



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1817
FACSIMILE
(213) 613-4751
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

April 16, 2019

ADOPTED

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

20 APRIL 16, 2019 Agenda No. 11
11/27/18

Re: **PROJECT NO. TR069504-(5)**
CONDITIONAL USE PERMIT NO. 2007-00114-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced project that includes a conditional use permit to allow grading and other development within a hillside management area to create 18 single-family residence lots, one private recreation lot, and one private street lot on 7.18 gross acres applied for by Cal Holdings LLC/Cantwell-Anderson Inc. At the conclusion of the hearing, your Board indicated an intent to approve the project and instructed our office to prepare the appropriate documents for final approval of the project. The findings and conditions for the conditional use permit are enclosed for your consideration. The related vesting tentative tract map and resolution to approve changes in the Specific Plan maps are submitted separately.

Very truly yours,

MARY C. WICKHAM
County Counsel

By
LATAYVIUS R. ALBERTY
Senior Deputy County Counsel
Property Division

APPROVED AND RELEASED:

THOMAS J. FAUGHNAN
Senior Assistant County Counsel

LRA:ll
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Celia A. Zavala, Executive Officer, Board of Supervisors
Amy J. Bodek, Director, Department of Regional Planning

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. TR069504-(5)
CONDITIONAL USE PERMIT NO. 2007-00114-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on November 27, 2018, in the matter of Project No. TR069504-(5), consisting of Vesting Tentative Tract Map No. 069504-(5) ("Vesting Tract Map"), Specific Plan Amendment No. 2007-00005-(5) ("Plan Amendment") and Conditional Use Permit No. 2007-00114-(5) ("CUP"), collectively, the "Project." The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on August 8, 2018 and August 15, 2018.
2. Cal Holdings LLC/Cantwell-Anderson Inc. ("Permittee") requests the CUP to allow grading and other development within the hillside management area, pursuant to Los Angeles County Code ("County Code") Sections 22.56.040 and 22.56.215, as those sections existed at the time of filing the application for the Project, to create 18 single-family residence lots, one private recreation lot developed with a club house, swimming pool and open space, and one private and future street lot on 7.18 gross acres.
3. The Project is located at the intersection of Lincoln Avenue and Millard Canyon Road in the unincorporated community of Altadena ("Project Site") in the Altadena Zoned District. The Project Site is located within the La Viña Specific Plan ("SP") designation of the Altadena Community Plan Land Use Policy Map.
4. The Vesting Tract Map is a related request to create 18 single-family residence lots, one private recreation lot developed with a club house, swimming pool and open space, and one private and future street lot on 7.18 gross acres.
5. The Plan Amendment is a related request to amend the Project Site's land use category designations from R (Recreation) and S (School), to R and R-1 (Single-Family Residence), and to amend language within the La Viña SP regarding maximum density and required parking and to eliminate discussions and regulations applicable to the private school use.
6. The Project Site is 7.18 gross (5.75 net) acres in size and consists of three legal lots. The Project Site is roughly square in shape with flat to sloping topography, an undeveloped vacant site, and has been graded in preparation for a private school and an associated athletic field.
7. The Project Site is currently zoned SP.

8. Surrounding zoning within a 500-foot radius of the Project Site includes:

North: SP;
South: SP;
East: SP; and
West: SP.

9. Surrounding land uses within a 500-foot radius of the Project Site include:

North: Single-family residence;
South: Single-family residence;
East: Single-family residence; and
West: Single-family residence and open space developed with a hiking trail.

10. The zoning and case history for the property is as follows:

- A. Specific Plan No. 200700005, the La Viña Specific Plan Project, was approved and adopted in 1989. Adopted with the Specific Plan were Vesting Tentative Tract Map No. 45546, CUP Nos. 87-044 and 91-073, and Oak Tree Permit No. 87-044, creating 272 single-family residence lots, three public facility lots and 11 open space lots on 220 acres.
- B. The 1991 final Supplemental Environmental Impact Report ("FSEIR") (SCH 91-031099) identified a potential effect on cultural resources on the Project Site because the Project implementation would impact potentially historical structures associated with the original La Viña Sanitarium. Mitigation measures included rehabilitating the Foothill Preventorium for Girls for adaptive reuse and incorporating into the proposed private school.
- C. The structure has been demolished because the school is no longer proposed. The proposed recreation club house would incorporate the design elements of the structures to reduce the impact identified in the FSEIR to an insignificant level.
- D. CUP No. 91-073 permitted the establishment of a 500-student private school. The school site has been graded, however, the Applicant was not able to find a private school willing to develop and operate a private school on the Project Site. The Project Site is currently a vacant lot.

11. The Exhibit Map/Exhibit "A" dated June 4, 2014 depicts a single-family residential development of 18 lots on a total of 4.83 acres on either side of a private street, ending in a cul-de-sac of 0.65 acres. The building pads within the Project Site range from 1,570 to 1,583 feet in elevation.

12. The Project Site plan for the Project depicts a single-family residential development of 18 lots on a total of 4.83 acres on either side of a proposed cul-de-sac private and future street of 0.65 acre.
13. Primary access into the development occurs just north of the intersection of Lincoln Avenue and West Loma Alta Drive located along the southerly border of the Project Site. The Project Site is accessed by Millard Canyon Road to the south and Old Toll Road to the west. An internal private street ("A" Street) contains a four-foot-wide sidewalk with landscaped parkway along the curb, containing tree plantings every 25 to 50 feet for shade. Access to the recreation area pool and club house is connected to the sidewalk adjacent to the private and future street, Millard Canyon Road.
14. A total of 30 uncovered parallel parking spaces are provided on the private street lot to accommodate guests of the club house and pool. Each single-family residence lot shall contain at least two covered spaces for required resident/homeowner parking. There are no parking lots or other parking facilities located on-site.
15. Several retaining walls and fences are located along the perimeter of the lots. Combination fences of a maximum of 5.5 feet in height and retaining walls varying from two to three feet in height are proposed to divide side and rear yards between the lots. A maximum 10-foot-tall retaining wall will be maintained outside of required setbacks and adjacent to the proposed club house. No front yard wall or fence rises higher than 42 inches, with side and rear yard walls/fences not exceeding a maximum of six feet.
16. The Project consists of a total of 5.03 acres of open space, or approximately 70 percent of the net acreage of the development. The open space is provided in three primary formats, separate HOA-maintained areas, landscaped areas adjacent to streets and highways, and private yards and homeowner-maintained slope on privately-owned property.
17. A combined total of 72,000 cubic yards of earthwork will be balanced on-site. There will be no import or export of dirt.
18. Prior to the Commission's public hearing, the Applicant reached out to members of the community to present the Project and obtain citizen feedback. Additionally, from 2007 to 2018, the Applicant consulted with the Department of Regional Planning ("Regional Planning") staff to discuss the Project and its design. This consultation resulted in several changes to the Project design:
 - A. Adding architectural elements consistent within the existing community to the community identification sign;
 - B. Adding recreational amenities into the Project, including improved open space, accessible to the community; and

- C. A commitment to making an effort to incorporate elements of the demolished La Viña Sanitarium buildings into the future clubhouse design.
19. The conditions of the County Subdivision Committee, consisting of the County Departments of Public Works, Fire, Parks and Recreation, and Public Health, are attached to the conditions of approval for the Vesting Tract Map.
 20. Prior to the Commission's public hearing on the Project, an addendum to the certified FSEIR was prepared 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 for the County. The addendum and Mitigation Monitoring Reporting Program ("MMRP") concluded that the proposed lots, elimination of the 500-student school, and retention of the recreational area within the existing SP area would not result in any increased or additional environmental impacts. Therefore, Regional Planning staff determined that supplement environmental analysis was not required.
 21. Pursuant to the provisions of County Code Chapter 22.222, the community was appropriately notified of the Project's public hearings by mail, newspaper, property posting, and departmental website posting.
 22. The Commission held a duly-noticed public hearing beginning on August 8, 2018 and completed at its August 15, 2018 meeting. Prior to the public hearing, Regional Planning staff received letters of inquiry, support, and opposition. The Altadena Town Council offered support conditioned on the Applicant's prior agreement to purchase and conserve the Owen Brown gravesite.
 23. A Zone Change or Plan Amendment must be approved by the Board pursuant to the County Code. In such cases, related project permits, such as conditional use permits and vesting maps, are deemed called up for review by the Board to be heard with the Plan Amendment, pursuant to Section 22.240.040.B of the County Code. Accordingly, the Project was thereafter considered by the Board.
 24. On November 27, 2018, the Board conducted its duly-noticed public hearing on the Project. The Board heard a presentation from Regional Planning staff and testimony from the Permittee. Staff testified that the Project Site is vacant and undeveloped, and designated as a school site in the La Viña SP. The Plan Amendment would authorize a conversion of the Project Site's designation from a school to residential and recreation lots, which will be consistent with the existing site.
 25. The Applicant testified that they would appropriate \$300,000 to establish the "Owen Brown Gravesite Project." Owen Brown was the son of John Brown, a freedom fighter and abolitionist, who led the raid on the federal armory at Harpers' Ferry, West Virginia, in 1859. Owen Brown later served as an officer in the Union Army and passed away living in the Altadena area in 1889.

26. There was additional testimony from 10 speakers, representing the homeowners association, Altadena Town Council, Altadena Heritage, and residents of Altadena. Eight testified in support of the Project and the preservation of the Owen Brown gravesite. One member of the public opposed the Project, due to the increasing housing prices in Altadena, and one expressed concern over the number of trucks that will enter the area during school hours.
27. The Board addressed the concerns raised regarding the number of trucks that will enter the area during school hours. The Board also commented on the collaboration between the Applicant and the community to reach an agreement to support the creation of 18 residence lots, and the Permittee's arrangement to acquire and preserve the Owen Brown gravesite.
28. After completion of public testimony, the Board closed its public hearing, certified and adopted the addendum and MMRP to the certified FSEIR in compliance with CEQA and the State and County CEQA Guidelines related thereto, and determined that, on the basis of the whole record before the Board, there is no substantial evidence that the Project will have a significant effect on the environment; and instructed County Counsel to prepare the final findings for the approval of the Project for the Board's consideration.
29. The Board finds that the Project is consistent with the General Plan, the Altadena Community Plan, and the La Viña SP because the proposed land use, density, and design of the Project are consistent with the existing land use designation and are compatible with the surrounding community.
30. The Board also finds that the Project is consistent with the applicable elements and policies of the General Plan, the Altadena Community Plan, and the La Viña SP because the Project maintains the character of the existing low-density residential neighborhood; preserves the existing residential neighborhood and environmental amenities; and is designed to emphasize high quality residential uses with rural character and preservation of significant open space.
31. The Board considered and balanced the housing and employment needs of the region, the public service needs of local residents, and available fiscal and environmental resources when it determined the Project was consistent with the General Plan, the Altadena Community Plan, and the La Viña SP.
32. The Board finds that the Project is consistent with the proposed zoning designation because the proposed designation will allow the necessary building heights, setbacks, parking, landscaping, and other related standards of the Project to be developed in compliance with the County Code.
33. The Board finds that additional Project features and measures (such as implementation of equestrian mitigation where applicable, safe pedestrian access to the La Viña Gate, incorporation of the purchase, and enhancement of the Owen Brown gravesite) provided by the Applicant as a result of the community

outreach are public benefits and are consistent with the SP, as well as consistent with the goals, objectives, and policies of the General Plan, Altadena Community Plan, and the La Viña SP, and adopts these features and measures as conditions of approval for the Project.

34. The Board finds that the Applicant is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources, pursuant to section 711.4 of the California Fish and Game Code.
35. The Board finds that it would be appropriate to incorporate the Project's proposed single-family residence lots into the La Viña Mello-Roos Community Facilities District Number 7.
36. After consideration of the addendum to the certified FSEIR and the MMRP, together with the comments received during the public review process, the Board finds, on the basis of the whole record before it, that there is no substantial evidence that the Project, as conditioned, will have a significant effect on the environment, and further finds that the addendum to the certified FSEIR reflects the independent judgment and analysis of the Board.
37. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of 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, Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan, Community Plan, and the SP.
- B. The proposed use at the Project Site 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 Project Site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- C. The Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features, prescribed in County Code Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The Project 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. The Project will implement the relevant Goals and Policies of the General Plan, Community Plan, and the SP through the associated Plan Amendment, Vesting Tract Map, and CUP, which allow the orderly development and regulation of the proposed use.
- F. The proposed uses, single-family residence lots, associated recreational amenities, and private street lot, are compatible with surrounding land uses and, thus, do not create any adverse impacts or material detriments, or constitute a public menace.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that it certified and adopted the addendum to the certified FSEIR for the Project at the close of its public hearing, and that it was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the FSEIR, which reflects the independent judgment and analysis of Board as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures during Project implementation; determines that, on the basis of the whole record before the Board, there is no substantial evidence that the Project will have a significant effect on the environment; finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and
2. Approves CUP No. 2007-00114-(5), subject to the attached conditions and Plan Amendment No. 2007-00005-(5).

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. TR069504-(5)
CONDITIONAL USE PERMIT NO. 2007-00114-(5)**

1. This grant authorizes the following: creation of 18 single-family residence lots, one private recreation lot, one private street lot; elimination of conditions of approval regarding a private school to allow single-family residence dwelling units in a Specific Plan; and development in a hillside management area, subject to the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, subdivider, successor or successors in interest, and any other person, corporation, or other 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 ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of this grant have been recorded, as required by Condition No. 8, and until all required monies have been paid, pursuant to Condition No. 12. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, 8, and 12 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date of decision by the County Board of Supervisors ("Board"), as provided in the Los Angeles County Code ("County Code") Section 22.222.230.
5. 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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
6. 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 make an initial deposit with Regional Planning in the amount of up to \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

- A. If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. 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 any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee, per County Code Section 2.170.010.
- 7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse.
 - 8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of this grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of this grant and its conditions to the transferee or lessee of the subject property.
 - 9. This grant shall expire unless used within two years after the recordation of a final map for the Vesting Tentative Tract Map ("Vesting Map") associated with this conditional use permit. A time extension(s) may be requested in writing and with the payment of the applicable fee prior to such expiration date. In the event that the Vesting Map should expire without the recordation of a final map, this grant shall terminate upon the expiration of the Vesting Tract Map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
 - 10. The subject property shall be 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 full compliance shall be a violation of these conditions.
 - 11. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

12. Prior to the issuance of any building permit(s), the permittee shall remit all applicable library facilities mitigation fees to the County Librarian, pursuant to County Code Chapter 22.246. The permittee shall pay the fees in effect at the time of payment, pursuant to County Code Section 22.246.060. Questions regarding fee payment may be directed to the County Librarian at (562) 940-8430. The permittee shall provide proof of payment upon request from Regional Planning.
13. Within five working days from the date of final approval, the permittee shall remit processing fees at the office of the County Registrar-Recorder/County Clerk ("Recorder"), payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination ("NOD") for this Project and its entitlements, in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife, pursuant to section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code (currently \$2,429.75 for a Negative Declaration or Mitigated Negative Declaration, which includes the \$75 County processing fee; Fish and Wildlife does not specify a fee for Addendums to EIRs). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
14. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
15. 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 ("Commission") or a 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's health or safety or so as to be a nuisance, or as otherwise authorized, pursuant to County Code Chapter 22.56 Part 13.
16. All development, pursuant to this grant, must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
17. All development, pursuant to this grant, shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
18. All development, pursuant to this grant, shall comply with the requirements of County Code Title 22 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 Regional Planning ("Director").

19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
20. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above 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.
21. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

PROJECT-SPECIFIC CONDITIONS

22. Prior to Regional Planning authorization for issuance of grading and/or building permits, the permittee shall make provision for, and initiate, incorporation of, the Project's 18 single-family residence lots into the La Viña Mello-Roos Community Facilities District No. 7.
23. Lot No. 19 (community open space, pool, community identification sign, and club house) shall be phased into the middle of the development time period of the Project and fully constructed prior to the issuance of the building permit for the ninth dwelling unit located within the Project. A pool, club house, and open space site plan (Revised Exhibit "A") shall be submitted to Regional Planning for review and approval prior to the issuance of the ninth dwelling unit building permit.
24. The permittee shall dedicate to the County on the final map the right to prohibit construction of buildings, structures, and grading over open space area, open space easement areas, Lot No.19, and over open space areas on Lot Nos. 1 through 18.
25. Permission is granted to create additional open space lots to the satisfaction of Regional Planning.
26. The permittee shall provide for the ownership and maintenance of the open space and park lots to the satisfaction of Regional Planning. The ownership and maintenance of Lot No. 19 shall be provided by a homeowners' association, or dedicated to a public agency or land conservancy.
27. The permittee shall provide slope planting and an irrigation system, in accordance with the Grading Ordinance and include language in the Project's Covenants, Codes & Restrictions or maintenance agreements, which would require continued maintenance of the plantings for lots having planted slopes. Prior to

final map approval, the permittee shall submit to Regional Planning a copy of the draft document to be recorded.

28. As required by County Code Section 21.32.195, the permittee shall plant or cause to be planted at least two trees of non-invasive species within the front yard of each residential lot, and this specification shall be noted on a landscape plan, which shall be approved by the Director prior to final map approval. The permittee shall post a bond with Public Works ensuring future on-site and private and future street tree planting.
29. Prior to final approval, the permittee shall submit to the Director for review and approval three copies of a landscape plan. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. A minimum of two non-invasive trees shall be planted in the front yard of each residential lot. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. To the maximum extent feasible, drip irrigation systems shall be employed.
30. In addition to the review and approval by the Director, the landscaping plan will be reviewed by the staff biologist of Regional Planning and the Fire Department. Their review will include an evaluation of the balance of structural diversity (e.g., trees, shrubs, and groundcover) that may be expected 18 months after planting in compliance with fire safety requirements. The landscape shall be maintained in compliance with the approved landscaping plans.
31. The landscaping plan shall indicate that at least 50 percent of the area covered by landscaping shall be locally indigenous species, unless the permittee proves to the satisfaction of the Director that a 50 percent or more locally indigenous species is not possible, due to County fire safety requirements, in which case, a lower percentage of such planting may be allowed. In those areas where the Director approves a reduction to less than 50 percent locally indigenous vegetation, the amount of such planting required shall be at least 30 percent. The landscaping shall include trees, shrubs, and/or ground cover at a mixture and density determined by staff and the Fire department. The permittee shall give fire retardant plants first consideration when developing its landscape plan.
32. Landscaping and visual buffers shall be concentrated along the perimeter of the proposed developed areas, including around the private recreation lot, and the private and future street area surrounding the entrance to the proposed single-family residence lots. The concentration of landscaping in these areas is intended to serve as natural visual buffers between the proposed homes and streets and existing residences, roadways, and trails. To reduce the impacts associated with graded areas and construction of the Project private and future street, these areas shall be revegetated and landscaped following grading and roadway development. The landscape plan shall also incorporate landscaping between the internal residential streetscape systems.

CUP SPECIFIC CONDITIONS

33. The permittee shall conform to the requirements of County Code Title 21.
34. The Project site shall be developed and maintained in substantial compliance with the approved Exhibit "A," or a revised Exhibit "A" dated June 4, 2014, or an amended exhibit map approved by the Director.
35. Residential development on proposed Lot Nos. 8 and 9 of Vesting Tentative Tract Map No. 609504-(5) shall be restricted to single-story, single-family residential dwelling units, a maximum of 21 feet in height.
36. Residential units shall be constructed with solar-ready rooftops that provide for the future installation of on-site solar photovoltaic ("PV") or solar water heating ("SWH") systems. The building design documents shall show an allocated Solar Zone and the pathway for interconnecting the PV or SWH system with the building electrical or plumbing system. The Solar Zone is a section of the roof that has been specifically designated and reserved for the future installation of a solar PV system, SWH system, and/or other solar generating system. The Solar Zone shall be kept free from roof penetrations and have minimal shading.
37. Wall and fence heights surrounding the community open space and recreation lot shall not exceed 42 inches, except for those portions that are abutting the side yard and/or back yard spaces of any dwelling unit.
38. As much as is feasible, the permittee shall incorporate design elements for the club house from the Foothill Preventorium for Girls that was to be rehabilitated for use as part of the previously proposed private school, or provide an update to the scholarly evaluation and professional documentation/recordation report of the site's history on file at the Altadena library, to the satisfaction of Regional Planning.
39. Open space shall comprise not less than 70 percent of the overall Project net area. Open space considered within private side and rear yard areas of a dwelling unit shall be included in the required open space calculation.
40. Repairs and construction (other than those required on an emergency basis) shall be restricted to the following hours: Monday through Friday, 7:00 a.m. to 7:00 p.m.; Saturday 8:00 a.m. to 6:00 p.m.; and no construction on Sunday.
41. The purchase and enhancement of the Owen Brown gravesite, which was previously agreed upon between subdivider and the Altadena Town Council, is incorporated herein with the following additional terms:
 - A. Implement the "parity" plan, as presented by the La Viña II Condition Subcommittee, including the conservation of open space, which is currently privately owned; the subdivider will secure the property, which

contains the gravesite of Owen Brown, which is currently privately owned and for sale;

- B. In addition to the purchase price, the subdivider will also provide a monetary amount to cover the maintenance of the land, historical preservation, and educational documentation of the Owen Brown Gravesite Project; prior to the final map approval, the subdivider agrees to pay an additional amount of \$300,000 into a to-be-established "Owen Brown Gravesite Project" fund;
 - C. The subdivider accepts this payment obligation as an agreed upon condition of the final map approval;
 - D. The land and funds will be administered by a community group to include a member of the Altadena Town Council, a member of Altadena Heritage, a resident with knowledge of Altadena trails and open space efforts, and a member of the leadership of The Meadows residential area; the land will be protected with historic designations and placed in a conservancy with sufficient protections to assure no future development; and
42. Should the subdivider not procure the property, an amount of the final offer made on the property, plus an amount not to exceed \$300,000, will be deposited to a Community Benefit Fund with the express plan to carry out directives A, B, and D above.