

February 12, 2009 -- DRAFT FOR FTDNC BOARD APPROVAL

TO: Foothill Trails District Neighborhood Council

SUBJECT: Recommendation to the Foothill Trails District Neighborhood Council (FTDNC) from the Watershed Committee of the Foothill Trails District Neighborhood Council regarding the Angeles National Golf Club (ANGC)

Case No. CPC-1996-0243 (CU)(PA2)

Background

The community has recently attended several meetings in which the topic of discussion was the Angeles National Golf Club (ANGC). A separate meeting was held by the Sunland Tujunga Neighborhood Council Land Use Committee (FTDNC/LUC) on January 26, 2009 for the purpose to only discuss the ANGC. Foothills Trails District Neighborhood Council (FTDNC) land use and watershed committee members, representatives from Council District 2 (CD2) and ANGC along with many interested individuals participated in the public meeting. The purpose of this special meeting was to determine to what degree that ANGC is in compliance with previous conditions of approval and environmental mitigation measures which regulate the development and use of the subject property.

A subsequent Joint meeting was held on February 3, 2009 by the Foothill Trails District Neighborhood Council (FTDNC) Watershed Committee and the Sunland-Tujunga Neighborhood Council Land Use Committee, with representatives from the National Park Service (NPS), the State of California Department of Fish & Game (DF&G), Angeles National Golf Course, Council District #2, the Santa Monica Mountains Conservancy (SMMC/MRCA), and several concerned community members including members of the equestrian community and homeowners groups.

The reason these discussion meetings were held was to bring affected parties and agencies together for edification, to gather community input and to prepare recommendations from our respective Neighborhood Councils in advance of a City hearing which is scheduled for February 13, 2009 by the Department of City Planning which has been scheduled to receive updates on the status of the ANGC's compliance with conditions of approval and mitigation measures prior to the issuance of a Certificate of Occupancy (C of O) for a golf course clubhouse which is under construction on the property.

According to our understanding, the withholding of this C of O is the last remaining trigger that will help to effectively ensure compliance with the conditions of approval, mitigation measures and implementation of a habitat conservation plan.

Discussion

Many issues were raised in the course of discussions regarding the ANGC and its compliance (or lack thereof) with the recorded conditions of the Conditional Use Permit (CUP) and mitigation measures from the final Environmental Impact Report (EIR) approved by the City Council on April 28, 1998. These issues included, but were not limited to, the following:

1. Habitat Conservation Plan (The Plan).

The Plan is a key document on which the CUP compliance is based. It is the framework and plan for all mitigation and development of the property. The Long-Term Habitat Management Plan (The Plan) is a 1998 Draft Document prepared by Sapphos Environmental for the Red Tail Golf and Equestrian and accepted November 1, 1999. It was not included in the documents provided by ANGC to the FTDNC in November 2008. It was confirmed on February 3rd by Dwight Steinert of Planning Associates to be "The Plan" currently in use by ANGC.

Jurisdiction

The City of Los Angeles Department of City Planning (DCP) is ultimately responsible for determining and enforcing compliance with The Plan. Since DCP is the Lead Agency for the project under CEQA it is therefore charged with determining compliance through consultation with the various resource agencies involved in the project including DF&G. As Lead Agency, the City of Los Angeles, should have named an individual responsible for monitoring the implementation of the environmental mitigation measures, the conditions of the CUP and the Plan.

Instead, it appears the City is relying on the outside resource agencies to determine whether or not the mitigation measures and conditions are being complied with.

DF&G has not received the Public Hearing notice as is required by the modified condition #6 and will therefore request a 30-day extension.

2. 240 acre Offer of Dedication/ Conservation Easement

Condition #6 of the Modified Conditions discusses the dedication of approximately 240 acres on the site as an Open Space and Wildlife Habitat Preserve allowing for public access on specified trails.

A chronology of events regarding the fulfillment of this requirement (Condition #10 and #71) was discussed.

No separate checklist of actions required or funding necessary for long term management exists. Mr. Edelman of the Santa Monica Mountains Conservancy estimated that \$10,000 per month for the life of the project would be necessary for;

- A part time Ranger
- Trash Cleanups
- Daily no dumping enforcement
- Daily no motor vehicles enforcement
- Daily Removal and Control of homeless activity and encampments
- Management, Monitoring and Reporting on sensitive habitat areas and species.
- Invasive species removal
- Trail Maintenance
- Monthly Water quality sampling and testing/reporting
- Monthly Pesticide program testing/reporting
- Monthly Herbicide testing/reporting
- Monthly rodenticide testing/reporting
- Annual Cow Bird Trapping

Mary Meyer of the California Department of Fish and Game (DF&G) suggested a Two Million Dollar Endowment as an alternative.

The community is concerned that there is no resolution to this condition that is acceptable to all concerned parties. The Conservation easement of the 240 acres is necessary to protect less trail acres to the SMMC/MRCA is the best option and transfer of title must take place before the issuance of a Certificate of Occupancy.

FTDNC recommends that ANGNC should immediately move forward with either an endowment or an assessment guaranteeing annual funding be acted upon immediately.

It was clear in listening to the SMMC that they have the authority for maintaining this area as a "preserve" which is as it was intended. The SMMC will be contacting the ANGNC soliciting an agreement for the recurring maintenance and monitoring costs.

3. Proposed Equestrian/Hiking and Bicycle/Hiking Trails condition#25

FTDNC and community is concerned there is currently no trail that connects the western property boundary of the project site with the eastern property boundary.

All parties concurred that the equestrian trail on Foothill Boulevard does not connect to any other trail within the project site.

Condition #25 dealing with the design and creation of equestrian/hiking trails reads in the original conditions: "... (there shall be)...two horse trails and a bicycling/hiking path across the site which connect from the western property boundary of the project site (Foothill Boulevard), to the eastern property boundary of the project site (near the intersection of Oro Vista and Big Tujunga Canyon Road), and one equestrian trail on Foothill Boulevard... and Applicant shall be responsible for maintaining....trails ... in good condition for the life of the project ”

To paraphrase

- **3 Trails** connecting the western property boundary (Foothill) to the eastern Property Boundary (Oro Vista) (2 equestrian/hiking trails and 1 bicycling/hiking path) There are currently zero trails that meet this criteria.
- **1 Trail** (equestrian) trail on Foothill Boulevard (completed) (does not currently connect to any e/w trails within project property boundaries)
- **Total trails = 4**

Angeles has submitted a statement that Condition #25 is complete. ANGC has stated that they are required to build only three trails and dispute that Condition #25 requires a fourth trail.

ANGC representative -stated that it was not the responsibility of ANGC to re-establish any east-west equestrian trails which had been “washed out” and that no further work or trails would be constructed or signage/ gates installed/ replaced.

ANGC wishes to designate the pre-existing unimproved Conover fire road referred to in Condition #71 as fulfilling one of the two equestrian/hiking or the only bicycle/hiking trails required by Condition #25.

The locations and alignments of trails were discussed and debated. Some opined that a pre-existing unimproved fire road for private use by motorized vehicles cannot be considered a trail. Several spoke of the “destruction” of a southern trail alignment across the property that was in use prior to construction of the Driving Range and many believed this was the third trail alignment that was approved in 1998 by the City Council.

The project applicant, ANGC, submitted an “approved” exhibit depicting the trail alignments apparently approved by the City, although the public was never notified of these changes and no public hearing was held regarding this approval. DF&G stated that NO permits for the construction of any trails had ever been issued or any approval for trail alignments across the habitat preserve had ever been sought by the applicant.

Some of the attendees reminded us of the community's struggles to obtain condition #25 and other conditions over several years culminating in the approved CUP in 1998.

There is no record the trails or trail alignment or surface is acceptable to DFG. No written acknowledgement from the City's Department of Recreation & Parks or DFG was part of the paperwork delivered .

The National Park Service (NPS) representative, Jim Donovan, and the Department of Fish and Game Representative, Mary Meyer, joined community members on a hike following

the February 3, 2009 meeting through parts of the Preserve and observed the Conover fire road.

4. Property Maintenance Responsibilities

Considerable discussion was held regarding maintenance of public trails and trailheads in the project vicinity. There were other concerns including homeless people using the property and creating trash and litter problems. Unauthorized access problems and illegal dumping were also discussed.

ANGC described its most recent efforts to improve the situation (installing trash barrels and picking up trash); however, according to DF&G representative, Mary Meyer, DF&G a Streambed Alteration Permit would be required for the plan outlining the exact method of trash pickup. There is no plan and no permit was never issued. Trash pickup requires an exact procedure in a Sensitive/Ecological/Environmental Area (SEA). It is expected that ANGC will submit a plan for approval and a permit will be issued prior to the C o f O being issued.

5. Wildlife Corridor

Public concern was demonstrated at the meeting that the ANGC Driving Range constructed on both sides on the property are impeding wildlife movement through the Wildlife Corridor located on the project site. The Plan states that golf course development would be within the north and south streambed, which is untrue.

No follow up post-construction on the wildlife movement of large mammals was included with the paperwork delivered to the FTDNC.

It was undetermined as to why the public was not made aware of new plans being approved that allowed the native plant nursery to be turned into "turf" nursery and then a driving range which now encroaches on what was expected to be the third trail and what was a Wildlife Corridor.

There is no current way to resolve the position of the community with the golf course because of the underlying circumstances.

6. Water Quality Monitoring

Condition No. #28 of the CUP requires monthly testing of groundwater and surface water and reporting to the California Regional Water Quality Review Board and other agencies by the ANGC. The questionable use of pesticides on the property and its effect on water quality was discussed.

Included briefly in the discussion was the disturbing news of the declining health of the Tujunga Ponds downstream. Only curative applications of chemicals were allowed on the golf course by the CUP. Preventative applications are not allowed. The initial pesticide report was the only pesticide report included in the documents submitted and it indicated that initially a preventative application was done.

The applicant, ANGC, acknowledged that the ground and surface water testing was not being conducted monthly. ANGC offered that the California Regional Water Quality Review Board had approved reducing testing to quarterly, but offered no documentation, or information as to whether this violated the condition, which still requires monthly testing.

The community has obtained a communication from the RWQCB that seems to indicate that records and reports verifying that testing and

monitoring of water quality, sedimentation, and pesticide application. Specific test results and sampling appear to be missing from the documents presented to the neighborhood councils. These documents amongst others were requested from the ANGC at both meetings.

7. Spine Flower Preservation & Arundo Removal

Several CUP project conditions and mitigation measures from the EIR addressed the need to preserve the protected Slenderhorned Spine Flower population on the site. Exhibit WWW, the Sapphos Environmental Spine Flower monitoring survey, states that the population has recently dwindled drastically. The Sapphos report indicates that the dwindling Spine Flower population was due to human encroachment. The community believes that the ANGC is not doing enough to protect these plants. The applicant responded by saying that the Spine Flower population is dwindling due to weather patterns and the lack of moisture to support the colonies.

In addition to the Spine Flower preservation issue, the techniques and timing being used for the removal of Arundo (an invasive plant species) were also discussed. The Arundo invasion of the preserve area in many places is extensive.

The DF&G representatives who toured some of the preserve area with community members will be reporting to the hearing officer on these issues.

8. Golf Course Improvements

Finally, concern was expressed over improvements made to the golf course property, including the installation of a bathroom and a connecting sewer line that may have included encroachment across Spine Flower preservation areas. The procedure by which the size of the golf course clubhouse expanded from 8,100 sq. ft. to 25,000 sq. ft. was questioned. The ANGC responded that the clubhouse was originally approved for 50,000 square feet.

The public was unaware of any approval above 8,100. At the time of the approvals of the conditions, there was no provision to turn the nursery into a driving range. Community members are disturbed by the construction of the driving range across a Wildlife Corridor and the trashing of the riverbed with golf balls.

Also discussed was the common practice of the Los Angeles Department of Building and Safety (LADBS) to issue various permits (including grading permits) for improvements on the property without verifying the directive or the satisfaction of conditions of approval and/or mitigations measures that should have preceded the issuance of permits.

All of the above issues relate to “standout” conditions that will be discussed at the upcoming City Planning hearing on the project.

Conclusions

In discussing the ANGC and the status of their compliance with the conditions of approval and fulfillment of mitigation measures, the FTDNC/LUC determined the following:

It is the position of the FTDNC Watershed Committee that the operators of the ANGC have yet to perform or provide any funding mechanism for the long term maintenance or protection of the habitat preserve or the equestrian/hiking/bike trails.

That the offer of dedication to the Santa Monica Mountains Conservancy has not been perfected, in part, because of the Applicant’s failure to agree on a funding mechanism or funding amount, which is an integral standard component of any Habitat Conservation Plan.

It is the position of the FTDNC that the community's "institutional memory" and the most contentious issues between the community and ANGC are based on inconsistencies and changes during project development which are alterations of The Plan.

FTDNC requests that another hearing be scheduled in order that all parties can thoroughly review and comment on The Plan. All parties should have at least 30 days to review The Plan. A copy of The Plan was specifically requested at the February 3, 2009 meeting and noted as one of the "Missing Documents" during the meeting.

Recommendations

FTDNC requests additional time to review the Long Term Habitat Maintenance Plan (The Plan) discussed at the February 3, 2009 meeting and suggests some type of arbitration to fund long term management, monitoring and control. Furthermore, that these issues be resolved and the controlling documents recorded prior to the issuance of a Certificate of Occupancy.

FTDNC recommends that ANGC implement all of the Plan's long term recommendations now that construction of the course is complete and before a Certificate of Occupancy is issued.

FTDNC recommends that ANGC prepare a supplemental update document for The Plan that compares the as-built construction to baseline pre-construction site conditions and any damage or violations of the original Plan be mitigated or corrected under the direction California Department of Fish and Game prior to the issuance of a Certificate of Occupancy.

A. As the Lead Agency, the City must verify compliance by confirming – in writing– that the Department of Fish and Game, Santa Monica Mountains Conservancy, Regional Water Quality Control Board, City of Los Angeles Department of Recreation and Parks and DWP Watermaster are aware of activity and identify outstanding issues and remedies required for compliance. These include the conditions of approval of the CUP as well as the EIR mitigation measures and habitat conservation plan which extend for the life of the project.

The City, is responsible for monitoring and reporting compliance. State employees and affected agencies, including Fish & Game, defer to the City for direction and the enforcement of these conditions and mitigations.

Recommendation: That the Applicant prepare and distribute a post-construction comparison outlining differences to the 1998 Long Term Habitat Management Plan that details the status of compliance with the EIR mitigation measures for the project, including compliance methods and reporting responsibilities

Other items to be included in the update

- Identification of a local ANGC representative or entity charged with oversight including telephone and e-mail and physical address contact information
- Implementation of a funding mechanism.
- Establishment of a southern wildlife corridor

B. All reporting and testing should be according to the original documents. The City should not rely on statements by the Applicant that conditions have been met if the condition requires the concurrence of another party.

The Applicant should not be responsible for communicating the positions of any other agency including, but not limited to; Santa Monica Mountains Conservancy or the California Department of Fish and Game or the Los Angeles Department of Recreation and Parks, Department of Water and Power ULAR Watermaster or Regional Water Quality Control Board.

Recommendation: That the project applicant, ANGC, responsible parties, departments, and agencies (both city and otherwise) and Council District 2 conduct at least three additional meetings and notify the neighborhood councils (FTDNC and ST-NC) to identify a series of actions to achieve compliance with unmet conditions.

C. The community in general has a different set of expectations than the applicant when it comes to the fulfillment of obligations entered into by the ANGC over the development and operation of the project. The only way to overcome this is for the City to take a more active role or enlist more resources to address community issues pertaining to the project and needed compliance with conditions of approval and mitigation measures. Neighborhood Councils must be included because they represent the community and are here to assist the City with the concerns of the community.

Recommendation:

Neighborhood Councils have access to the City's Dispute Resolution Program, and this is also available to ANGC. FTDNC suggests participation in the program as a way to move forward on disputed condition compliance.

Or That the Applicant to retain an independent outside professional consultant (on a full- or part-time basis as is required) to coordinate and conduct the update to the Mitigation Monitoring Program and to interface with key entities and community groups.

Local governmental agencies often utilize the services of independent consultants in taking over these responsibilities, especially for large and complex projects that have many mitigation measures, impact sensitive resource areas, and involve multiple agencies.

D. The community and decision-makers have been relying on "institutional memory" when it comes to the improvements actually approved on the project site and requirements for this project. Examples like the confusion over the number and alignment of the equestrian/hiking trails actually approved for the property by the City Council and what size golf course clubhouse was actually allowed.

Recommendation: That City Planning prepare and distribute a "Record of Decision" that summarizes the status of all the approvals and changes granted by the City Council for the project.

This should be made available prior to the City Planning hearing on February 13, 2009 and include supporting documentation such as exhibits, resolutions, and other documents.

E. The LADBS has issued permits for the project that have either preceded the satisfaction of various conditions placed on the property or may have been issued for improvements that were not adequately identified or possibly not approved in the CUP or the EIR (i.e. the expanded size of the clubhouse, a driving range facility, installation of the restroom on the preserve, and trails issues). There needs to be better coordination between City Planning and the LADBS and agencies outside the City Family such as California Department of Fish and Game and the Santa Monica Mountains Conservancy to ensure that permits required in a habitat for endangered species are issued and signed off in accordance with approved conditions and that permits are not issued before certain clearances from state agencies have been satisfied.

Recommendation: That City Planning be directed to document and submit to LADBS all agency approval clearance which is required for all remaining conditions of approval and mitigation measures, and that each of the 72 original conditions and 2006 conditions be signed off separately to insure they have been completed by all named authorities and that ANGC perform and establish a procedure for all tests required by the CUP and document where this paperwork will kept from February 3, 2009 going forward. That a hearing addressing the completeness of tests and that no deviation will be acceptable after the Certificate of Occupancy is issued.

An assigned City Planner, a representative from the California Department of Fish and Game and a representative from any other agency named in the condition familiar with the project and project conditions/mitigations shall accompany the LADBS inspector whenever a permit application or permit signoff is requested for any new improvements on the property.

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