the trees lost, less the estimated economic value of the trees successfully covered under mitigation measures **BIO26** and **BIO27**. The economic value of the 164 oak trees to be lost is approximately \$4,211,730. In addition, the economic value of the 54 trees to be encroached is approximately \$2,125,400, totaling \$6,337,130 (including \$4,090,830 for 154 *Q. agrifolia* lost; \$1,865,700 for 49 *Q. agrifolia* encroached, \$12,000 for 2 *Q. berberidifolia* lost, \$90,900 for 6 *Q. lobata* lost, and \$252,600 for *Q. lobata* encroached).
- **Transplant Selected Mature Oak Trees On-site.** As part of the Project, the Applicant proposes to transplant several mature and heritage oak trees, that will be impacted from the Project, to on-site open areas and landscaped areas. Even though transplanting mature oak trees is expensive and may have a low success rate, the Applicant desires to transplant selected mature oak trees to potentially help mitigate the loss of oak habitat. A detailed transplantation plan shall be developed by a qualified arborist and submitted to the County for approval. Maintenance and monitoring of all transplanted oak trees shall be required for a period of 10 years after transplantation. No sensitive habitat shall be impacted as a result of any transplanting activities.

4.9.3. BIO28. Plant Acorns or Oak Seedlings On-site. To mitigate for the loss of 162, and the encroachment of 54, mature oak trees by the Project, sprouted oak acorn seedlings of the species impacted shall be planted in appropriate ratios. To mitigate for impacted oak trees, an overall mitigation ratio of 5 seedlings planted for each tree impacted (a 5:1 replacement ratio) shall be implemented. Therefore, 1,080 container seedlings will be required for mitigation for the impacts to 216 oak trees on-site. The planted seedlings shall be maintained and monitored for a period of 7 years after planting. Success of this mitigation measure will be achieved if 75 percent of the acorns or seedlings survive after 7 years.

4.9.4. BIO29. Replace Oak Woodland Habitat On-site. Oak woodland impacts are estimated at 8.82 acres (including 7.87 acres of upland Coast Live Oak Woodland impacted, 0.92 acres of Coast Live Oak Riparian Woodland impacted, and 0.03 acre of Valley Oak Woodland impacted); Oak woodland habitat will be replaced on-site at a 2:1 ratio within preserved portions of the Project site, or at an off-site location. The oak woodland habitat will partially be replaced with the implementation of mitigation measures **BIO26** through **BIO28**. Based on the 2:1 ratio, a total of 16.4 acres of oak woodland shall be created on-site, off-site, or a combination of on-site and off-site locations. The oak woodland habitat shall be monitored and maintained for a period of 7 years.

- **On-site Oak Mitigation Implementation Plan.** In addition to the above, a full oak tree report with the health, diameter at breast height (dbh) and canopy diameter of each tree within the impact area and fuel modification zone shall be submitted to the County prior to grading. The report shall also outline the mitigation for removal of oak trees. The mitigation shall include the following measures:
 - o Prior to grading, orange construction or chain-link fencing shall be installed around trees (10 feet outside the drip-line of each tree or groups of trees) that should not be impacted by construction. Fencing shall be in place and inspected prior to commencement of grading. This fencing shall remain in place throughout the entire period of construction.
 - o The County-required 15-gallon oak tree replacement shall be implemented on-site at a 2:1 ratio for non-heritage trees impacted and at a 10:1 ratio for heritage trees impacted. Or, the preferred replacement with tree seedlings shall be planted directly on-site as sprouted seedlings in liner tubes. Such plants are better able to become established and healthy trees that are adapted to site conditions. For each oak tree removed, the mitigation shall require replacement trees of indigenous oak species in the ratio of at least 5:1 for container seedling planting.
 - o The landscape architect/designer for the Project shall design these replacement trees into the landscape to replace the habitat of removed woodlands. The habitat shall be reviewed by a qualified botanist and shall be comparable to the removed woodland.
- Planting specifications shall consider the following:
 - o Newly planted trees shall be planted above grade and maintained for 7 years, including irrigation, weed control, herbivore protections and replacement.
 - o Amending the backfill soil with wood shavings, oak-leaf mold, etc. is not recommended when existing soil is high in natural organic matter with a sandy loam texture.

- o Recommendations for the need of planting amendments and drainage systems shall be based on soil tests of the Project and approved by the County.
- o Any County-approved work within the drip-lines of saved trees, including branch removal, shall be under the inspection of a qualified arborist.

4.9.5. BIO30. Landscape Irrigation Out of Oak Drip-lines. Landscaping requiring irrigation shall not be planted within the drip-line of oaks due to the susceptibility of native oaks to root rot caused by excessive unseasonable irrigation. The design and installation of landscape irrigation systems outside the drip-line of the oaks shall be such that the area within the drip-line is not wetted during operation of the system. In addition, surface runoff from impermeable surfaces shall be directed away from oaks; where natural topography has been altered, provisions shall be made for drainage away from trunks of oaks so that water shall not pond or collect within the drip-line of any oak. If any existing oak trees are damaged or impacted by the effects of irrigation of mitigation plantings, additional plantings shall be implemented as replacement.

4.9.6. BIO31. Implement Best Management Practices (BMPs) During Construction In/Near Wetlands to Minimize Impacts. Impacts to riparian habitat shall be minimized to the maximum extent possible by implementing the following BMPs:

- Construction equipment shall only cut back or cut down riparian habitat that is absolutely necessary for construction equipment access;
- All construction activities, within the banks of Lyons Creek and tributaries, should be conducted during seasons of no, or minimal, channel flows (summer/early fall);
- A path through the creek channel shall be selected that minimizes impacts to the existing riparian vegetation;
- A fence shall be placed around any (mature) trees, which are less efficiently replaced by mitigation/restoration efforts;
- All active wildlife nests existing within the Project site riparian vegetation shall be protected and avoided by construction equipment; and
- A biological monitor shall be present during all construction activities within or adjacent to the drainages of Lyons Canyon that are not to be impacted.

4.9.7. BIO32. Protect Existing Wetlands On-site. 6.85 acres of existing wetlands, not to be impacted by the Project, shall be protected in perpetuity through a prohibition from any development. The wetland preserve area(s) shall be clearly marked with signs, and a public education program shall be developed for future residences of the Project site and visitors.

4.9.8. BIO33. Enhance Existing Disturbed Wetlands On-site. Existing wetlands not impacted by the Project currently are degraded by past activities on the Project site (e.g. road crossings, fill, culverts, berms, dumping and invasion by exotic plants). A 1/3 credit shall be

allowed for every acre of existing protected wetland habitat that is enhanced on-site and shall be credited towards the 10.20 acres required for mitigation. Therefore, 1/3 of the protected 10.20 acres equals 3.37 acres to be enhanced. Enhancement activities shall include: removing all foreign materials from wetland areas; eradicating and controlling invasive exotic plant species; and planting native riparian plant species in disturbed areas. Nearly all the wetland areas on-site are currently in a degraded condition, to varying degrees, and are available for habitat enhancement. Approximately 10.20 acres are required for mitigation based on the 2:1 ratio. The 10.20 acres of required mitigation area minus the 3.37 acres of enhanced wetlands habitat equals 6.83 acres of mitigation that is still required to be created. Since the County will not permit riparian mitigation within the detention basins on-site, the Applicant shall be required to implement one of the following measures: (1) make a payment to an in-lieu fee mitigation program; (2) contribute to a mitigation bank; or (3) create offsite mitigation for 6.83 acres of remaining required mitigation after enhancement of 3.37 acres on-site (totaling the required 10.20 acres based on the 2:1 mitigation ratio).

4.9.9. BIO34. Prepare Disturbed Wetland Areas for Replanting. After efforts to minimize the impacts to the riparian vegetation are implemented, appropriate areas of the Project site shall be restored and lost habitat mitigated. This shall be accomplished by implementing the following mitigation measures:

- Re-grading portions of the drainages to accommodate on-site re-vegetation and to accomplish natural sinuosity of the creek channel;
- Replacing and planting selected portions of the site with indigenous riparian plant species;
- Maintaining and irrigating the restored area;
- Removing invasive exotic plants, such as *Centaurea melitensis* (Tocalote), and replacing them with native species to increase species diversity and habitat function; and
- Monitoring the site for at least 5 years after restoration plantings have been completed.

4.9.10. BIO35. Design and Implement a Wetlands Restoration Plan. Prior to implementation of any restoration, a detailed program shall be developed by the Applicant and shall be approved by the Corps and CDFG as part of the 404 and 1600 et seq. permitting process. The program shall contain the following items:

- **Responsibilities and qualifications of the personnel to implement and supervise the plan.** The responsibilities of the landowner, technical specialists and maintenance personnel that shall supervise and implement the restoration plan shall be specified.
- **Site selection.** The site for the mitigation shall be determined in coordination with the Applicant and resource agencies. The site shall either be located on the proposed development site in a dedicated open space area or dedicated open space

area shall be purchased off-site. Appropriate sites shall have suitable hydrology and soils for establishment of riparian species.

- **Site preparation and planting implementation.** The site preparation shall include: protection of existing native species; trash and weed removal; native species salvage and reuse (i.e., duff); soil treatments (i.e., imprinting, de-compacting); temporary irrigation installation; erosion control measures (i.e., rice or willow wattles); seed mix application; container plantings.
- **Schedule.** A schedule shall be developed which includes planting to occur in late fall and early winter between October and January.
- **Maintenance plan/guidelines.** The maintenance plan shall include: weed control; herbivore control; trash removal; irrigation system maintenance; maintenance training; and replacement planting.
- **Monitoring plan.** The monitoring plan shall include 1) qualitative monitoring (i.e. photographs and general observations), 2) quantitative monitoring (i.e. randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly thereafter, and 5) annual reports for five years that shall be submitted to the resource agencies on an annual basis. The site shall be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the Project applicant may request to be released from the monitoring requirements from USACE and CDFG.
- **Long-term preservation.** Long-term preservation of the site through an appropriate recordable legal instrument shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.
- **Earth-moving equipment.** Earth-moving equipment shall avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped. Prior to grading, the open space limits shall be marked by the construction supervisor and the Project biologist. These limits shall be identified on the grading plan. No earth-moving equipment shall be allowed within the open space area.
- **If work must be conducted when surface water flows are present, specific actions should be taken to avoid increasing water turbidity downstream.** Surface water flows should be diverted around all construction activities, and no equipment should be allowed to actively work in flowing water without sedimentation and turbidity control measures in place. In order to minimize impacts to aquatic habitat and aquatic wildlife due to alteration of the Riverine habitat on-site, construction shall be conducted during times of no active channel flows. However, if construction must be conducted while active flows are present

within the Riverine system, these measures should be implemented to minimize impacts:

- o Equipment contact with the active channel should be minimized to a maximum extent;
- o Flows should be diverted from the work area, and sedimentation barriers should be installed and maintained;
- o Arising groundwater should be allowed to settle behind a downstream diversion berm prior to discharge to the primary flow channel;
- o Turbidity levels should be monitored and minimized (kept below a 20 percent increase over background turbidity);
- o Employ BMPs for avoiding fuel leaks in or near active flows; and
- o All foreign materials and litter should be removed from the channel.

4.9.11. Additional Mitigation Measures. Implementing mitigation measures **BIO1**, **BIO2** and **BIO4** will also mitigate these significant and unavoidable impacts. These mitigation measures are discussed in Section 3 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference. These other mitigation measures will not mitigate these impacts to less-than-significant levels; rather, the impacts will remain significant and unavoidable.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's impacts related to vegetation, including those impacts to sensitive habitats, to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.10. BIOLOGICAL RESOURCES – PROJECT-SPECIFIC IMPACTS TO LOSS OF WILDLIFE FORAGING AND COVER HABITATS

Please refer to DEIR pages 5.6-155 through 5.6-156 for an analysis of the Project-specific impacts related to loss of wildlife foraging and cover habitats.

Potential Effect and Rationale for Finding:

The wildlife habitats observed on-site include those sensitive habitats discussed; Grassland, Lichen-Rock Outcrop; Coastal Sage Scrub, Chaparral, Coast Live Oak, Southern California Black Walnut Woodland, Southern Riparian Scrub and wetland habitats. These habitats observed at Lyons Canyon Ranch are used for nesting and foraging habitat for several species of

birds, and cover and foraging habitat for small and large mammals. The function of the wetland habitat on-site is improved by the presence of natural upland vegetation and habitats creating cumulative high species richness for the Lyons Canyon area.

When functional wildlife habitat, consisting of ample foraging and cover resources, is degraded or negatively impacted, a temporary reduction in various food sources for aquatic, semi-aquatic, and terrestrial wildlife species typically follows. Furthermore, damaging or clearing plants contributing to a functional wildlife habitat will result in a shortage of cover, nesting and breeding resources vital for several wildlife species' survival. Therefore, impacts to foraging and cover habitats, contributing to the function of a region's ecosystem, should be minimized and avoided as much as possible.

A total of approximately 118.74 acres of natural vegetation (including the loss of 98.86 acres resulting from direct grading impacts and the loss of an additional 19.88 acres resulting from indirect fuel modification impacts) will be impacted on-site, including sensitive plant communities and wetlands. These impacts are considered a significant.

Required Mitigation Measures:

Project-specific impacts related to loss of wildlife foraging and cover habitats will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) conducting necessary and appropriate surveys; (ii) preserving habitat; (iii) protecting and enhancing grasslands and coastal scrub brush; (iv) preserving on-site oaks, planting additional oaks on-site and relocating certain mature oaks; and (v) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands;

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all Project-specific impacts related to loss of wildlife foraging and cover habitats to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable Project-specific impacts related to loss of wildlife foraging and cover habitats would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.10.1. Mitigation Measures: See mitigation measures **BIO1** and **BIO2** and **BIO24** through **BIO35**. These mitigation measures are discussed in Section 3 and this Section 4 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce Project-specific impacts to loss of wildlife foraging and cover habitats to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.11. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS TO FUEL MODIFICATION.

Please refer to DEIR pages 5.6-156 through 5.6-164 for an analysis of Project-specific impacts to fuel modification.

Potential Effect and Rationale for Finding:

Development associated with the Project will have significant and unavoidable impacts associated with fuel modification. “Fuel modification” refers, in part, to the County Fire Department’s Fuel Modification Program, which provides for defensible space necessary for fire protection in newly constructed and/or remodeled homes within the Department’s Very High Fire Hazard Severity Zones. The fuel modification plans identify one or more of the following zones: A-Setback Zone; B-Irrigated Zone; C-Thinning Zone; and/or D-Interface Thinning Zone, based upon preliminary plan review by the Forestry Division of the Fire Department.

The Project will result in a loss of 98.86 acres of natural vegetation and habitats resulting from the grading envelope and, as a result of the Fuel Modification Program, an additional loss (or degradation) of approximately 19.88 acres (not including protected oak woodlands) to 30.70 acres (including protected oak woodlands) of natural vegetation.

Brush clearance affects plants, animals and ecological cycles, and is significant since the habitat is altered to the extent that wildlife species and sensitive plant species requiring such habitats are unable to utilize such areas for foraging, hunting and shelter. The modified habitats are thinned to the extent that no habitat functions remain and ecological cycles are not completed or are significantly reduced, depending on the species. Ultimately, the habitat function is completely lost within the first 100 feet of fuel modification due to the severe clearing of natural vegetation and habitat function is significantly reduced (to approximately 50 percent) within the second 100 feet of fuel modification.

Required Mitigation Measures:

The Project-specific impacts to fuel modification will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) conducting necessary and appropriate surveys; (ii) preserving habitat; (iii) transplanting and propagating certain plant species; (iii) protecting and enhancing grasslands and costal scrub brush; (iv) preserving on-site Oaks, planting additional oaks on-site and relocating certain mature

oaks; and (v) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all Project-specific impacts to fuel modification to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable Project-specific impacts to fuel modification would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.11.1. Mitigation Measures: See mitigation measures **BIO1, BIO2 and BIO4;** and **BIO24** through **BIO30**, discussed above in Section 3 and in this Section 4 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce Project-specific impacts to fuel modification to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.12. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS TO SURROUNDING SIGNIFICANT ENVIRONMENTAL AREAS.

Please refer to DEIR pages 5.6-165 through 5.6-167 for an analysis of Project-specific impacts to surrounding SEAs.

Potential Effect and Rationale for Finding:

Development associated with the Project will have significant and unavoidable impacts to the SEAs surrounding the Project area. Specifically, portions of the Project property are located within two County SEAs: Santa Susana Mountains and Lyons Canyon (SEA Nos. 20 and 63, respectively), which have been established to protect biological resources within the County. Development within or adjacent to an SEA requires specific procedures and reporting before considering any development. The County Significant Ecological Areas Technical Advisory Committee (SEATAC), established by the County's Board of Supervisors, reviews all projects within or adjacent to SEAs for consistency with County resource protection policies.

Required Mitigation Measures:

The Project-specific impacts to surrounding SEAs will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures provided in this section by (i) implementing all of the biological mitigation measures discussed above; (ii) implementing all of the air quality mitigation measures discussed above; and (iii) implementing all of the hydrology and water quality mitigation measures discussed above.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all Project-specific impacts to surrounding SEAs to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable Project-specific impacts to surrounding SEAs would be reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. Yet, as noted in Section 9, none of the alternatives (other than the No Project Alternative) wholly avoid all impacts to SEA No. 63. This is because one detention/debris basin site must be located entirely within SEA No. 63, and this must occur under each of the alternatives (other than the No Project Alternative). Moreover, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.12.1. Mitigation Measures: See mitigation measures **BIO1** through **BIO35** (discussed above in Section 3 and in this Section 4); **AQ1** through **AQ4** (discussed in this Section 4); **N1** through **N9** (discussed above in Section 3 and in this Section 4); and **HWQ1** through **HWQ14** (discussed above in Section 3). These mitigation measures are also discussed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project-specific impacts to surrounding SEAs to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.13. BIOLOGICAL RESOURCES - PROJECT-SPECIFIC IMPACTS TO NATURAL OPEN AREAS.

Please refer to DEIR pages 5.6-168 through 5.6-169 for an analysis of Project-specific impacts to natural open areas.

Potential Effect and Rationale for Finding:

Development associated with the Project will have Project-specific, significant and unavoidable impacts on natural open areas. Specifically, the 235-acre Project site is currently natural open space, consisting of approximately 226.79 acres of natural vegetation and 8.71 acres of roads and disturbed areas. Of the 226.79 acres of natural vegetation on-site, approximately 118.74 acres of those habitats (including sensitive plant communities) will be impacted on-site (52 percent) and approximately 108.05 on-site acres of natural habitats will be preserved.

Required Mitigation Measures:

The Project-specific impacts to natural open areas will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures provided in this section by (i) establishing a open area protection and management plan; (ii) implementing all of the biological mitigation measures discussed above; (iii) implementing all of the air quality mitigation measures discussed above; and (iv) implementing all of the hydrology and water quality mitigation measures discussed above.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all Project-specific impacts to natural open areas to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable Project-specific impacts to natural open areas would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.13.1. BIO36. Open Area Protection and Management Plan. An open area protection and management plan, for all preserve areas designated on-site, shall be prepared to ensure the implementation by the HOA of the mitigation and to aid in the protection of the remaining preserved open areas after the development on-site.

4.13.2. Additional Mitigation Measures. Implementing mitigation measures **BIO1** through **BIO35** (discussed above in Section 3 and in this Section 4); **AQ1** through **AQ4** (discussed in this Section 4); **N1** through **N9** (discussed above in Section 3 and in this Section 4); and **HWQ1** through **HWQ14** (discussed above in Section 3) will also help mitigate these significant and unavoidable impacts. These mitigation measures are also discussed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference. These other mitigation measures will not mitigate these impacts to less-than-significant levels; rather, the impacts will remain significant and unavoidable.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce Project-specific impacts to natural open areas to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.14. PROJECT-SPECIFIC IMPACTS TO ON-SITE WILDLIFE TRAVEL ROUTES.

Please refer to DEIR pages 5.6-169 through 5.6-171 for an analysis of Project-specific impacts to on-site wildlife travel routes.

Potential Effect and Rationale for Finding:

Most wildlife travel routes existing on-site represent local movement paths between on-site habitats. A loss of a large number of localized paths is expected due to the Project; however, habitat to be retained on-site will still be accessible to wildlife from adjacent habitats.

The actual number of paths impacted on-site can only be estimated. Wildlife will be able to use the remaining habitats within the periphery of the developed portion of the Project site after construction; however, wildlife movement will be limited within the fuel modification zone since significant vegetation will be removed or thinned from that zone (up to 200 feet from all structures). Wildlife may be reluctant to use the fuel modification zones since much of the vegetation will be removed in these areas, with very little cover and/or shelter resources. This may mean that wildlife could only use the outside edge of the fuel modification zone, adjacent to intact natural vegetation.

Required Mitigation Measures:

The Project's impacts to on-site wildlife travel routes will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) conducting necessary and appropriate surveys; (ii) preserving habitat; (iii) avoiding disturbance to sensitive areas; (iv) maintaining buffers; (v) avoiding contact with certain wildlife species; (vi) replacing or compensating habitats of certain wildlife species; (vii) implementing construction techniques and guidelines which minimize noise impacts; (viii) protecting and enhancing grasslands and coastal scrub brush; (ix) preserving on-site oaks; (x) planting additional oaks on-site and relocating certain mature oaks; (xi) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands; (xii) limiting construction to reasonable times; (xiii) implementing noise-reduction measures and practices to and with construction equipment; (xiv) constructing sound barriers; (xv) utilizing building designs and layouts that minimize exposure of noise sources to noise-sensitive receptors; and (xvi) using building materials that help reduce noise impacts..

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all impacts to on-site wildlife travel routes to less-than-significant

levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable impacts to on-site wildlife travel routes would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.14.1. Mitigation Measures: See mitigation measures **BIO1**; **BIO2**; **BIO13** through **BIO16**; **BIO21** through **BIO23** and **BIO24** through **BIO35** (discussed above in Section 3 and in this Section 4); and **N1** through **N9** (discussed above in Section 3 and in this Section 4). These mitigation measures are also discussed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project-specific impacts to on-site wildlife travel routes to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

4.15. AESTHETICS - LONG-TERM AESTHETIC IMPACTS.

Please refer to DEIR pages 5.9-13 through 5.9-26 (erroneously referred to as Chapter 3.9 in the DEIR) for an analysis of the Project's long-term aesthetic impacts.

Potential Effect and Rationale for Finding:

The Project will have a substantial effect on scenic vistas, will permanently alter the existing visual character and viewshed from surrounding locations, and will degrade other scenic resources, including but not limited to, primary/secondary ridgelines, trees and rock outcroppings.

Required Mitigation Measures:

The Project's long-term aesthetic impacts will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measure described below by preparing and implementing a landscape plan that is subject to the review and approval of the County and which shall be incorporated into the Project's CC&Rs.

Notwithstanding the foregoing, the implementation of the mitigation measure described below will not be sufficient to reduce all of the Project's long-term aesthetic impacts to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's significant and unavoidable long-term aesthetic impacts would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in [Section 9](#). The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

4.15.1. AES4. The Applicant/developer/builder shall prepare and implement a Landscape Plan that provides planting and maintenance guidance for common landscaped areas, slopes and undeveloped building pads. The Applicant/developer/builder shall be responsible for the Plan's implementation until such time as a homeowners' association is prepared to take over landscape maintenance responsibilities. The Landscape Plan shall be subject to the review and approval by the County Departments of Public Works and Regional Planning, prior to issuance of the grading permit. To ensure its implementation, the Landscape Plan shall be incorporated into the Project's Conditions, Covenants, and Restrictions (CC&Rs) to be recorded prior to final map recordation.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measure described in the above paragraphs will reduce the Project's long-term aesthetic impacts related to construction to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in [Section 11](#) below, which is incorporated herein by this reference.

4.16. SOLID WASTE - OPERATIONAL IMPACTS.

Please refer to DEIR pages 5.15-4 through 5.15-6 for an analysis of the Project's operational solid waste impacts.

Potential Effect and Rationale for Finding:

At build-out, projected solid waste generation for the Project (no recycling) will be approximately 1,695 pounds of solid waste per day, or 309 tons per year. Pursuant to County requirements, the proposed Project shall provide adequate areas for collecting and loading of recyclable materials in concert with County-wide efforts and programs to reduce the volume of solid waste entering landfills.

The DEIR provides that it can be assumed the Project will meet current recycling goals of the community and, in actuality, will only generate approximately 154.5 tons per year due to County diversion rates and a mandate to divert at least 50 percent of potential waste disposal.

Regardless, as a consequence of the finite resources associated with solid waste disposal, and despite the implementation of the recommended mitigation measures, long-term operational impacts will be significant.

Required Mitigation Measures:

The Project's operational solid waste impacts will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) placing recycling containers and areas in practical and convenient locations; (ii) reducing yard waste via landscaping design; (iii) utilizing home design techniques that will accommodate recycling; (iv) distributing educational material regarding recycling to home-buyers; and (v) complying with all applicable regulations regarding use, collection and disposal of solid and hazardous waste.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce all operational solid waste impacts to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The significant and unavoidable operational solid waste impacts would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

General

4.16.1. SW2. The location of recycling/separation areas shall be in close proximity to dumpsters for non-recyclables, elevators, loading docks, and primary internal and external access points.

4.16.2. SW3. The location of recycling/separation areas shall not be in conflict with any applicable federal, state or local laws relating to fire, building, access, transportation, circulation, or safety.

4.16.3. SW4. The location of recycling/separation areas shall be convenient for those persons who deposit, collect, and load the recyclable materials.

4.16.4. SW5. Recycling containers/bins shall be located so that they do not block access to each other.

4.16.5. SW6. Yard waste shall be reduced through the use of drought-tolerant and native vegetation in common area landscaping where possible.

Residential

4.16.6. SW7. Kitchen, garage or garden design shall accommodate trash and recyclable components to assist in the City's recycling efforts.

4.16.7. SW8. Property buyers shall receive educational material on the City's waste management efforts.

4.16.8. SW9. The Applicant shall comply with all applicable state and County regulations and procedures for the use, collection and disposal of solid and hazardous wastes.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's operational solid waste impacts to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

SECTION 5 - POTENTIAL CUMULATIVE IMPACTS THAT ARE NOT SIGNIFICANT (NO MITIGATION REQUIRED)

5.1. CUMULATIVE IMPACTS RELATED TO GEOLOGY, SOILS & SEISMICITY.

Please refer to DEIR pages 5.1-21 through 5.1-22 for an analysis of the Project's contribution to cumulative impacts related to geology, soils and seismicity.

Potential Cumulative Effects and Rationale for Finding:

Although the Project will result in significant unavoidable impacts related to geology, soils and seismicity, these impacts are site-specific and each development site is subject to, at minimum, uniform site development and construction standards relative to seismic and other geologic conditions that are prevalent within the locality and/or region. Because the development of each cumulative Project site will have to be consistent with the requirements of the County Department of Public Works for project sites in unincorporated Los Angeles County, and the Uniform Building Code, as they pertain to protection against known geologic hazards, impacts of cumulative development will be less than significant, given known geologic considerations.

Finding:

The Project and related projects will not result in significant cumulative Geology, Soils or Seismicity impacts.

5.2. CUMULATIVE IMPACTS ASSOCIATED WITH HAZARDS AND HAZARDOUS MATERIALS.

Please refer to DEIR pages 5.3-33 through 5.3-34 for an analysis of the Project's contribution to cumulative impacts associated with hazards and hazardous materials.

Potential Cumulative Effects and Rationale for Finding:

Because hazards and hazardous materials issues are site-specific, any impact resulting from implementation of the Project and any related projects in the vicinity will not be cumulatively considerable.

Even though the Project's contribution to cumulative impacts associated with hazards and hazardous materials is less than significant, the applicant will be required to comply with mitigation measures **HAZ1** through **HAZ8** (which are provided above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference) to further reduce the Project's contribution to such cumulative impacts.

Finding:

The Project's contribution to cumulative impacts associated with hazards and hazardous materials is not considerable and is therefore less than significant.

5.3. BIOLOGY - CUMULATIVE INDIRECT IMPACTS TO SPECIAL-STATUS PLANT SPECIES.

Please refer to DEIR pages 5.6-104 through 5.6-107 for an analysis of the Project's contribution to cumulative indirect impacts to special-status plant species.

Potential Cumulative Effects and Rationale for Finding:

The DEIR provides that the Project will not have any cumulatively considerable indirect impacts to special-status plant species.

Finding:

The Project's contribution to cumulative indirect impacts to special-status plant species is not considerable and is therefore less than significant.

5.4. BIOLOGY - CUMULATIVE IMPACTS TO GENERAL WILDLIFE SPECIES.

Please refer to DEIR pages 5.6-107 through 5.6-111 for an analysis of the Project's contribution to cumulative indirect impacts to general wildlife species.

Potential Cumulative Effects and Rationale for Finding:

Cumulative impacts to the loss of and disturbance to (i) aquatic/semi-aquatic wildlife during construction; (ii) amphibian wildlife during construction; (iii) reptile wildlife during construction; (iv) mammal wildlife during construction; and (v) cumulative impacts to the loss of

and disturbance to breeding and nesting birds during construction are described on pages 5.6-107 to 5.6-111 of the DEIR. As described below in Section 6, cumulative impacts to the loss of and disturbance to aquatic/semi-aquatic wildlife during construction will be less than significant following mitigation. As described below in Section 7, cumulative impacts to the loss of and disturbance to amphibian wildlife during construction and cumulative impacts to the loss of and disturbance to breeding and nesting birds during construction will remain significant and unavoidable despite mitigation. However, cumulative impacts to the loss of and disturbance to reptile wildlife and mammal wildlife during construction will be less than significant.

Finding:

The Project's contribution to cumulative indirect impacts to reptile wildlife and mammal wildlife during construction will be less than significant.

5.5. BIOLOGY – CUMULATIVE INDIRECT IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES.

Please refer to DEIR pages 5.6-125 through 5.6-130 and for an analysis of the Project's cumulative indirect impacts to special-status wildlife species.

Potential Effects and Rationale Supporting Finding:

As discussed above in Section 3, some of these indirect impacts to special-status wildlife species are potentially significant, but will be mitigated to a less-than-significant level. However, the cumulative indirect impacts to special-status wildlife species, including cumulative noise impacts, cumulative light impacts and cumulative impacts from human activity related to the Project will remain less than significant.

Finding:

For the foregoing reasons, the Project will have a less-than-significant cumulative indirect impact to special-status wildlife species.

5.6. BIOLOGY - CUMULATIVE IMPACTS TO VEGETATION – INCLUDING THOSE TO SENSITIVE HABITAT.

Please refer to DEIR pages 5.6-130 to 5.6-154 and for an analysis of the Project's cumulative impacts to vegetation, including those to sensitive habitat.

Potential Effects and Rationale Supporting Finding:

Most of the Project's cumulative contribution to impacts upon vegetation, including sensitive habitat, will remain significant and unavoidable and, as a result, are discussed below in Section 7. Specifically, as explained in Section 7, development associated with the Project, and with other cumulative projects, is expected to have a cumulative, significant and unavoidable contribution on impacts to Grassland habitats; Lichen-Rock Outcrop habitats; Coastal Sage Scrub; Chaparral habitats; Coast Live Oak trees; Valley Oak trees; Oak woodlands; and wetland habitats and plants. However, cumulative impacts to Southern California Black Walnut

woodlands and Scrub Oaks will not be cumulatively considerable, because the Project-specific impacts to those species are not considered significant after mitigation and/or those species do not occur on-site in large quantities. As a result, cumulative impacts to Southern California Black Walnut woodlands and Scrub Oaks are not considerable.

Finding:

The Project will have a less-than-significant cumulative impact to Southern California Black Walnut woodlands and Scrub Oaks.

5.7. BIOLOGY - CUMULATIVE IMPACTS TO WATER QUALITY.

Please refer to DEIR page 5.6-155 for an analysis of the Project's cumulative impacts to water quality.

Potential Effects and Rationale Supporting Finding:

As discussed in Section 3.9 (Water Quality), the Project's on-site impacts to water quality will be mitigated to a less-than-significant level. (See mitigation measures **HWQ5** through **HWQ14** in Section 3.9 and also in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference). As a result, the Project will not have a considerable cumulative contribution to water quality impacts.

Finding:

The Project will have a less-than-significant cumulative impact upon water quality.

5.8. BIOLOGY - CUMULATIVE IMPACTS RESULTING FROM PROJECT LANDSCAPING.

Please refer to DEIR page 5.6-165 for an analysis of the Project's cumulative impacts resulting from Project landscaping.

Potential Effects and Rationale Supporting Finding:

As discussed in Section 3.29 (Project-Specific Impacts Resulting from Project Landscaping), the Project's on-site impacts related to landscaping will be mitigated to a less-than-significant level. (See mitigation measures **BIO7**, **BIO 8** and **BIO9** in Section 3.24 and also in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference). As a result, the Project will not have a considerable cumulative impact related to landscaping.

Finding:

The Project will have a less-than-significant cumulative impact with regards to landscaping.

5.9. BIOLOGY - CUMULATIVE IMPACTS TO SURROUNDING SIGNIFICANT ENVIRONMENTAL AREAS.

Please refer to DEIR pages 5.6-165 through 5.6-167 for an analysis of the Project's cumulative impacts to surrounding SEAs.

Potential Effects and Rationale Supporting Finding:

As of the date of the Notice of Preparation, no other projects were proposed that would degrade the SEAs that surround the Project site.

Finding:

For the forgoing reason, the Project will have a less than significant cumulative impact upon the SEAs that surround the Project site.

5.10. BIOLOGY - CUMULATIVE IMPACTS RELATED TO INTERFERENCE WITH WILDLIFE CORRIDORS WITHIN LYONS CANYON.

Please refer to DEIR page 5.6-172 for an analysis of the Project's cumulative impacts related to interference with wildlife corridors within Lyons Canyon.

Potential Effects and Rationale Supporting Finding:

As discussed in Section 3.30 (Project-Specific Impacts Related to Interference with Wildlife Corridors Within Lyons Canyon), the Project's on-site impacts related to interference with wildlife corridors within Lyons Canyon will be mitigated to a less-than-significant level. (See mitigation measures **BIO1**; **BIO2**; **BIO13** through **BIO16**; **BIO21** through **BIO23**; **BIO24** through **BIO35**; and **N1** through **N9**, in Section 3 and Section 4 and also in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference). As a result, the Project will not have a cumulatively considerable impact on the same.

Finding:

For the forgoing reason, the Project will have a less-than-significant cumulative impact related to interference with wildlife corridors within Lyons Canyon.

5.11. MINERAL RESOURCES - CUMULATIVE IMPACTS.

Please refer to DEIR page 5.8-3 for an analysis of the Project's cumulative impacts related to mineral resources.

Potential Effects and Rationale Supporting Finding:

Based on the fact that there are no designated Mineral Resource Zones or other known or potential mineral resource areas in or near the Project site, including those noted in the *City of Santa Clarita General Plan Open Space and Conservation Element* or in the *County of Los Angeles Santa Clarita Valley Area Plan* as being of local importance, implementation of the

Project, in conjunction with all related projects, will not result in a permanent loss of, or loss of access to, mineral resources within such areas.

Finding:

For the forgoing reasons, the Project will have a less-than-significant cumulative impact on mineral resources.

5.12. FIRE SERVICES - CUMULATIVE IMPACTS RELATED TO FIRE SERVICES AND FIRE HAZARDS.

Please refer to DEIR pages 5.13-9 through 5.13-10 for an analysis of the Project's cumulative impacts related to fire services and fire hazards.

Potential Effects and Rationale Supporting Finding:

Future development within surrounding incorporated and unincorporated areas of the County, and related projects, will be required to provide funds to the Fire Department Developer Fees program, as deemed appropriate by the County Fire Department, which will provide the tax revenues for the operation and staffing of local fire service facilities and help off-set future cumulative impacts. Moreover, as discussed in Section 3.38, the Project is expected to mitigate all Project-specific impacts related to fire services and fire hazards to less-than-significant levels. See mitigation measures **FS1** through **FS7** in Section 3.38 and also in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

For the forgoing reasons, the Project will have a less-than-significant cumulative impact on fire services and fire hazards.

5.13. SHERIFF SERVICES – EMERGENCY RESPONSE/EVACUATION PLANS.

Please refer to DEIR page 5.14-8 for an analysis of the Project's cumulative impacts on emergency response/evacuation plans.

Potential Effects and Rationale Supporting Finding:

The resident and daytime populations of the cumulative project sites will increase above current levels upon build-out of the Project and related projects. These populations will be subject to potential emergencies (e.g., earthquake, fire, etc.). However, all development projects in the Santa Clarita Valley are subject to review and approval by the County Fire Department, which requires that, among other conditions, adequate access exists for emergency vehicles. Given that the Project and related projects will be required to provide adequate emergency vehicle access, cumulative development will not adversely affect or prevent implementation of any emergency response or evacuation plans. As such, impacts will be less than significant in this regard.

Note, however, that the Project's contribution to the incremental demand for police protection services may remain significant and unavoidable. As such, those impacts are addressed in Section 7.

Finding:

For the forgoing reasons, the Project will have a less-than-significant cumulative impact to evacuation plans.

5.14. ELECTRICITY.

Please refer to DEIR pages 5.16-2 through 5.16-4 for an analysis of the Project's cumulative impacts related to electricity.

Potential Effects and Rationale Supporting Finding:

As explained in Section 2.14, implementation of the Project will incrementally increase demands on electricity supplies and distribution infrastructure and could potentially have a cumulative impact on the same. Specifically, Project-related electricity demand will represent a 0.00095% increase of SCE's annual power deliveries.

Although the Project and related projects will create additional demands on electricity supplies and distribution infrastructure, it is expected that the electrical loads of the Project and related projects are within the parameters of projected load growth, which SCE is planning to meet in the area. All electricity lines and other system improvements would be installed, in whole or in part, at the expense of the Project applicant and other development project applicants, and would serve to avoid adverse impacts to the electricity distribution system.

Although the Project and related projects will create additional demands on electricity supplies and distribution infrastructure, these demands are well within the service capabilities of SCE. As a result, cumulative impacts would be less than significant.

Finding:

For the forgoing reasons, the Project's contribution to cumulative electrical impacts will be less than significant.

5.15. NATURAL GAS.

Please refer to DEIR pages 5.17-3 through 5.17-5 for an analysis of the Project's cumulative impacts on natural gas.

Potential Effects and Rationale Supporting Finding:

As explained above in Section 2, all Project-specific impacts to natural gas will be mitigated to a less-than-significant level. As a result, the Project will not have any cumulatively considerable impacts to natural gas.

Finding:

For the forgoing reasons, the Project's contribution to cumulative natural gas impacts will be less than significant.

5.16. PARKS AND RECREATION – CUMULATIVE IMPACTS.

Please refer to DEIR pages 5.19-12 through 5.19-13 for an analysis of the Project's cumulative parks and recreation impacts.

Potential Effects and Rationale Supporting Finding:

The County's park dedication requirements for new subdivisions are applicable to the Project and related projects in the County that include residential development. Per the Quimby Act, the County requires that land be dedicated, or equivalent fees be paid, for neighborhood and community parks or recreational purposes. The Project already includes the development of a 1.39-acre neighborhood park and the dedication of 129.5 acres for open space and trail usage, while the related projects include 28 acres of parks, some or all of which will count toward park dedication requirements, as applicable. As previously discussed, fees may also be used to satisfy parkland requirements in lieu of the dedicated parkland. The actual park dedication calculations and credit determinations will be based on the subdivision maps submitted for each residential development among the cumulative projects.

Finding:

For the forgoing reasons, the Project will have less-than-significant cumulative impacts upon parks and recreation.

5.17. CUMULATIVE IMPACTS TO WATER DEMAND AND SUPPLY.

Please refer to DEIR page 5.11-24 for an analysis of the Project's contribution to cumulative impacts related to water demand and supply.

Potential Effects and Rationale Supporting Finding:

According to the conclusions of the *Water Supply Study* completed for the Project, adequate water supplies will be available to serve the Project and other development within the Castaic Lake Water Agency service area (including related projects) through 2030 (the planning horizon in the CLWA's 2005 Urban Water Management Plan ("**2005 UWMP**")), during normal years, single dry years, and multiple dry years. Stated differently, while the Project will have some incremental impact on water demand and supply, those impacts have already been planned for by the Castaic Lake Water Agency. As a result, cumulative impacts will be less than significant.

Finding:

For the forgoing reasons, the Project's contribution to cumulative impacts related to water demand and supply will be less than significant.

SECTION 6 - POTENTIAL CUMULATIVE IMPACTS THAT HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE.

6.1. CUMULATIVE IMPACTS TO HYDROLOGY AND WATER QUALITY.

Please refer to DEIR pages 5.2-33 through 5.2-34 for an analysis of the Project's cumulative impacts to hydrology and water quality.

Potential Cumulative Effects and Rationale for Finding:

Development associated with the Project and other cumulative projects will contribute to cumulative hydrology and water quality impacts.

Required Mitigation Measures

The following required mitigation measures will reduce the Project's contribution to cumulative impacts related to hydrology and water quality, associated with implementation of the Project, to less-than-significant levels by insuring compliance with the State Water Resources Control Board, implementing the County's BMPs, providing necessary education programs and by implementing and including several other programs and facilities.

6.1.1. Mitigation Measures: See mitigation measures **HWQ1** through **HWQ14**, which are listed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative impacts to hydrology and water quality, for the foregoing reasons, the Commission adopts Finding 1.

6.2. BIOLOGY - CUMULATIVE DIRECT IMPACTS TO SPECIAL-STATUS PLANT SPECIES.

Potential Cumulative Effects and Rationale for Finding:

Please refer to DEIR pages 5.6-90 through 5.6-104 for an analysis of the Project's contribution to cumulative direct impacts to the 7 special-status plant species observed on-site. That section of the DEIR provides that populations of the special-status plant species occurring on-site will be directly impacted by the Project. However, the DEIR also provides that the proposed mitigation measures are designed to compensate for such direct and indirect impacts to this species. As a result, the cumulative impacts will be less than significant if the proposed mitigation measures of re-establishment and preservation of the special-status plant species are successful.

Required Mitigation Measures

The following required mitigation measures will reduce the Project's contribution to cumulative impacts to special-status plant species associated with implementation of the Project to less-than-significant levels by conducting necessary and appropriate surveys, preserving habitat,

implementing preserve maintenance programs and by relocating, transplanting and propagating such species.

6.2.1. Mitigation Measures: See mitigation measures **BIO1** through **BIO4**, which are listed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative direct impacts to special-status plant species, for the foregoing reasons, the Commission adopts Finding 1.

6.3. BIOLOGY - CUMULATIVE IMPACTS TO GENERAL WILDLIFE SPECIES.

Please refer to DEIR pages 5.6-107 through 5.6-111 for an analysis of the Project's contribution to cumulative indirect impacts to general wildlife species.

Potential Cumulative Effects and Rationale for Finding:

Cumulative impacts to the loss of and disturbance to (i) aquatic/semi-aquatic wildlife during construction; (ii) amphibian wildlife during construction; (iii) reptile wildlife during construction; (iv) mammal wildlife during construction; and (v) cumulative impacts to the loss of and disturbance to breeding and nesting birds during construction are described on pages 5.6-107 to 5.6-111 of the DEIR. As described above in Section 5, cumulative impacts to the loss of and disturbance to reptile wildlife and mammal wildlife during construction will be less than significant. As described below in Section 7, cumulative impacts to the loss of and disturbance to amphibian wildlife during construction and cumulative impacts to the loss of and disturbance to breeding and nesting birds during construction will remain significant and unavoidable despite mitigation. However, cumulative impacts to the loss of and disturbance to aquatic/semi-aquatic wildlife during construction will be less than significant following mitigation.

Required Mitigation Measures

The following required mitigation measures will reduce the Project's contribution to cumulative impacts to the loss of and disturbance to aquatic/semi-aquatic wildlife to less-than-significant levels by (i) complying with grading permit requirements; (ii) implementing appropriate and necessary BMPs; (iii) locating and, if necessary, relocating such species; and (iv) complying with the Migratory Bird Act.

6.3.1. Mitigation Measures: See mitigation measures **BIO6** and **BIO10** through **BIO12**, which are listed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative impacts to the loss of and disturbance to aquatic/semi-aquatic wildlife, for the foregoing reasons, the Commission adopts Finding 1.

6.4. CULTURAL RESOURCES – CUMULATIVE IMPACTS.

Please refer to DEIR page 5.7-18 for an analysis of the Project's contribution to cumulative cultural impacts.

Potential Effects and Rationale for Finding:

Impacts related to cultural resources are limited to physical changes to such resources on the Project site. Accordingly, since cultural resources impacts are site-specific, impacts to resources located off-site could not occur as a result of Project implementation. Therefore, impacts resulting from the Project and other related projects will not be cumulatively considerable.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's contribution to cumulative cultural impacts to less-than-significant levels by (i) receiving instruction from the Project archaeologist regarding protecting and safely removing potentially significant materials; (ii) implementing a cultural resources monitoring program; (iii) properly handling Native American remains, if any are discovered on-site; (iv) receiving instruction from the Project paleontologist regarding protecting and safely removing potentially significant materials; (v) carefully monitoring grading; and (vi) properly excavating any fossil beds by a qualified paleontologist.

6.4.1. Mitigation Measures: See mitigation measures **CR1** through **CR6**, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative cultural impacts, for the foregoing reasons, the Commission adopts Finding 1.

6.5. CUMULATIVE TRAFFIC IMPACTS.

Please refer to DEIR page 5.10-35 for an analysis of Project's potential contribution to cumulative traffic impacts.

Potential Effects and Rationale for Finding:

Due to the nature of traffic-related impacts and the location of the Project site (i.e., along the southwestern edge of the Santa Clarita Valley), the Project's traffic study focused on all cumulative projects located within the Santa Clarita Valley. The cumulative projects relevant to the traffic impact analysis were taken directly from the valley-wide traffic model, as is standard practice in the County and in the City of Santa Clarita for evaluation of traffic network impacts.

The evaluation of the Project's traffic impacts is based on a comparison of cumulative traffic conditions (including the Project) to existing traffic conditions (without the Project). The Interim Year scenario, utilized as a basis for calculating the Project's traffic impacts, incorporates all cumulative development in the Santa Clarita Valley. Therefore, cumulative impacts of the

Project and other related projects have been addressed. With implementation of applicable mitigation measures for on- and off-site traffic system improvements, cumulative impacts associated with implementation of the Project will be less than significant.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's potential contribution to cumulative traffic impacts to less-than-significant levels by implementing improvements to such intersections, roadways and freeway on/off ramp intersections.

6.5.1. Mitigation Measures: See mitigation measures **T1** through **T2**, which are discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative traffic impacts, for the foregoing reasons, the Commission adopts Finding 1.

6.6. CUMULATIVE WASTEWATER IMPACTS.

Please refer to DEIR pages 5.11-24 through 5.11-26 for an analysis of the Project's contribution to cumulative wastewater impacts.

Potential Effects and Rationale for Finding:

As explained above in Section 3, the County will not issue connection permits to the sewer system if it cannot be demonstrated that sufficient capacity exists to serve a proposed development project. Moreover, new users must pay connection fees, which are deposited into a restricted Capital Improvement Fund (CIF) used solely to capitalize the future expansion of affected system facilities. As a result of the foregoing, wastewater flows from the Project and other related projects could not cause an exceedance of capacity of the wastewater conveyance system or SCVSD treatment plants, since adequate capacity must be demonstrated in order to contribute flows to the system. With implementation of applicable mitigation, which requires approval of points of connection and quantification of the available capacity in the affected portions of the sewer system serving the City of Santa Clarita and the County, impacts will be less than significant.

Required Mitigation Measures:

The following required mitigation measures will reduce cumulative wastewater impacts to less-than-significant levels by having the LACSD review and approve all points of connection and insure capacity qualification prior to such approval.

6.6.1. Mitigation Measures: See mitigation measure **WW1**, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative wastewater impacts, for the foregoing reasons, the Commission adopts Finding 1.

6.7. CUMULATIVE IMPACTS TO SCHOOLS.

Please refer to DEIR page 5.12-7 for an analysis of the Project's contribution to cumulative impacts upon area schools.

Potential Effects and Rationale for Finding:

A significant cumulative impact could occur if the Project did not contribute its fair share to mitigate adverse effects on school facilities. However, as explained above in Section 3, the school funding agreements into which the Applicant has entered with the respective school districts will mitigate the Project's specific impacts. Cumulative impacts on schools may be mitigated through similar school facilities funding agreements between the respective districts and future project applicants, or through other mechanisms, such as SB 50, the Valley-Wide Joint Fee Resolution, and/or other future facilities funding agreements between the districts and the developers of new residential projects.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's contribution to cumulative impacts upon area schools to less-than-significant levels by requiring the applicant to enter into a written mitigation agreement with the appropriate school districts. Such written mitigation agreement will require all necessary fees be paid, so as to reduce the Project's impacts related to increased enrollment in area schools to less-than-significant levels.

6.7.1. Mitigation Measures: See mitigation measures **SE1** and **SE2**, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative impacts to area schools, for the foregoing reasons, the Commission adopts Finding 1.

6.8. CUMULATIVE LIBRARY IMPACTS.

Please refer to DEIR page 5.18-5 for an analysis of cumulative library impacts.

Potential Effect and Rationale for Finding:

The Project and related projects will create additional demand for library services, facilities and materials within the Santa Clarita Valley. Nonetheless, as previously discussed, the Commission considers payment of fees for new residential development projects adequate mitigation for library service impacts. Based on the amount of residential development proposed as part of the

Project and related projects, the County will require payment of \$665 per dwelling unit to mitigate library service impacts. Given that the Project and related projects will pay requisite library fees to the County, cumulative impacts to library facilities and services will be less than significant.

Required Mitigation Measures:

The following required mitigation measures will reduce the Project's contribution to cumulative library impacts to less-than-significant levels by requiring the Applicant to pay the necessary and appropriate library mitigation fees.

6.8.1. Mitigation Measures: See mitigation measure **LIB1**, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

With regards to cumulative impacts to area libraries and materials, for the foregoing reasons, the Commission adopts Finding 1.

SECTION 7 - CUMULATIVE IMPACTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

7.1. CUMULATIVE NOISE IMPACTS RELATED TO TRAFFIC.

Please refer to DEIR page 5.4-20 for an analysis of the Project's contribution to cumulative noise impacts related to traffic.

Potential Effect and Rationale for Finding:

Development associated with the Project and other cumulative projects could result in cumulatively considerable traffic-related noise impacts. Traffic-related noise impacts related to the Project are expected to be cumulatively considerable, when considered with traffic noise generated by or related to other area projects.

Since the existing noise environment experienced by residential development in the Project vicinity exceeds the County's exterior noise thresholds (primarily due to I-5 freeway noise), the Project's minimal contribution to exterior noise levels is considered a significant and unavoidable cumulative impact despite the implementation of the mitigation measures referenced below.

Required Mitigation Measures:

The Project's contribution to cumulative noise impacts related to traffic will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measure described below by (i) constructing sound barriers; (ii) utilizing building designs and layouts that minimize exposure of noise sources to noise-sensitive receptors; and (iii) using building materials that help reduce noise impacts.

Notwithstanding the foregoing, the implementation of the mitigation measure described below will not be sufficient to reduce the Project's contribution to cumulative noise impacts related to traffic to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative noise impacts related to traffic would be somewhat reduced under the No Project Alternative discussed in the DEIR, because, under the No Project Alternative, there would not be any construction whatsoever and, as a result, no noise-sensitive receptors would be added to the Project site. However, that alternative is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.1.1. Mitigation Measures: See mitigation measures N3 through N9, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's contribution to cumulative noise impacts related to traffic to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.2. CUMULATIVE AIR QUALITY IMPACTS.

Please refer to DEIR page 5.5-25 for an analysis of the Project's contribution to cumulative air quality impacts.

Potential Effect and Rationale for Finding:

Construction of the Project will contribute cumulatively to the local and regional air pollutants together with other projects under construction. Emissions associated with operations of the Project will contribute to long-term regional air pollutants. Therefore, even though mitigation measures will be implemented to reduce impacts to the maximum extent practicable, implementation of the Project will contribute to significant cumulative air quality impacts.

Required Mitigation Measures:

The Project's contribution to cumulative air quality impacts will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) implementing certain standards that minimize construction-related emissions; (ii) using low emission-producing materials; (iii) incorporating energy efficient elements to building designs; and (iv) providing shade trees to prevent heat build-up in parking areas.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative air quality impacts to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative air quality impacts would be somewhat reduced under the No Project Alternative discussed in the DEIR, because, under the No Project Alternative, there would not be any construction whatsoever. However, that alternative is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.2.1. Mitigation Measures: See mitigation measures **AQ1** through **AQ6**, discussed above in Sections 3 and 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's contribution to cumulative air quality impacts to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.3. BIOLOGICAL RESOURCES – CUMULATIVE, DIRECT IMPACTS TO RARE PLANTS POTENTIALLY OCCURRING ON-SITE.

Please refer to DEIR pages 5.6-90 through 5.6-104 for an analysis of the Project's contribution to cumulative, direct impacts to rare or special-status plant species potentially occurring on-site.

Potential Effect and Rationale for Finding:

As explained above in Section 4, several (i.e., 6) special-status plant species are likely to occur on-site but have not been detected during the conducted field surveys. These special-status plant species include: *Aster greatae* (Greata's Aster); *Erodium macrophyllum* (Round-leaved Filaree); *Horkelia cuneata* ssp. *puberula* (Mesa Horkelia); *Lepidium virginicum* var. *robinsonii* (Robinson's Pepper-grass); *Nolina cismontana* (Chaparral Nolina); and *Senecio aphanactis* (Rayless Ragwort). Cumulative impacts to these species are potentially significant; that is, since they have not yet occurred on-site -- and are only likely to occur -- there can be no actual cumulative impact. Nevertheless, both direct and indirect cumulative impacts to these species could be significant if (i) these species actually occurred on-site; and (ii) implementation of the mitigation measures described below fail. Despite the fact that there cannot yet be any cumulative impacts -- let alone cumulatively considerable impacts -- until these two conditions are met, out of an abundance of caution, the potential cumulative impacts to these special-status species are included in this Section 7 as significant and unavoidable.

Required Mitigation Measures:

The Project's contribution to cumulative, direct impacts to rare or special-status plant species potentially occurring on-site will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by conducting necessary and appropriate surveys, preserving habitat, implementing preserve maintenance programs and by relocating, transplanting and propagating such species..

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative, direct impacts to rare or special-status plant species potentially occurring on-site to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative, direct impacts to rare or special-status plant species potentially occurring on-site would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.3.1. Mitigation Measures: See mitigation measures **BIO1**, **BIO2** and **BIO5**, discussed above in Sections 3 and 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's contribution to cumulative, direct impacts to special-status plant species potentially occurring on-site to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.4. BIOLOGICAL RESOURCES - CUMULATIVE IMPACTS TO GENERAL WILDLIFE SPECIES.

Please refer to DEIR pages 5.6-107 through 5.6-111 for an analysis of the Project's contribution to cumulative impacts to general wildlife species.

Potential Effect and Rationale for Finding:

The cumulative impacts relating to the loss of and disturbance to amphibian wildlife during construction and the cumulative impacts relating to the loss of and disturbance to breeding and

nesting birds during construction will be significant and unavoidable. The habitat for these species has decreased significantly in the County, as urban development has increased in the last decade in the Santa Clarita Valley region. Currently, proposed and permitted projects will further reduce habitat in the near future. The cumulative loss of amphibian habitats will contribute to the incremental and cumulative loss of amphibian wildlife, and is considered a cumulatively significant impact. The loss of occupied bird nests is also considered a significant impact. Currently proposed and permitted projects will reduce existing bird nests and habitat for nesting birds in the near future. The cumulative loss of bird nests and nesting habitat will contribute to the incremental and cumulative loss of such habitat, and is also considered a cumulatively significant impact. Note that the *remaining cumulative impacts* to general wildlife species are projected to be mitigated to a less-than-significant level, or are projected to be less than significant and, as a result, such impacts are discussed (respectively) in Sections 5 and 6, above.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to general wildlife species will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) complying with grading permit requirements; (ii) implementing appropriate and necessary BMPs; (iii) by locating and, if necessary, relocating such species; and (iv) complying with the Migratory Bird Act.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to general wildlife species to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to general wildlife species would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.4.1. Mitigation Measures: See mitigation measures **BIO6, BIO10, BIO11 and BIO12**, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's contribution to cumulative impacts to general wildlife species to the greatest extent feasible. Nevertheless, after mitigation, these cumulative impacts will remain significant and unavoidable. These significant adverse impacts of the Project are

determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.5. BIOLOGICAL RESOURCES – DIRECT CUMULATIVE IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES OBSERVED ON-SITE OR IMMEDIATELY ADJACENT TO THE PROJECT SITE.

Please refer to DEIR pages 5.6-111 through 5.6-118 for an analysis of the Project's contribution to cumulative direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site.

Potential Effect and Rationale for Finding:

Special-status wildlife species observed on-site or immediately adjacent to the Project site include Cooper's Hawk (*Accipiter cooperii*); Barn Owl (*Tyto alba*); Oak Titmouse (*Baeolophus inornatus*); Nuttall's Woodpecker (*Picoides nuttallii*); and the San Diego Desert Woodrat (*Neotoma lepida intermedia*). Cumulative direct impacts to each of these special-status wildlife species will be significant and unavoidable, except for the Barn Owl, which is highly adaptable and routinely utilizes man-made structures, and is little affected by human activities.

Required Mitigation Measures:

The Project's contribution to cumulative, direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) locating and, if necessary, relocating such species; (ii) complying with the Migratory Bird Act; (iii) performing necessary and appropriate surveys; (iv) avoiding disturbance to sensitive areas; (v) maintaining buffers; (vi) avoiding contact with such species; and (vii) replacing or compensating habitats of such species.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative, direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative direct impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.5.1. Mitigation Measures: See mitigation measures **BIO11** through **BIO16**, discussed above in Section 3) and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the direct, cumulative impacts to special-status wildlife species observed on-site or immediately adjacent to the Project site to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.6. BIOLOGICAL RESOURCES – CUMULATIVE DIRECT IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES LIKELY TO OCCUR ON-SITE.

Please refer to DEIR pages 5.6-118 through 5.6-125 for an analysis of the Project’s contribution to cumulative, direct impacts to special status wildlife species likely to occur on-site.

Potential Effect and Rationale for Finding:

As discussed above, several (i.e., 19) special-status wildlife species are *likely* to occur on-site but have not been detected during several field surveys conducted on-site. These special-status wildlife species include: Silvery Legless Lizard (*Anniella pulchra pulchra*); Coastal Western Whiptail (*Aspidoscelis tigris stejnegeri*); Rosy Boa (*Charina trivirgata*); San Diego Banded Gecko (*Coleonyx variegates abbotti*); San Diego Horned Lizard (*Phrynosoma coronatum*); Coast Patch-nosed Snake (*Salvadora hexalepis virgulata*); Southern California Rufous-crowned Sparrow (*Aimophila ruficeps canescens*); Grasshopper Sparrow (*Ammodramus savannarum*); Bell’s Sage Sparrow (*Amphispiza belli ssp. belli*); Long-eared Owl (*Asio otus*); Costa’s Hummingbird (*Calypte costae*); Lawrence’s Goldfinch (*Caroluelis lawrencei*); Lark Sparrow (*Chondestes grammacus*); Northern Harrier (*Circus cyaneus*); Loggerhead Shrike (*Lanius ludovicianus*); California Thrasher (*Toxostoma redivivum*); Ring-tailed Cat (*Bassariscus astutus*); Western Mastiff Bat (*Eumops perotis californicus*); and the Mountain Lion (*Puma concolor*). Should they indeed occur on-site, cumulative, direct impacts to these species will be significant and unavoidable. In all events, and regardless of whether any of these species are found on-site, the Project will have a significant and unavoidable cumulative impact on these species, since the Project will clear and grade up to 118.74 acres of foraging and nesting habitat.

Required Mitigation Measures:

The Project’s contribution to cumulative, direct impacts to special status wildlife species likely to occur on-site will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) locating and, if necessary, relocating such species; (ii) complying with the Migratory Bird Act; (iii) performing necessary and appropriate surveys; (iv) avoiding disturbance to sensitive areas; (v) maintaining buffers; (vi) avoiding contact with such species; (vii) replacing or compensating habitats of such species;

(viii) implementing wildlife relocation programs; (ix) controlling invasive species; and (x) creating replacement habitat.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative, direct impacts to special status wildlife species likely to occur on-site to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative, direct impacts to special status wildlife species likely to occur on-site would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.6.1. Mitigation Measures: See mitigation measures **BIO11** through **BIO20**, discussed above in Sections 3 and 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the direct, cumulative impacts to special-status wildlife species likely to occur on-site to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.7. BIOLOGICAL RESOURCES - CUMULATIVE IMPACTS TO VEGETATION – INCLUDING SENSITIVE HABITATS.

Please refer to DEIR pages 5.6-130 through 5.6-154 for an analysis of the Project's contribution to cumulative impacts to vegetation, including those impacts to sensitive habitats.

Potential Effect and Rationale for Finding:

Development associated with the Project and other cumulative projects will result in cumulatively considerable impacts to vegetation – including impacts to sensitive habitats. Specifically, the Project is expected have a cumulative contribution to impacts on Grassland habitats; Lichen-Rock Outcrop habitats; Coastal Sage Scrub; Chaparral habitats; Coast Live Oak trees; Valley Oak trees; Oak woodlands; and wetland habitats and plants. It is important to note, however, that cumulative impacts to Southern California Black Walnut woodlands and Scrub Oaks will not be cumulatively considerable (i.e., no mitigation necessary), and as a result, those impacts are discussed above in Section 5.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to vegetation, including those impacts to sensitive habitats, will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) conducting necessary and appropriate surveys; (ii) preserving habitat; (iii) protecting and enhancing grasslands and coastal scrub brush; (iv) preserving on-site oaks; (v) planting additional oaks on-site and relocating certain mature oaks; and (vi) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to vegetation, including those impacts to sensitive habitats, to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to vegetation, including those impacts to sensitive habitats, would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.7.1. Mitigation Measures: See mitigation measures **BIO1** and **BIO2**; and **BIO24** through **BIO35**, discussed above in Sections 3 and 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's contribution to cumulative impacts to vegetation, including those impacts to sensitive habitats, to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.8. BIOLOGICAL RESOURCES - CUMULATIVE IMPACTS TO LOSS OF WILDLIFE FORAGING AND COVER HABITATS.

Please refer to DEIR pages 5.6-155 through 5.6-156 for an analysis of the Project's contribution to cumulative impacts to wildlife foraging and cover habitats.

Potential Effect and Rationale for Finding:

Development associated with the Project, together with other cumulative projects, will have a cumulative, significant and unavoidable impact associated with the loss of wildlife foraging and cover habitats.

The wildlife habitats observed on-site include those sensitive habitats discussed, including Grassland, Coastal Sage Scrub, Chaparral, Coast Live Oak, California Black Walnut Woodland, and Southern Riparian Scrub. These habitats observed at Lyons Canyon Ranch are used for nesting and foraging habitat for several species of birds, and cover and foraging habitat for small and large mammals. Several wildlife species use the habitats on-site as a movement corridor where the site vegetation provides cover from predators and food and water resources. The function of the wetland habitat on-site is improved by the presence of natural upland vegetation and habitats creating cumulative high species richness for the Lyons Canyon area.

A total of approximately 118.74 acres of natural vegetation (including the loss of 98.86 acres resulting from direct grading impacts and the loss of an additional 19.88 acres resulting from indirect fuel modification impacts) will be impacted on-site, including sensitive plant communities and wetlands. Collectively, impacts to these wildlife habitats, including impacts that break their connectivity and increase habitat fragmentation, are considered a cumulatively significant and unavoidable impact.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to wildlife foraging and cover habitats will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) conducting necessary and appropriate surveys; (ii) preserving habitat; (iii) relocating, transplanting and propagating certain plant species; (iv) protecting and enhancing grasslands and coastal scrub brush; (v) preserving on-site oaks; (vi) planting additional oaks on-site and relocating certain mature oaks; and (vii) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to wildlife foraging and cover habitats to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to wildlife foraging and cover habitats would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.8.1. Mitigation Measures: See mitigation measures **BIO1, BIO2, BIO4, BIO24 and BIO25**, discussed above in Section 3, and **BIO26, BIO27, BIO28, BIO29, BIO30, BIO31, BIO32, BIO33, BIO34 and BIO35**, discussed above in Section 4. Each of these mitigation measures are also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the Project's contribution to cumulative impacts to wildlife foraging and cover habitats to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.9. BIOLOGICAL RESOURCES - CUMULATIVE IMPACTS TO FUEL MODIFICATION.

Please refer to DEIR page 5.6-163 for an analysis of the Project's contribution to cumulative impacts to fuel modification.

Potential Effect and Rationale for Finding:

In addition to the Project resulting in the loss of 98.86 acres of natural vegetation, fuel modification, required by the County Fire Department Fuel Modification Unit, will also result in the loss of -- or significant degradation to -- an additional 36.14 acres of natural vegetation. More specifically, the implementation of the required 200-foot-wide fire protection zone around each building constructed at the Project site will result in the additional loss of at least 36.14 acres of natural vegetation. The 36.14 acres is the portion of the fuel modification zone that extends beyond the Project grading limits, which will contribute additionally to the cumulative loss of natural vegetation in the region. Currently proposed and permitted projects in the region will further reduce the total area of natural vegetation in the near future. This will contribute to the cumulative loss of natural vegetation and is considered cumulatively significant and unavoidable.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to fuel modification will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) preserving habitat; (ii) implementing conditions of approval for, and requiring County approval on all landscaping; (iii) protecting and enhancing grasslands and costal scrub brush; (iv) preserving on-site oaks; (v) planting additional oaks on-site and relocating certain mature oaks; and (vi) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to fuel

modification to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to fuel modification would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.9.1. Mitigation Measures: See mitigation measures **BIO2**, **BIO7** and **BIO24** through **BIO35**, discussed above in Sections 3 and 4 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce cumulative impacts resulting from fuel modification to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.10. BIOLOGICAL RESOURCES - CUMULATIVE IMPACTS TO NATURAL OPEN AREAS.

Please refer to DEIR page 5.6-168 for an analysis of the Project's contribution to cumulative impacts to natural open areas.

Potential Effect and Rationale for Finding:

Development associated with the Project will have cumulatively considerable, significant and unavoidable impacts on natural open areas. Specifically, the 235-acre Project site is currently natural open space, consisting of approximately 226.79 acres of natural vegetation and 8.71 acres of roads and disturbed areas. Of the 226.79 acres of natural vegetation on-site, approximately 118.74 acres of those habitats (including sensitive plant communities) will be impacted (52 percent) and approximately 108.05 acres of natural habitats will be preserved. When considering these impacts, together with similar impacts to other proposed area projects, the Project will have a cumulatively considerable, significant and unavoidable impact to natural open areas.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to natural open areas will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures

provided in this section by implementing (i) all the biological mitigation measures discussed above; (ii) all the air quality mitigation measures discussed above; (iii) all the hydrology and water quality mitigation measures discussed above; and (iv) implementing an open area protection and management plan.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to natural open areas to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to natural open areas would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.10.1. BIO36. Open Area Protection and Management Plan. An open area protection and management plan, for all preserve areas designated on-site, shall be prepared to ensure the implementation by the HOA of the mitigation and to aid in the protection of the remaining preserved open areas after the development on-site.

7.10.2. Additional Mitigation Measures. Implementing mitigation measures **BIO1** through **BIO35** (discussed above in Sections 3 and 4); **AQ1** through **AQ4** (discussed above in Section 4); **N1** through **N9** (discussed above in Sections 3 and 4); and **HWQ1** through **HWQ14** (discussed above in Section 3) will also help mitigate these significant and unavoidable impacts. Each of these mitigation measures are also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce cumulative impacts to natural open areas to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.11. CUMULATIVE IMPACTS TO ON-SITE WILDLIFE TRAVEL ROUTES.

Please refer to DEIR pages 5.6-169 through 5.6-171 for an analysis of the Project's contribution to cumulative impacts to on-site wildlife travel routes.

Potential Effect and Rationale for Finding:

Most wildlife travel routes existing on-site represent local movement paths between on-site habitats. A loss of a large number of localized paths is expected due to the Project; however, habitat to be retained on-site will still be accessible to wildlife from adjacent habitats.

The actual number of paths impacted on-site can only be estimated. Wildlife will be able to use the remaining habitats within the periphery of the developed portion of the Project site after construction; however, wildlife movement will be limited within the fuel modification zone since significant vegetation will be removed or thinned from that zone (up to 200 feet from all structures). Wildlife may be reluctant to use the fuel modification zones since much of the vegetation will be removed in these areas, with very little cover and/or shelter resources. This means that wildlife will most likely use only the outside edge of the fuel modification zone, adjacent to intact natural vegetation. Therefore, the Project will contribute to the cumulative impacts to wildlife paths within the Project site, and those impacts are considered cumulatively significant and unavoidable.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to on-site wildlife travel routes will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) performing necessary and appropriate surveys; (ii) avoiding disturbance to sensitive areas; (iii) maintaining buffers; (iv) avoiding contact with certain plant species; (v) replacing or compensating habitats of certain plant species; (vi) installing protective perimeter fencing; (vii) using designs and materials that will reduce light impacts; (viii) implementing construction techniques and guidelines which minimize noise impacts; (ix) protecting and enhancing grasslands and coastal scrub brush; (x) preserving on-site oaks; (xi) planting additional oaks on-site and relocating certain mature oaks; (xii) implementing BMPs during construction to minimize impacts on, preserve and restore wetlands; (xiii) limiting construction to reasonable times; (xiv) implementing noise-reduction measures and practices to and with construction equipment; (xv) constructing sound barriers; (xvi) utilizing building designs and layouts that minimize exposure of noise sources to noise-sensitive receptors; and (xvii) using building materials that help reduce noise impacts.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to on-site wildlife travel routes to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to on-site wildlife travel routes would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons

explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.11.1. Mitigation Measures: See mitigation measures **BIO1**; **BIO2**; **BIO13** through **BIO16**; **BIO21** through **BIO23** and **BIO24** through **BIO35** (discussed above in Sections 3 and 4); and **N1** through **N9** (discussed above in Sections 3 and 4). These mitigation measures are also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce the cumulative impacts to on-site wildlife travel routes to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.12. CUMULATIVE IMPACTS TO VISUAL AND AESTHETIC RESOURCES.

Please refer to DEIR page 5.9-28 for an analysis of the Project's contribution to cumulative impacts to visual and aesthetic resources.

Potential Effect and Rationale for Finding:

The Project, in combination with other area development, will contribute to the alteration of the aesthetic character of the southern end of the Santa Clarita Valley from rural to more suburban. The Project and other development in the unincorporated portions of the County and the City of Santa Clarita will transform the character of the area by adding urban uses in currently undeveloped hillside areas. The aesthetic impacts of individual development projects can often be mitigated through careful site design, avoidance of significant visual features and appropriate building and landscape standards. Despite the mitigation that can be applied to individual development projects, the overall change in visual character associated with the Project and cumulative projects is considered an unavoidable significant cumulative impact.

Required Mitigation Measures:

There are no other feasible mitigation measures or acceptable Project alternatives that would substantially lessen or avoid the Project's contribution to cumulative impacts to visual and aesthetic resources because any development on the Project site will alter the site's existing visual character.

Finding:

The Commission adopts Finding 3. Cumulative impacts to visual and aesthetic resources will remain significant and unavoidable. There are no feasible mitigation measures available that will reduce this significant and cumulatively considerable impact to a less-than-significant level. These significant adverse impacts of the Project are determined to be acceptable due to the

overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.13. CUMULATIVE IMPACTS TO SHERIFF SERVICES.

Please refer to DEIR pages 5.14-7 through 5.14-8 for an analysis of the Project's contribution to cumulative impacts to police protection services.

Potential Effect and Rationale for Finding:

Development of the Project and related projects will increase demands for police protection services in the Santa Clarita Valley. As the Project and related projects are developed, tax revenues from property will be generated and accrued by the County and the City of Santa Clarita. Under status-quo conditions, the Project's contribution to cumulative impacts to police protection services will be mitigated to a level of insignificance. However, the County's Board of Supervisors controls funding for the County Sheriff Department and, if such funding is reduced in the future, the Project's contribution to cumulative impacts to police protection services will be significant and unavoidable.

Required Mitigation Measures:

The Project's contribution to cumulative impacts to police protection services will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) requiring private security during construction; (ii) incorporating Sheriff Department design requirements into building designs; (iii) incorporating landscaping and lighting designed to avoid concealment of criminal activity; (iv) requiring clearly visible address and building number signs; and (v) incorporating doors and windows that are visible from the street..

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative impacts to police protection services to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative impacts to police protection services would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.13.1. Mitigation Measures: See mitigation measures **SS1** through **SS6**, discussed above in Section 3 and also listed in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce cumulative impacts to police protection services to the greatest extent feasible. However, as explained above, after mitigation, these impacts could still remain significant and unavoidable, depending upon how the County allocates funding to the County Sheriff's Department. These potentially significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

7.14. CUMULATIVE SOLID WASTE IMPACTS.

Please refer to DEIR pages 5.15-6 through 5.15-7 for an analysis of the Project's contribution to cumulative solid waste impacts.

Potential Effect and Rationale for Finding:

Assuming a worst-case scenario, without any recycling activities, development associated with the Project and related projects will likely generate approximately 100.68 tons of solid waste per day, or 36,748 tons per year. As explained above, the Project and related projects are required to comply with County recycling requirements.

The DEIR provides that it is anticipated the Project and related projects will meet current recycling goals and are assumed, in actuality, to only generate approximately 18,374 tons per year of cumulative solid waste for landfill disposal.

The Project and related development projects within the Santa Clarita Valley Area Plan planning area will not produce an amount of solid waste that exceeds available landfill capacity or trash hauler service capabilities in the short term. However, future effects of regional growth and the corresponding increase in solid waste disposal needs within the County will contribute to a significant adverse cumulative impact on solid waste disposal capacity. The DEIR provides that a landfill shortfall will ultimately occur within the County within the 15-year planning period (ending in 2010) unless all proposed landfills become operational and all Class III landfills are expanded (this includes expansions of the Antelope Valley, Chiquita Canyon, Lancaster, Scholl Canyon and Sunshine Canyon landfills). Based on past and current experience in siting new or expanded capacity, many (or all) of new or expanded landfill sites may encounter strong opposition during the permitting process and not all new sites or expansion plans are likely to be approved. Therefore, cumulative solid waste impacts are considered significant and unavoidable.

Required Mitigation Measures:

The Project's contribution to cumulative solid waste impacts will be substantially lessened, to the maximum extent feasible, through the implementation of the mitigation measures described below by (i) requiring adherence to all existing source reduction programs; (ii) placing recycling containers and areas in practical and convenient locations; (iii) reducing yard waste via landscaping design; (iv) utilizing home design techniques that will accommodate recycling; (v) distributing educational material regarding recycling to home-buyers; and (vi) complying with all applicable regulations regarding use, collection and disposal of solid and hazardous waste.

Notwithstanding the foregoing, the implementation of the mitigation measures described below will not be sufficient to reduce the Project's contribution to cumulative solid waste impacts to less-than-significant levels. Even with the implementation of all feasible mitigation measures, the Project will continue to cause these significant and unavoidable impacts.

The Project's contribution to cumulative solid waste impacts would be somewhat reduced under the No Project Alternative discussed in the DEIR, and perhaps under the other alternatives, because, under the No Project Alternative, there would not be any construction whatsoever. With regards to the other alternatives, the impacts might be incrementally less due to a smaller building envelope and/or smaller or less dense project. However, each of these alternatives is rejected as infeasible and unacceptable for the reasons explained in Section 9. The DEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less-than-significant level.

7.14.1. Mitigation Measures: See mitigation measures **SW1** through **SW9**, discussed above in Sections 3 and 4 and in the MMRP, which is attached hereto as Exhibit A and incorporated herein by this reference.

Finding:

The Commission adopts Finding 3. Implementation of the mitigation measures described in the above paragraphs will reduce cumulative solid waste impacts to the greatest extent feasible. Nevertheless, after mitigation, these impacts will remain significant and unavoidable. These significant adverse impacts of the Project are determined to be acceptable due to the overriding economic, legal, social, technological and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 11 below, which is incorporated herein by this reference.

SECTION 8 GROWTH-INDUCING IMPACTS OF THE ACTION.

Section 15126.2(d) of the CEQA Guidelines requires that an EIR "discuss the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Please refer to DEIR Section 7 for an analysis of the potential growth-inducing impacts of the Project.

Population

Implementation of the Project will involve the development of a total of 93 single-family residential units and 93 senior condominium units. The Project does not have any components that would be considered substantially growth-inducing (such as regional commercial uses or regional infrastructure). However, the subject site is encumbered with existing access easements benefiting the adjacent property owners to the west. Therefore, two "tap" streets ("H" Street and "I" Street) are proposed along the subject site's southwesterly property boundary to provide two future points of ingress and egress to the westerly property owners. If the property to the west is ever proposed for development, it is likely that vehicle traffic from such development will utilize the roadway system proposed for the Project. The existing land use designations on this westerly property are similar to those present on the subject site. Therefore, it is anticipated that future development will consist of relatively low-density residential uses. The population growth attributable to a low-density residential subdivision will not be considered substantial on a regional basis. Therefore, impacts from Project-related future population growth are considered less than significant.

Housing

The site is currently undeveloped and the Project will result in approximately 186 new dwelling units, but will not displace existing housing or require the construction of replacement housing elsewhere. Therefore, the Project will have a less-than-significant housing impact.

Cumulative Growth-Inducing Impacts

Implementation of all cumulative projects, including the Project, will result in additional population, housing development and employment in undeveloped portions of the Santa Clarita Valley. The combination of the Project and other cumulative projects listed in the DEIR will produce a potential population of 133,632 persons based on the listed 43,374 single-family and multi-family dwelling units multiplied by the population per dwelling unit ratio of 3.081. The potential employment developed from that population is derived by using the Southern California Association of Governments (SCAG) jobs/housing ratio for the 6-county SCAG Region of 1.21:1. The potential employment produced will be approximately 52,482 jobs. The Project's anticipated growth of 585 persons and 190 dwelling units will represent 0.4 percent of the cumulative population growth and 1.3 percent of the cumulative housing growth. Therefore, the Project's contribution to population and housing impacts in the Santa Clarita Valley is not cumulatively considerable.

However, after considering the cumulative population and housing impacts of all related projects the DEIR determined that:

- It is not possible to evaluate total cumulative population growth impact significance relative to official regional or local population projections because General Plan build-out is expected to occur well beyond the build-out of the Project and related projects. It is therefore assumed that all growth management goals and policies necessary to reduce cumulative population and housing impacts to a less-than-significant level

throughout the County will be incorporated into the Updated Los Angeles County General Plan and General Plan Environmental Impact Report.

- The build-out of the Project and related projects will create jobs and there will be no net loss of jobs. Cumulative development will not result in a significant impact relative to the net loss of jobs.
- In the course of Santa Clarita Valley (“SCV”) area build-out, existing housing (including affordable housing) could possibly be displaced. This may occur to make way for new development that may be more compatible with local land use designations, to replace aging housing, or for other reasons. Overall, however, the housing stock in the County is expected to grow considerably as the SCV Area Plan states; it can be reasonably assumed that any loss of affordable housing that may occur will be replaced. Therefore, cumulative development will not result in a significant impact relative to loss of existing affordable housing stock.

SECTION 9 - FINDINGS REGARDING ALTERNATIVES.

Under CEQA Guidelines Section 15126.6, a description of a range of reasonable alternatives to the Project or location of the Project, which would feasibly attain most of the objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives, must be included in an EIR. The alternative analysis shall focus on alternatives to the Project, or its location, which are capable of avoiding or substantially lessening any significant effects associated with the Project. A No Project alternative must be evaluated along with its impact. The alternatives included in the DEIR are (1) a No Project/No Development Alternative; (2) a No Density Bonus Alternative; (3) a Reduced Density Alternative; and (4) a SEA/Oak Tree Avoidance Alternative. The DEIR compares the Project to these four alternatives.

In addition to specifying that the EIR evaluate “a range of reasonable alternatives” to the Project, Section 15126.6(c) also requires that an EIR identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process.

9.1. Project Objectives

The following represent the objectives of the Project:

- 9.1.1.** Develop a high-quality mix of residential components, including single-family residences and senior housing, with a focus on natural open space conservation and orderly development of the Project site;
- 9.1.2.** Create a semi-rural, non-suburban residential community utilizing a clustered development footprint as envisioned by the Santa Clarita Valley Area Plan;
- 9.1.3.** Conserve sensitive habitat areas through avoidance, restoration, and native landscaping;
- 9.1.4.** Provide a range of housing types, including large lot single-family detached, smaller lot single-family detached and multi-family housing for seniors;

9.1.5. Improve public safety in the region by dedicating a site for the construction of a new County Fire Station; and

9.1.6. Provide opportunities for local and regional recreation through the dedication of open space, trails and recreational facilities.

In addition, Lyons Canyon Ranch will achieve consistency with the following policies described in the Santa Clarita Valley Area Plan:

9.1.7. Permit appropriate land uses that are compatible with existing adjacent uses and with the resource values present in identified SEAs;

9.1.8. Encourage the appropriate mix of land use types to prevent disharmony and degradation;

9.1.9. Encourage development of convenient services to meet the needs of the Santa Clarita Valley including health; education; welfare; police and fire protection; governmental operations; recreation and cultural facilities; and public utilities;

9.1.10. Provide an efficient local circulation pattern, both motorized and pedestrian; and

9.1.11. Encourage appropriate aesthetic (landscaping, signage, street furniture, design themes, etc.) measures so that each community can be clearly distinguished from neighboring ones.

9.2. Alternatives Rejected As Infeasible.

An offsite alternative (the “**Offsite Alternative**”), located on the Prentice-Taylor property to the south and east of the Project site, was initially considered as a possible alternative to the Project. However, after careful review for its potential as an alternative, the Offsite Alternative was ultimately rejected, because it could not avoid or substantially lessen the significant effects of the Project. As explained above, CEQA Guideline 15126.6 only requires that an EIR describe “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” That section also provides that an “EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.”

With regards to the Offsite Alternative, its development -- at a similar residential density and a similar configuration as the Project -- would require substantial site disturbance and grading in excess of what is required for the Project. This is a result of the Offsite Alternative’s steep topography. Such substantial grading requirements, as expected, would significantly impact biological resources, including oak trees and wetland areas, at the Offsite Alternative location. Moreover, limitations on existing roadway and flood control infrastructure in and around the Offsite Alternative location would likely require that a residential project of similar density to the Project complete substantial roadway improvements to The Old Road/Calgrove Boulevard interchange and improve the existing flood control infrastructure beneath The Old Road and the adjacent I-5 Freeway. Perhaps the Offsite Alternative could have feasibly attained some of the basic objectives of the Project, but it could not avoid or substantially lessen the significant effects

of the Project. For that reason, and for the reasons explained above, the Offsite Alternative was rejected. Please refer to DEIR, Section 6.6, pages 6-23 through 6-29, for additional analysis of the Offsite Alternative.

9.3. Alternative 1: The No Project/No Development Alternative.

The No Project/No Development Alternative assumes the Project would not be implemented and other improvements would not be constructed. The existing Project site would remain unaltered and in its current condition. No infrastructure improvements (including water, wastewater, drainage and circulation facilities) identified in the Project would be constructed.

The following is a discussion of environmental impacts anticipated as a result of the No Project/No Development Alternative and a comparison of those environmental impacts versus those associated with the Project. Please refer to DEIR pages 6-2 through 6-7 for an analysis of the No Project Alternative/No Development Alternative's environmental impacts.

9.3.1. Hazards

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to hazards. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable hazards-related impacts associated with the Project, since there are none.

Under the No Project/No Development Alternative, impacts associated with hazardous materials, abandoned wells, debris piles, above ground storage tanks, power lines/transformers, the concrete storage structure, undocumented pipes, water wells, pesticides and offsite petroleum lines would not be remediated. Therefore, the reduction of impacts related to hazardous materials would not occur in a timely manner. The No Project/No Development Alternative would be considered environmentally inferior to the Project since the existing hazardous conditions identified on the subject site would not be remediated in the short term.

9.3.2. Geology, Soils and Seismicity

The No Project/No Development Alternative would not involve the construction of residential units in a seismically active region of Southern California. Therefore, this Alternative will not expose additional people and structures to potential adverse effects associated with seismic activity, adverse soils or geologic conditions. This Alternative would not involve construction activities, and thus potential soil erosion impacts would not occur.

The Project will result in significant and unavoidable impacts relative to modification of topography and relief features, grading and development on slopes greater than 25 percent natural grade and the modification of unique geologic or physical features on-site. This Alternative would avoid or substantially lessen the significant and unavoidable impacts to geology, soils and seismicity associated with the Project.

9.3.3. Noise

Under the No Project/No Development Alternative, no new residences would be constructed within the Project site. Nearby sensitive receptors would not be subjected to construction noise. New stationary and mobile noise sources would not occur and ambient noise levels would not increase. The Project will result in unavoidable significant impacts with regards to (i) ambient noise levels in the Project vicinity resulting from Project-related construction; and (ii) the Project's contribution to cumulative traffic-related noise.

This Alternative would avoid or substantially lessen these significant and unavoidable noise impacts associated with the Project.

9.3.4. Hydrology and Water Quality

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to hydrology and water quality. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable hydrology and water quality-related impacts associated with the Project, since there are none.

Under this Alternative, there would not be any impacts to water quality since development of the Project would not occur. With regards to hydrology, the existing quality and quantity of storm water and urban runoff would not change, since the Project site would not be developed. However, since the Project will actually reduce the volume of storm water runoff currently passing through the Property, by way of extensive flood control improvements, the No Project Alternative is not superior to the Project with respect to Hydrology impacts.

9.3.5. Air Quality

Demolition, grading and construction activities associated with the Project would not occur with this Alternative. Emissions associated with construction equipment, which have been concluded to exceed SCAQMD construction thresholds for CO, ROC, NO_x, and PM₁₀, would not occur. In addition, operational emissions would not exceed SCAQMD thresholds for CO, ROC, and NO_x. Therefore, implementation of the No Project/No Development Alternative would be consistent with the regional air quality plan and would not result in significant cumulative air quality impacts.

This Alternative would avoid the significant and unavoidable air quality impacts associated with the Project.

9.3.6. Biological Resources

The No Project/No Development Alternative would preserve the Project site in its current condition, and therefore would not disturb existing plant and animal habitats or individual plants and animals. This Alternative would avoid the significant and unavoidable impacts to biological resources associated with the Project. However, the substantial habitat enhancement and mitigation ratios well in excess of 1:1 would not occur under the No Project Alternative.

9.3.7. Archeological/Historical Resources

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to archeological/historical resources. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable impacts related to archeological/historical resources and associated with the Project, since there are none.

However, the No Project/No Development Alternative would not result in any grading or construction on-site. Potential impacts associated with the disturbance or destruction of undocumented archaeological, human remains or paleontological resources would not occur since the site would remain in its natural state.

9.3.8. Aesthetics and Visual Resources

The No Project/No Development Alternative would maintain the Project site in its natural condition. Therefore, scenic resources such as oak trees, unique topographic features and rock outcroppings would not be affected. The No Project/No Development Alternative would not obstruct views of any on-site ridgelines with the development of residential uses. Under the No Project/No Development Alternative no new light sources would be created.

As a result, this Alternative would avoid the significant and unavoidable impacts related to aesthetics and visual resources associated with the Project.

9.3.9. Traffic and Circulation

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to traffic and circulation. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable impacts related to traffic and circulation associated with the Project, since there are none.

Under the No Project/No Development Alternative, all study intersections are operating at an acceptable Level of Service (LOS). This existing condition would continue with the No Project/No Development Alternative. Existing conditions may be affected by additional growth in the area since the study intersections are forecast to operate at a deficient LOS for forecast year 2015 without Project conditions.

The projected increase in average daily traffic (ADT) that is expected to occur with implementation of the Project (1,300 ADT) would not occur with this Alternative. Therefore, the No Project/No Development Alternative would have incrementally fewer traffic-related impacts compared to the Project.

9.3.10. Public Services and Utilities

9.3.10.1. Water and Wastewater

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to water and wastewater. As a result, it is impossible for this

Alternative to avoid or substantially lessen any significant and unavoidable impacts to water and wastewater associated with the Project, since there are none.

The No Project/No Development Alternative would not result in impacts to water and wastewater services since development of the Project would not occur. The existing capability of water and wastewater services would not change, since the existing infrastructure serving the area would not be altered. Therefore, the No Project/No Development Alternative would have incrementally fewer impacts related to water and wastewater compared to the Project.

9.3.10.2. Fire Services/Sheriff Services

As explained above in Section 5, the Project could result in an unavoidable, significant cumulative impact to police protection services. With this Alternative, there would be no such impact and, as a result, this Alternative would avoid the significant and unavoidable cumulative impacts to police protection services that may be associated with the Project.

9.3.10.3. Parks and Recreation

The Project does not have any significant and unavoidable impacts related to parks and recreation; in fact, the Project develops part of the Project site into public parks. Of course, there would be no increased demand for recreational uses with the No Project/No Development Alternative, as no new residences would be constructed. Nevertheless, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable impacts related to parks and recreation associated with the Project, since there are none. It must be noted, however, that the public trail enhancements proposed with the Project would not occur under the No Project Alternative.

9.3.10.4. Schools

The Project does not have any significant and unavoidable impacts related to schools. In fact, the impacts related to schools as a result of the Project are fully capable of being mitigated to a less-than-significant level. Of course, the additional impacts to the Newhall School District and the William S. Hart School District associated with the Project would not occur under this Alternative, since no new residential units would be constructed.

9.3.10.5. Solid Waste

The Project's potential to create long-term significant and unavoidable solid waste disposal impacts, and cumulative impacts with regards to the same, would not occur with this Alternative, as no new residences would be constructed within the Project area. Therefore, this Alternative would avoid the significant and unavoidable solid waste impacts associated with the Project.

9.3.10.6. Electricity

The Project's potential to create impacts to electrical services would not occur with the No Project/No Development Alternative, as no new service connections would be required within the Lyons Canyon Ranch site. Nevertheless, the Project does not have any significant and unavoidable impacts related to electricity.

9.3.10.7. Natural Gas

The Project's potential to create impacts on natural gas services would not occur with the No Project/No Development Alternative, as no new service connections would be required within the Lyons Canyon Ranch site. Nevertheless, the Project does not have any significant and unavoidable impacts related to natural gas.

9.3.10.8. Land Use

The Project does not have any significant and unavoidable impacts related to land use. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable land use-related impacts associated with the Project, since there are none.

The No Project/No Development Alternative does not involve any annexation or development proposals that would significantly affect land use plans or policies of the Santa Clarita Valley Area Plan or other local and regional agencies; nor does the Project. This Alternative would not create any potential inconsistencies with County and SCAG land use policies, nor would it create any new land use compatibility conflicts; but, following mitigation, neither would the Project.

9.3.11. Conclusion

This Alternative would substantially lessen or avoid the significant and unavoidable impacts related to geology, soils and seismicity; noise; air quality; biological resources; aesthetics/light and glare; sheriff services; and solid waste, which are associated with the Project. However, the County rejects this Alternative as infeasible and unacceptable on account of specific economic, legal, social, technological, or other considerations. This Alternative fails to make any use of the Project site and leaves it in its current state. As a result, this Alternative fails to meet any of the Project objectives listed above, including (i) the development of a high-quality mix of residential components as envisioned by the County's housing element; (ii) the development of senior housing; (iii) the creation of a semi-rural, non-suburban residential community, as envisioned by the Santa Clarita Valley Area Plan; or (iv) the improvement of public safety in the region by dedicating a site for the construction of a new County Fire Station. This Alternative also is not superior to the Project with respect to certain impact areas, such as Hydrology impacts, in that the Project results in a net improvement over existing conditions for existing nearby residents.

For the above reasons, this Alternative has been rejected as infeasible.

9.4. ALTERNATIVE 2: THE NO DENSITY BONUS ALTERNATIVE.

The No Density Bonus Alternative would reduce the amount of residential units from 186 to 120; consisting of 90 detached single-family residential units and 30 multi-family residential units. Under the No Density Bonus Alternative, the senior housing development area and the fire station lot would be developed with 30 multi-family residential units. This Alternative would have 66 fewer residential units when compared to the Project. The backbone infrastructure, including roadways and water/sewer service pipelines, would be similar to the Project. No fire station site would be constructed under this Alternative.

The following is a discussion of environmental impacts anticipated as a result of the No Density Bonus Alternative and a comparison of those environmental impacts versus those associated with the Project. Please refer to DEIR pages 6-6 through 6-12 for an analysis of the No Density Bonus Alternative's environmental impacts.

9.4.1. Hazards

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to hazards. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable hazards-related impacts associated with the Project, since there are none. In fact, as with the Project, implementation of this Alternative would require mitigation regarding: hazardous materials, abandoned wells, debris piles, aboveground storage tanks, power lines/transformers, the concrete storage structure, undocumented pipes, water wells, pesticides and offsite petroleum pipelines.

9.4.2. Geology, Soils and Seismicity

Implementation of the No Density Bonus Alternative would not expose people and/or structures to subsurface fault rupture or seismic groundshaking since there are no known active or potentially active faults that traverse the Project site. This Alternative would involve development of residential units in a seismically active region of Southern California, as would the Project. Therefore, seismic impacts are considered significant but the proposed mitigation measures would reduce impacts to a less-than-significant level.

Impacts from ground failure, landslides/slope stability, soil erosion and expansive soils would still be potentially significant and would require mitigation measures to reduce impacts to less-than-significant levels, similar to the Project.

This Alternative would result in grading of approximately 91 acres, which would require an estimated 3.5 million cubic yards of cut and fill. The relatively steep on-site topography combined with large areas of exposed soil could potentially cause significant impacts, even after implementation of all proposed mitigation measures. Similar to the Project, these impacts would be significant and unavoidable. Significant soil erosion could potentially alter on-site natural drainages and slope areas, which would also be considered a significant impact.

As explained, this Alternative contemplates 66 fewer residential units and, as a result, would incrementally reduce the impacts related to grading and the alteration of the site's unique geologic and physical features, on account of a smaller grading and building envelope. However, under this Alternative, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.4.3. Hydrology and Water Quality

Due to the reduced density and reduced grading footprint under this Alternative, impacts to drainage, hydrology, floodplain and water quality would be incrementally reduced compared to the Project. A reduction in drainage, hydrology, floodplain and water quality-related impacts can be attributed to a reduction in the total grading footprint; which would, in turn, result in a

reduction of soils that are subject to erosion, debris flow potential and overland flow/discharge volumes. The preservation of additional areas in their natural state will also promote increased stormwater infiltration. However, as with the Project, mitigation measures would be required to reduce all hydrology impacts to a less-than-significant level, where feasible.

This Alternative contemplates the same hydrological improvements as the Project. With those improvements, there will be a net improvement over existing downstream flood conditions.

Since the Project does not have any significant and unavoidable impacts related to hydrology or water quality, it is not possible for this Alternative to avoid or substantially lessen the same. That is, under either scenario, the impacts related to hydrology or water quality would be mitigated to a less-than-significant level.

9.4.4. Noise

Development of this Alternative would result in a reduction of the length of the construction period due to the reduction of residential units, compared to the Project. However, even after implementation of mitigation measures, short-term construction noise impacts would remain significant and unavoidable due to this Alternative's close proximity to existing residential units to the north. This Alternative would also generate, and cause people and wildlife to be exposed to, similar mobile noise source levels compared to the Project, due to the similar amount of vehicle traffic and a similar setback distance from the I-5 freeway. Mitigation measures would be required to reduce mobile noise impacts to less-than-significant levels. Stationary noise impacts would be less than significant, similar to the Project.

As explained, this Alternative contemplates 66 fewer residential units and, as a result, would incrementally reduce construction-related noise impacts on account of a reduction in the length of the construction period. However, under this Alternative, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.4.5. Air Quality

Short-term construction impacts would remain significant and unavoidable with this Alternative due to similarities in the amount of required earthwork and other construction-related tasks associated with the construction of 120 residential units. Operational emissions would not exceed SCAQMD thresholds, as vehicle traffic and the number of household air emission sources would remain similar to the Project. CO impacts, which are directly related to congested roadway intersections and congested freeway segments, would remain less than significant. Since this Alternative would result in significant and unavoidable short-term air quality impacts, it would be inconsistent with the regional air quality management plan. This is considered a significant cumulative impact.

As explained, this Alternative contemplates 66 fewer residential units and, as a result, would incrementally reduce the air quality impacts, on account of a lesser number of units and a smaller grading and building envelope. However, under this Alternative, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.4.6. Biological Resources

The No Density Bonus Alternative would reduce physical site disturbance and grading by approximately 15 acres (from 106 acres to 91 acres) when compared to the Project. A 6-acre reduction in grading/building footprint area could be achieved by eliminating the 10 lots located along “F” Street in the Project. The number of impacted oak trees and impacted wetland areas would be incrementally reduced when compared to the Project.

Nevertheless, impacts related to oak trees (and Coast Live Oak woodlands), wetlands, and SEAs would remain significant and unavoidable even with implementation of applicable mitigation measures, due to on-site grading in similar areas containing sensitive habitat. As explained, this Alternative contemplates 66 fewer residential units and, as a result, would incrementally reduce the biological impacts on account of a lesser number of units and a smaller grading and building envelope. However, under this Alternative, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.4.7. Archaeological/Historical Resources

As no historical and/or cultural resources were identified on-site, development of the No Density Bonus Alternative would result in less-than-significant impacts; as would the Project. There are no significant or unavoidable impacts related to historical and/or cultural resources under either scenario.

9.4.8. Aesthetics and Visual Resources

The No Density Bonus Alternative would increase the amount of undisturbed open space from 127.8 acres to approximately 141 acres when compared to the Project. The reduction in the total development footprint was achieved by eliminating Lots 91-100 proposed in the northern portion of the Project. However, the modification of on-site scenic resources during the preparation of acceptable building pads would significantly impact the visual character of the subject site, similar to the Project. Even though aesthetic and visual resource impacts would be incrementally reduced when compared to those associated with the Project, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.4.9. Traffic and Circulation

Development of 90 single-family residential units and 30 townhouses would result in 1,197 ADTs, an incremental reduction of 64 ADTs when compared to the Project. Project-related intersection impacts would remain less than significant, as with the Project.

Cumulative impacts, including related and future development within the Santa Clarita Valley, would still be potentially significant. Cumulative mitigation, similar to those required of the Project, would reduce cumulative impacts to less-than-significant levels (just as such mitigation would in the context of the Project).

While impacts to the County Congestion Management Program and public transit system would also be incrementally reduced under this Alternative, there are no significant or unavoidable impacts related to traffic or circulation under either scenario.

9.4.10. Public Services and Utilities

Implementation of this Alternative would result in the following impacts to public services and utilities:

- A less-than-significant impact would occur as a result of the demand of 82.3 acre-feet per year (“**AFY**”) of water, as would with the Project following mitigation;
- A less-than-significant impact would occur as a result of the creation of 26.21 AFY of wastewater, as would with the Project following mitigation;
- Mitigation measures would be required to ensure adequate fire flows to reduce impacts to less-than-significant levels, as would with the Project following mitigation;
- A less-than-significant impact would occur as a result of requiring an additional (i.e., 1.0) sheriff officer, as would with the Project following mitigation. Under both scenarios, a potentially significant and unavoidable cumulative impact may occur with regards to police protection services. This Alternative does nothing to avoid or substantially lessen this potential impact;
- Mitigation measures would be required to reduce the impact of the additional elementary school students to the Newhall School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact of the additional junior high school students to the William S. Hart School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact of additional high school students to the William S. Hart School District, which will be over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact associated with the demand for additional library space and materials, as would with the Project;
- A less-than-significant impact would occur with development of 1.75 acres of parkland, which is 0.59 acres above the amount required under the Quimby Act. Nevertheless, there are no significant or unavoidable impacts with regards to parks under the Project;

- A significant impact would occur as a result of an additional 1,341 pounds per day of solid waste being generated by this Alternative, as would with the Project following mitigation;
- A less-than-significant impact would occur with the increased demand of 675.18 mega-watts (MWh) of electricity, similar to that of the Project following mitigation; and
- A less-than-significant impact would occur as a result of an increased demand of 720 k.c.f./month of natural gas, similar to that of the Project following mitigation.

A reduction in the total number of proposed residential units would reduce the total demand for water services, wastewater services, parks, schools, electricity, natural gas and the utilization of mineral resources, resulting in less-than-significant impacts. While this Alternative would result in a net decrease in demand for public services and utilities when compared to the Project, mitigation measures would still be required to reduce impacts to fire protection services, schools and library services. This Alternative would also result in significant and unavoidable impacts to solid waste, due to the finite resources associated with its disposal. In fact, the DEIR fails to provide any instance in which this Alternative reduces or substantially lessens the significant and unavoidable public service impacts related to the Project.

9.4.11. Land Use

The No Density Bonus Alternative would result in development of the Project site with a mix of land uses similar to those of the Project, but would be reduced in terms of gross project density. This Alternative would be considered consistent with applicable goals and policies of the County's Santa Clarita Valley Area Plan and the County's General Plan, similar to the Project.

As is also the case with the Project, the No Density Bonus Alternative would impact SEAs. This is considered a potentially significant land use impact, requiring implementation of on-site mitigation. The No Density Bonus Alternative would be consistent with the SCAG Regional Comprehensive Plan and Guide policies and Compass Growth Visioning Program strategies, as would the Project following mitigation.

9.4.12. Conclusion

The No Density Bonus Alternative would not fully avoid or substantially lessen the significant and unavoidable impacts associated with the Project.

The County rejects this Alternative as infeasible on account of specific economic, legal, social, technological, or other considerations. This Alternative fails to meet many of the objectives of the Project. It does not provide as much of a "mix" of housing choices when compared to the Project, as envisioned by the County's housing element. It offers approximately the same number of single-family detached units, but only offers about one-third the amount of multi-family units, which tend to be more affordable.

Moreover, this Alternative fails to offer any senior housing and provides 66 fewer total residential units. As a result, the economic viability of this Alternative would be reduced such that it would be financially infeasible.

Additionally, this Alternative fails to provide a site for a new fire station and, as a result, does not improve public safety as does the Project.

For the above reasons, this Alternative has been rejected as infeasible.

9.5. ALTERNATIVE 3: THE REDUCED DENSITY ALTERNATIVE.

The Reduced Density Alternative would include the development of 73 single-family lots in the southeastern portion of the site and would eliminate the multi-family lot and the fire station lot. The multi-family lot and the fire station lot would be developed with 20 single-family residential units, for a total of 93 residential units. In addition, all lots proposed along “E” and “F” Streets would be eliminated.

The following is a discussion of environmental impacts anticipated as a result of the Reduced Density Alternative and a comparison of those environmental impacts versus those associated with the Project. Please refer to DEIR pages 6-11 through 6-18 for an analysis of the Reduced Density Alternative’s environmental impacts.

9.5.1. Hazards

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to hazards. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable hazards-related impacts associated with the Project, since there are none. In fact, as with the Project, implementation of the Reduced Density Alternative would require mitigation to reduce significant impacts to less-than-significant levels, where feasible. These impacts include: hazardous materials, abandoned wells, debris piles, aboveground storage tanks, power lines/transformers, the concrete storage structure, undocumented pipes, water wells, pesticides and offsite petroleum pipelines.

9.5.2. Geology, Soils, and Seismicity

Implementation of the Reduced Density Alternative would not expose people and/or structures to subsurface fault rupture or seismic groundshaking as no known active or potentially active faults traverse the Project site. This Alternative would involve development of residential units in a seismically active region of Southern California, as would the Project. Therefore, seismic impacts are considered significant but mitigation measures can reduce seismic impacts to a less-than-significant level.

Given the reduction in total building footprint, this Alternative would incrementally reduce impacts related to landslides/slope stability, soil erosion and expansive soils but would still require mitigation measures to reduce impacts to less-than-significant levels. This Alternative would result in grading of approximately 83 acres, which would require an estimated 3.0 million cubic yards grading. Nevertheless, impacts from soil erosion caused by on-site grading would still be considered significant and unavoidable, as with the Project.

As explained, this Alternative contemplates 93 fewer residential units and, as a result, would incrementally reduce the impacts related to grading and the alteration of the site's unique geologic and physical features, on account of a smaller grading and building envelope. However, under this Alternative, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.5.3. Hydrology and Water Quality

Due to the reduced density and reduced grading footprint under this Alternative, impacts to drainage, hydrology, floodplain and water quality would be incrementally reduced compared to the Project. A reduction in drainage, hydrology, floodplain and water quality-related impacts can be attributed to a reduction in the total grading footprint; which, in turn, would result in a reduction of soils subject to erosion, debris flow potential and overland flow/discharge volumes. The preservation of additional areas in their natural state will also promote increased stormwater infiltration.

This Alternative contemplates the same hydrological improvements as the Project. With those improvements, there will be a net improvement over existing downstream flood conditions.

Moreover, as with the Project, mitigation measures would be required to reduce all hydrology impacts to a less-than-significant level, where feasible. Finally, since the Project does not have any significant and unavoidable impacts related to hydrology or water quality, it is not possible for this Alternative to avoid or substantially lessen the same. That is, under either scenario, the impacts related to hydrology or water quality would be mitigated to a less-than-significant level.

9.5.4. Noise

Development of the Reduced Density Alternative would result in a reduction of the length of the construction period, due to the reduction of residential units when compared to the Project. However, mitigation measures would still not reduce construction noise impacts to less-than-significant levels due to the proximity of construction to the existing residential uses to the north.

While this Alternative would result in a reduction of mobile noise levels due to a reduction in Project-related traffic, mitigation measures would still be required to reduce mobile noise impacts to less-than-significant levels, just as such mitigation measures are required under the Project, to reduce such impacts to less-than-significant levels.

This Alternative would reduce freeway noise impacts when compared to the Project because the lots with the most direct freeway noise exposure would be removed, however, the Project reduces all such impacts to less-than-significant levels. As with the Project, stationary noise impacts would be less than significant.

Although this Alternative would incrementally reduce construction and mobile source noise impacts when compared to the Project, on account of its 93 fewer units, this Alternative would not eliminate the significant and unavoidable impacts related to construction noise and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.5.5. Air Quality

Short-term construction impacts would be reduced under this Alternative with development of 93 fewer residential units. However, air emissions would still exceed SCAQMD thresholds even after project mitigation and thus impacts would remain significant and unavoidable.

Operational emissions would be reduced under this Alternative given the reduction in total vehicle trips and would remain less than significant, as they would under the Project. As with the Project, this Alternative would result in less-than-significant impacts in regards to CO impacts. Since this Alternative would result in short-term and long-term O₃ and PM₁₀ emissions, which for the South Coast Air Basin (SCAB) is considered non-attainment, it would be inconsistent with the regional air quality management plan and result in significant cumulative air quality impacts.

Overall, this Alternative would result in incrementally reduced air quality impacts when compared to the Project, on account of its 93 fewer residential units and smaller grading and building envelope. However, this Alternative does not eliminate the short-term significant and unavoidable construction impacts or the long-term O₃ and PM₁₀ emissions, and, as a result, fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.5.6. Biological Resources

The Reduced Density would result in less physical site disturbance and grading compared to the Project. This Alternative would retain 149 acres of undisturbed open space (compared to 127.8 with the Project). Under this Alternative, the number of oak trees proposed for removal would be reduced from 179 to 107, the number of oak trees otherwise encroached upon would be reduced from 62 to 34 and impacted wetland areas would not change when compared with the Project.

Although impacts to biological resources would be incrementally reduced compared to the Project, on account of its fewer number of units and smaller grading and building envelope, impacts related to wetlands and SEAs would still be considered significant and unavoidable, even with implementation of all feasible mitigation measures. As a result, this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.5.7. Archeological/Historical Resources

As no historical and/or cultural resources were identified on-site, development of the No Density Bonus Alternative would result in less-than-significant impacts; as would the Project. There are no significant or unavoidable impacts related to historical and/or cultural resources under either scenario.

9.5.8. Aesthetics and Visual Resources

The Reduced Density Alternative would result in the preservation of 149 acres of undisturbed open space (compared to 127.8 acres with the Project). In addition, this Alternative would also eliminate the grading of building pads along the secondary access road, which would significantly reduce the impact to scenic resources visible from The Old Road and I-5 freeway. Development of this Alternative would include development on only the northern and southwestern portion of the site and would eliminate development in the southeastern portion of the site. The short-term impacts associated with construction activities would also be reduced under this Alternative, as it would result in the grading of 83 acres compared to 97 acres under the Project. Under this Alternative, the mitigation required as part of the Project would reduce impacts to aesthetic and visual resources to less-than-significant levels. Therefore, this Alternative avoids or substantially lessens the significant and unavoidable impacts related to aesthetic and visual resources associated with the Project.

9.5.9. Traffic/Access

Development of 93 single-family residential units would result in a total of 890 ADTs; a reduction of 371 ADTs compared to the Project.

While impacts to the County Congestion Management Program and public transit system would also be incrementally reduced under this Alternative, there are no significant or unavoidable impacts related to traffic or circulation under either scenario.

9.5.10. Public Services and Utilities

Implementation of this Alternative would result in the following impacts to public services and utilities:

- A less-than-significant impact would occur as a result of the demand of 71.9 AFY of water, as would with the Project following mitigation;
- A less-than-significant impact would occur as a result of the creation of 27 AFY of wastewater, as would with the Project following mitigation;
- Mitigation measures would be required to ensure adequate fire flow and reduce fire service impacts to less-than-significant levels, as would with the Project;
- A less-than-significant impact on law enforcement services, as with the Project following mitigation. Under both scenarios, a potentially significant and unavoidable cumulative impact may occur with regards to police protection services. This Alternative does nothing to avoid or substantially lessen this potential impact;
- Mitigation measures would be required to reduce the impact of the additional elementary school students to the Newhall School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;

- Mitigation measures would be required to reduce the impact of the additional junior high school students to the William S. Hart School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact of the additional high school students to the William S. Hart School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures in the form of impact fees would be required to reduce the impact from the demand for additional square feet of library space and materials, as would with the Project following mitigation;
- A less-than-significant impact would occur with development of 1.75 acres of parkland, which is 0.85 acre above the amount required under the Quimby Act. Nevertheless, there are no significant or unavoidable impacts with regards to parks under the Project;
- A less-than-significant project impact would occur with the development of only 93 single-family residences. However, a significant cumulative impact would occur as a result of an additional 1,039 pounds per day of solid waste being generated under this Alternative, as would with the Project following mitigation;
- A less-than-significant impact would occur with the increased demand of 523 MWh of electricity, similar to that of the Project following mitigation; and
- A less-than-significant impact would occur as a result of an increased demand of 620 k.c.f./month of natural gas, similar to that of the Project following mitigation.

The Reduced Density Alternative would result in a reduction in demand for sheriff services, water, wastewater services, parks, electricity, natural gas, solid waste and the utilization of mineral resources. Impacts under each of these areas would be less than significant, as they would under the Project. While the Reduced Density Alternative would result in a net decrease in demand for public services and utilities when compared to the Project, mitigation measures would still be required to reduce impacts to fire protection services, schools and library services. This Alternative would also result in significant and unavoidable impacts to solid waste, due to the finite resources associated with its disposal. In fact, the DEIR fails to provide any instance in which this Alternative reduces or substantially lessens the significant and unavoidable public service impacts related to the Project.

9.5.11. Land Use

Under the Reduced Density Alternative, 93 single-family residential units would be constructed. The configuration under this Alternative would be consistent with applicable goals and policies of the County General Plan and the Santa Clarita Valley Area Plan, as well as applicable SCAG regional policies and strategies, similar to the Project.

This Alternative would still require consideration of a Conditional Use Permit for hillside development and development within a SEA. An Oak Tree Permit would also be required to allow the removal of on-site oak trees. This is considered a potentially significant land use impact, requiring implementation of on-site mitigation, under either scenario.

When compared to the Project, the amount of undisturbed open space would be increased from 127.8 acres to 149 acres and the number of oak tree removals would be reduced from 162 to 124 under this Alternative. Implementation of this Alternative would result in fewer land use impacts as compared to the Project, based on the assumption that a lower density project with a reduction in on-site grading and oak tree impacts is generally found to be more consistent with existing County General Plan goals and policies, and County development standards. However, the significant and unavoidable impacts associated with the Project remain under this Alternative.

9.5.12. Conclusion

The Reduced Density Alternative would only fully avoid or substantially lessen significant and unavoidable impacts related to aesthetics/light and glare associated with the Project. This Alternative would otherwise fail to fully avoid or substantially lessen any of the other significant and unavoidable impacts associated with the Project.

The County rejects this Alternative as infeasible on account of specific economic, legal, social, technological, or other considerations. The Reduced Density Alternative fails to meet many of the objectives of the Project. It does not provide as much of a “mix” of housing choices when compared to the Project, as envisioned by the County’s housing element. Specifically, it offers the same number of single-family detached units, but fails to offer any multi-family units, which tend to be more affordable. This Alternative wholly fails to offer any senior housing units and only provides 93 total units; 93 fewer total units than the Project. As a result, the economic viability of this Alternative would be reduced such that it would be financially infeasible.

Additionally, this Alternative fails to provide a site for a new fire station and, as a result, does not improve public safety as does the Project.

For the above reasons, this alternative has been rejected as infeasible.

9.6. ALTERNATIVE 4: THE SEA/OAK TREE AVOIDANCE ALTERNATIVE.

The SEA/Oak Tree Avoidance Alternative would include the development of 121 residential units (i.e., 65 less than the Project) clustered in the northeast portion of the site. Based upon the specific request of the Nature Conservancy, this Alternative has been slightly modified to include the 1.26 acre County fire station site, as proposed in the Project. The 121 residential units would include a mix of multi-family and single-family residences.

The following is a discussion of environmental impacts anticipated as a result of the SEA/Oak Tree Avoidance Alternative and a comparison of those environmental impacts versus those associated with the Project. Please refer to DEIR pages 6-17 through 6-22 for an analysis of the SEA/Oak Tree Avoidance Alternative’s environmental impacts.

9.6.1. Hazards and Hazardous Materials

At the outset, it is important to note that the Project does not have any significant and unavoidable impacts related to hazards. As a result, it is impossible for this Alternative to avoid or substantially lessen any significant and unavoidable hazards-related impacts associated with the Project, since there are none. In fact, as with the Project, implementation of the SEA/Oak Tree Avoidance Alternative would require mitigation to reduce significant impacts to less-than-significant levels. The impact issues include: hazardous materials, abandoned wells, debris piles, aboveground storage tanks, power lines/transformers, the concrete storage structure, undocumented pipes, water wells, pesticides and offsite petroleum pipelines.

9.6.2. Geology, Soils and Seismicity

Implementation of the SEA/Oak Tree Avoidance Alternative would not expose people and/or structures to subsurface fault rupture or seismic groundshaking as no known active or potentially active faults traverse the site. This Alternative would involve development of residential units in a seismically active region of Southern California, as would the Project. Therefore, seismic impacts are considered significant but mitigation measures can reduce seismic impacts to a less-than-significant level.

Due to the reduction in the total grading footprint (from 106.3 acres to 51 acres) and the relocation of residential units out of the hillside areas, the SEA/Oak Tree Avoidance Alternative would incrementally reduce grading impacts caused by landslides/slope stability, soil erosion and expansive soils, but would still require mitigation measures to reduce impacts to less-than-significant levels. As a result, this Alternative would avoid or substantially lessen the significant and unavoidable impacts related to geology, soils and seismicity associated with the Project.

9.6.3. Hydrology and Water Quality

Due to the reduced density and reduced grading footprint under this Alternative, impacts to drainage, hydrology, floodplain and water quality would be reduced compared to the Project. A reduction in drainage, hydrology, floodplain and water quality-related impacts can be attributed to a reduction in total grading footprint and the removal of all residential units from hillside areas. Compared to the Project, the preservation of additional areas in their natural state will increase stormwater infiltration, reduce potential for soil erosion, reduce overland flow volumes and reduce debris flow potential across the site.

This Alternative contemplates the same hydrological improvements as the Project. With those improvements, there will be a net improvement over existing downstream flood conditions.

As with the Project, mitigation measures would be required to reduce drainage and hydrology impacts to less-than-significant levels. It is important to note that the construction of a 12.0 acre debris/detention basin site in the southwest portion of the subject site will still be required under this Alternative, to reduce downstream debris/flooding issues. In fact, this 12.0 acre debris/detention basin site is contemplated by and required under each of the alternatives contemplated in the DEIR, except for the No Project Alternative.

With regards to this particular Alternative, as indicated in Exhibit 6-3 of the DEIR, this basin site will be located within SEA No. 63, and as such, although this Alternative would avoid some disruption and development in SEA No. 63, it would not wholly avoid such disruption and development. In sum, under either scenario, the impacts related to hydrology or water quality would be mitigated to a less-than-significant level.

9.6.4. Noise

Development of the SEA/Oak Tree Avoidance Alternative would result in a reduction of the length of the construction period due to the reduction of total on-site grading and residential units when compared to the Project. However, mitigation measures would still not reduce construction noise impacts to less-than-significant levels due to the proximity of construction to the existing residential uses to the north and the noise volume associated with these construction activities. This Alternative would generate reduced levels of mobile noise given the reduction in associated vehicle traffic. However, freeway-related noise impacts on residential lots when compared to the Project would be similar because this Alternative would still include residential lots with direct freeway noise exposure. As with the Project, noise impacts from stationary sources (such as the fire station, air conditioning units, etc.) would be less than significant.

As explained, this Alternative contemplates 65 fewer residential units and, as a result, would incrementally reduce construction-related noise impacts and mobile source noise impacts on account of a reduction in the length of the construction period, fewer units and smaller building and grading envelope. Nevertheless, under this Alternative, those impacts would remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.6.5. Air Quality

Short-term construction impacts would be reduced under the SEA/Oak Tree Avoidance Alternative with the development of 65 fewer residential units. In addition, CO, ROC, NO_x and PM₁₀ emissions could also be reduced below SCAQMD thresholds due to a substantial reduction in on-site grading operations and through implementation of the proposed mitigation measures. After mitigation, short-term air quality impacts could be reduced to less-than-significant levels. Similarly, operational emissions would be reduced under the SEA/Oak Tree Avoidance Alternative given the reduction in total vehicle trips. As with the Project, this Alternative would result in less-than-significant impacts in regards to CO impacts.

Since this Alternative would not result in short-term and long-term O₃ and PM₁₀ emissions, which for the South Coast Air Basin (SCAB) is considered non-attainment, this Alternative would be consistent with the regional air quality management plan and would not substantially contribute to significant cumulative air quality impacts. Therefore, this Alternative would result in reduced air quality impacts when compared to the Project, and would avoid the short-term significant and unavoidable construction impacts and the long-term O₃ and PM₁₀ emissions.

9.6.6. Biological Resources

The SEA/Oak Tree Avoidance Alternative would result in less physical site disturbance and grading compared to the Project. This Alternative would retain approximately 181 acres

compared to 127.8 proposed with the Project. Under the SEA/Oak Tree Avoidance Alternative, the number of oak trees proposed for removal would be reduced from 162 to 68; the number of oak trees otherwise encroached upon would be reduced from 54 to 45; the level of impacts to wetland areas would remain the same as compared to the Project due to the continuing need to construct two debris/detention basins. It should be noted that the 12.0 acre debris/detention basin site is proposed in the same location – in SEA No. 63. See Exhibit 6-3 of the DEIR. The Project's biologist determined that moving this debris/detention basin site to a suitable location outside of SEA No. 63 would result in increased impacts to wetland/riparian habitat, given that the proposed location consists primarily of disturbed non-native ruderal grassland and limited riparian habitat.

Overall, impacts to SEAs would be incrementally reduced from 26.35 acres to approximately 12.00 acres. However, under this Alternative, those impacts would nevertheless remain significant and unavoidable and therefore this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts associated with the Project.

9.6.7. Archeological/Historical Resources

As no historical and/or cultural resources were identified on-site, development of the No Density Bonus Alternative would result in less-than-significant impacts; as would the Project. There are no significant or unavoidable impacts related to historical and/or cultural resources under either scenario.

9.6.8. Aesthetics and Visual Resources

The SEA/Oak Tree Avoidance Alternative would substantially increase the amount of preserved open space acreage thereby reducing the significant impact associated with the Project. Development of this Alternative would increase the amount of undisturbed open space acreage to 181 acres compared to 127.8 acres under the Project. In addition, the development area associated with this Alternative would be concentrated in the lower lying areas of the subject site, thereby eliminating the potentially significant impacts on scenic resources and, as a result, avoiding a significant and otherwise unavoidable impact associated with the Project.

9.6.9. Traffic and Circulation

Development of 121 single-family residential units would result in a total of 1,206 ADTs, a reduction of 55 ADTs compared to the Project. As with the Project, both the project-specific and cumulative traffic impacts associated with the SEA/Oak Tree Avoidance Alternative could be reduced to less-than-significant levels within the implementation of the proposed mitigation measures.

While impacts to the County Congestion Management Program and public transit system would also be incrementally reduced under this Alternative, there are no significant or unavoidable impacts related to traffic or circulation under either scenario.

9.6.10. Public Services and Utilities

Implementation of the SEA/Oak Tree Avoidance Alternative would result in the following impacts to public services and utilities:

- A less-than-significant impact would occur as a result of the project-related water demand of 75.51 AFY, as would with the Project following mitigation;
- A less-than-significant impact would occur as a result of the project-related wastewater demand of 12.8 AFY, as would with the Project following mitigation;
- Mitigation measures would be required to ensure adequate fire flow and reduce fire service impacts to less-than-significant levels, as would with the Project;
- Mitigation measures would be required to reduce the impacts on law enforcement services, as would with the Project following mitigation. Under both scenarios, a potentially significant and unavoidable cumulative impact may occur with regards to police protection services. This Alternative does nothing to avoid or substantially lessen this potential impact;
- Mitigation measures would be required to reduce the impact of additional elementary school students to the Newhall School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact of the additional junior high school students to the William S. Hart School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact of additional high school students to the William S. Hart School District, which is currently over capacity. While the impacts would be less than those associated with the Project, there would not be any significant or unavoidable impacts under either scenario;
- Mitigation measures would be required to reduce the impact from the demand for library space and materials, as would with the Project;
- Mitigation measures in the form of in-lieu payments would be required to reduce impacts to parkland as required by the Quimby Act, as would with the Project;
- A significant impact would occur as a result of an additional 1,408 pounds per day of solid waste being generated under this Alternative, as would with the Project following mitigation;
- A less-than-significant impact would occur with the increase in demand of 709 MWh of electricity, similar to that of the Project following mitigation; and

- A less-than-significant impact would occur as a result of an increased demand of 625 k.c.f./month of natural gas, similar to that of the Project following mitigation.

The SEA/Oak Tree Avoidance Alternative would result in a reduction in demand for water, wastewater services, electricity, natural gas and the utilization of mineral resources, resulting in less-than-significant impacts. While this Alternative would result in a net decrease in demand for public services and utilities when compared to the Project, mitigation measures would still be required to reduce impacts to fire protection services, sheriff services, schools, parks and library services. As with the Project, the SEA/Oak Tree Avoidance Alternative would result in significant and unavoidable cumulative impacts to solid waste, due to the finite resources associated with its disposal, and therefore this Alternative would fail to avoid or substantially lessen those significant and unavoidable impacts associated with the Project. Other than solid waste, there would be no significant and unavoidable impacts to public services under either scenario.

9.6.11. Land Use

It is anticipated that the SEA/Oak Tree Avoidance Alternative would be consistent with applicable goals and policies of the County General Plan and the Santa Clarita Valley Area Plan, as with the Project. Under this Alternative, the number of oak tree removals and area of SEA intrusion would be substantially reduced. Moreover, the amount of undisturbed open space would be increased from 127.8 acres to 181 acres when compared to the Project. However, there are not any significant or unavoidable impacts under either scenario with regards to land use.

9.6.12. Conclusion

The SEA/Oak Tree Avoidance Alternative would avoid or substantially lessen the following significant and unavoidable impacts that are associated with the Project: (i) geology, soils and seismicity; (ii) air quality; and (iii) aesthetics and visual resources. While the impacts to biological resources, noise and solid waste would be incrementally reduced under this Alternative, they will nevertheless remain significant and unavoidable and, as such, this Alternative fails to avoid or substantially lessen those significant and unavoidable impacts.

The County rejects this Alternative as infeasible on account of specific economic, legal, social, technological, or other considerations. While this Alternative does reduce or avoid several significant and otherwise unavoidable impacts associated with the Project, it fails to meet many of the objectives of the Project and it continues to impose significant impacts onto SEA No. 63. Specifically, this Alternative does not provide as much of a “mix” of housing choices when compared to the Project, as envisioned by the County’s housing element. In all events, this Alternative provides approximately one-third less the total number of units. The net result will be that this Alternative does not provide as much affordable housing products as the Project which is also contemplated in the County’s housing element. Moreover, this Alternative also wholly fails to offer any senior housing units. Each of these aspects reduces the economic viability of this Alternative, to the extent that it would be financially infeasible.

By clustering the development in the northeast portion of the site, this Alternative fails to offer a high-quality mix of residential components, including single-family residences and senior

housing, with a focus on orderly development of the Project site. It fails to provide a range of housing types, including large lot single-family detached, smaller lot single-family detached, and multi-family housing for seniors, as envisioned by the County's housing element. Finally, it fails to create a semi-rural, non-suburban residential community as envisioned by the Santa Clarita Valley Area Plan.

For the above reasons, this Alternative has been rejected as infeasible.

9.7. ENVIRONMENTALLY SUPERIOR ALTERNATIVE.

CEQA Guidelines Section 15126.6(e)(2) requires the designation of an environmentally superior alternative to the Project and, if the environmentally superior alternative is the No Project Alternative, selection of an environmentally superior alternative from among the remaining alternatives. Please refer to page 6-22 to DEIR for an analysis of the environmentally superior alternative.

The most environmentally superior alternative would be the No Project/No Development Alternative, as it avoids every significant and unavoidable impact associated with the Project. However, as explained above, the No Project/No Development Alternative is rejected, as it fails a single objective associated with the Project. Moreover, and also as explained above, CEQA requires the selection of an environmentally superior alternative from among the remaining alternatives if the most environmentally superior alternative is the No Project Alternative.

As explained in the DEIR, when comparing Alternatives, it is important to consider several factors, including the Project's objectives and the Alternative's ability to fulfill the objectives with minimal impacts to the surrounding environment and whether any Alternative either avoids or substantially lessens significant, unavoidable impacts or avoids or substantially lessens such impacts to the surrounding environment. In consideration of these factors, the DEIR found the SEA/Oak Tree Avoidance Alternative as the Environmentally Superior Alternative to the Project, after the No Project Alternative.

Nevertheless, and as explained above, the SEA/Oak Tree Avoidance Alternative is rejected as being infeasible. While it would avoid or substantially lessen significant and unavoidable impacts regarding geology, soils and seismicity; air quality; and aesthetics and visual resources, it fails to substantially lessen or avoid impacts to biological resources, noise or solid waste. Moreover, it fails to avoid or substantially lessen significant and unavoidable impacts to SEA No. 63.

Equally important, the SEA/Oak Tree Avoidance Alternative fails to meet many of the objectives of the Project. It does not provide as much of a "mix" of housing choices and eliminates about one-third of the residential units offered by the Project. It also provides less multi-family units, which tend to be more affordable. The SEA/Oak Tree Avoidance Alternative wholly fails to offer any senior housing units. Each of these criteria is considered important by the County and its housing element.

By clustering the development in the northeast portion of the site, the SEA/Oak Tree Avoidance Alternative fails to offer a high-quality mix of residential components, including single-family residences and senior housing, with a focus on orderly development of the Project site. It also

fails to provide a range of housing types, including large lot single-family detached, smaller lot single-family detached and multi-family housing for seniors. Finally, it fails to create a semi-rural, non-suburban residential community as envisioned by the Santa Clarita Valley Area Plan

In addition, the substantial reduction in residential units, without materially decreasing the amount of infrastructure required, e.g. flood control basins, jeopardizes the financial viability of this Alternative, rendering it financially infeasible.

For the foregoing reasons, the SEA/Oak Tree Avoidance Alternative is rejected as infeasible.

SECTION 10 - FINDINGS REGARDING MONITORING PROGRAM.

Section 21081.6 of the Public Resources Code requires that when a public agency is making the finding required by Section 21081(a)(1) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of Project approval adopted in order to mitigate or avoid significant effects on the environment.

The Commission hereby finds that the Mitigation Monitoring Program, which is presented as a separate document, meets the requirements of Section 21081.6 of the Public Resources Code.

SECTION 11 - STATEMENT OF OVERRIDING CONSIDERATIONS.

The DEIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures, these effects can be mitigated to levels of insignificance except for unavoidable, significant impacts to Geology, Soils and Seismicity, Noise, Air Quality, Biological Resources, Aesthetics/Light and Glare, and Solid Waste. With regards to Sheriff Services, there remains the potential to have a significant and unavoidable impact if the County's Board of Supervisors alters funding for the same. Moreover, there are other impacts, addressed above, that could become significant and unavoidable, should the required mitigation measures fail. With regards to each of these significant and unavoidable impacts, and to each of the potentially significant and unavoidable impacts, the County hereby overrides such impacts because of the following overriding considerations.

Having reduced the effects of the selected Project by adopting the conditions of approval and the mitigation measures described above and in the Mitigation Monitoring Program, and having balanced the benefits of the selected Project against the Project's potential unavoidable significant adverse impacts and the Project's alternatives, the Commission hereby determines that the benefits of the Project outweigh the potential unavoidable adverse impacts, and that the unavoidable adverse impacts are nonetheless "acceptable," based on the following overriding considerations. Any one of these overriding considerations is sufficient to support the Commission's determinations herein.

11.1. The Project will develop a high-quality mix of residential components, including single-family residences and needed senior housing, with a focus on natural open space conservation and orderly development of the Project site;

11.2. The Project will create a semi-rural, non-suburban residential community utilizing a clustered development footprint;

11.3. While achieving other Project objectives, the Project will conserve sensitive habitat areas through avoidance and restoration, will enhance existing habitat in some areas and will use native landscaping;

11.4. The Project will provide a range of housing types, including large lot single-family detached, smaller lot single-family detached and multi-family housing for seniors and, at the same time, will conserve sensitive habitat areas;

11.5. The Project will improve public safety in the region by dedicating a site for the construction of a new County Fire Station;

11.6. The Project will provide opportunities for local and regional recreation through the dedication of open space, public trail enhancement and recreational facilities;

11.7. While achieving the above, the Project will permit appropriate land uses that are compatible with existing adjacent uses and with the resource values present in identified SEAs;

11.8. While achieving the above, the Project will encourage an appropriate mix of land use types to prevent disharmony and degradation;

11.9. While achieving the above, the Project will encourage development of convenient services to meet the needs of the Santa Clarita Valley including health; education; welfare; police and fire protection; governmental operations; recreation and cultural facilities; and public utilities;

11.10. While achieving the above, the Project will provide an efficient local circulation pattern, both motorized and pedestrian and will also contribute to various infrastructure improvements in the area;

11.11. While achieving the above, the Project will encourage appropriate aesthetic (landscaping, signage, street furniture, design themes, etc.) measures so that each community can be clearly distinguished from neighboring ones;

11.12. The Project will remove, and thereafter control, the trash, debris, abandoned cars and other refuse that is currently strewn about the Project site, as a result of unlawful dumping and trespassing; and

11.13. The Project will result in a net beneficial improvement over existing flood conditions for existing nearby residents by reducing the amount of storm water that currently passes through the Project site.