



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

August 6, 2009

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

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

SUBJECT: **PROJECT NO. 92027-(4)**  
**VESTING TENTATIVE TRACT MAP NO. 51153**  
**CONDITIONAL USE PERMIT CASE NO. 92027**  
**OAK TREE PERMIT CASE NO. 92027**  
**ENVIRONMENTAL ASSESSMENT CASE NO. 92027**  
**AGENDA ITEM NO. 6 a, b,c,d; AUGUST 19, 2009**

**PROJECT BACKGROUND**

As you may recall, Vesting Tentative Tract Map No. 51153 ("TR 51153"), is a subdivision proposal for a gated single-family residential development (known as Pacific Heights) consisting of 47 single-family lots, one private and future street lot, one private driveway and fire lane lot, one public facility lot, one drainage basin lot and seven open space lots on approximately 114.3 gross acres (111.6 net acres). This is a redesigned project from originally 50 single-family lots, two open space lots, and two public facility lots. The subject property is located at the southerly terminus of Apple Creek Lane and south of Dawn Haven Road in the Hacienda Heights Zoned District. Access to the subject property is provided by the southerly extension of Apple Creek Lane.

The proposal also requires approval of Conditional Use Permit ("CUP") Case No. 92027 to ensure compliance with the requirements of nonurban hillside management development within a Significant Ecological Area ("SEA"), density-controlled development and onsite project grading that exceeds 100,000 cubic yards as well as a request for a modification to allow a 15-foot high cut retaining wall within front yard setback. Oak Tree Permit ("OTP") Case No. 92027 is also required to allow the removal of 126 oak trees (no heritage oaks) and encroachment into the protected zone of 20 oak trees (no heritage oaks).

**APRIL 8, 2009 PUBLIC HEARING**

This is a redesigned project from originally 50 single-family lots, two open space lots, and two public facility lots, heard by your Commission on January 14, 2004 and March 17, 2004.

Changes included:

**PROJECT NO. 92027-(4)  
VESTING TENTATIVE TRACT MAP NO. 51153  
CONDITIONAL USE PERMIT CASE NO. 92027  
OAK TREE PERMIT CASE NO. 92027  
ENVIRONMENTAL ASSESSMENT CASE NO. 92027  
August 19, 2009 RPC Memo**

**PAGE 2**

- A reduction of three dwelling units from 50 dwelling units to 47 dwelling units.
- A reduction in 336,600 cubic yards of total grading, from 1,360,000 cubic yards (690,000 cubic yards of cut and 670,000 cubic yards of fill) to 1,023,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with an additional 10,000 cubic yards of imported material listed, but anticipated to be obtained through balance onsite.
- An increase in oak tree removals of 14 oak trees, from 112 oak trees (no heritage oaks) to 126 oak trees (no heritage oaks), and the encroachment into the protected zone of 20 oak trees (no heritage oaks).
- Relocation of the proposed water tank from the northeast portion of the project site to the northwest portion, at a lower elevation by 32 feet allowed a reduction in grading amounts.
- Redesign of street from public, 58 feet wide and 64 feet wide, to private driveway and fire lanes, 46 feet wide, also allowed a reduction in grading.

After opening the public hearing on April 8, 2009, and taking public testimony from the applicant and his representative and five individuals in opposition the Commission continued the public hearing to July 15, 2009 and instructed staff to work with the applicant and the Fourth Supervisorial District Office on a design all parties could support.

The following includes a summary of issues raised during the April 8, 2009 public hearing:

- Continuance – Applicant requested a continuance of the public hearing in order to meet with Staff, and discuss inconsistencies between the Staff report and the Recirculated Draft Environmental Impact Report (“RDEIR”).
- Commission Discussion – In the discussion considering the continuance request, your Commission preferred to defer questions and detailed discussion on the project to the continued public hearing, and instructed the applicant to return to the Subdivision Committee (SCM), settle all differences with Staff, and work with the 4th Supervisorial District Office.
- Redesigned Project – The applicant stated that they were providing 89 percent of the project as open space which consisted of both undisturbed and disturbed terrain, and was in excess of the required 70 percent open space for non-urban hillside projects. The applicant also stated that the project was providing trails and pedestrian access for the community, to access the open space area to be preserved, through a proposed access driveway designated as proposed Lot No. 50 to serve the water tank to be erected on the northwestern portion of the site. The proposed project also reduced dwelling units from 50 to 47 (six percent) dwelling units. Grading was also reduced from 1,360,000 cubic yards of total cut and fill to 1,023,400 cubic yards of total cut and fill, a difference of 336,600 cubic yards, by relocating the proposed water tank from the northeast portion of the project site to the northwest portion and by replacing proposed public streets, 58-

feet to 64-foot-wide, respectively, with private driveway and fire lanes, which are 46-foot-wide.

#### **AFTER APRIL 8, 2009 PUBLIC HEARING**

On April 22, 2009 Staff received a detailed letter describing the applicant's concerns with Staff's analysis of the project (attached).

On June 10, 2009, and June 25, 2009, Staff met with the applicant and his representatives to discuss the issues raised in their April 22, 2009 letter to the Acting Director of Regional Planning, and included discussion of the following:

#### **Open Space**

- Public Dedication – The applicant stated that they had met with the San Gabriel Mountains Conservancy and discussed possible dedication of undisturbed open space, Lot No. 57 (69 acres) to their organization.
- Mitigation for Offsite Library Project - Lot No. 58 is a 10-acre lot proposed to be dedicated to the Los Angeles County Department of Parks and Recreation ("Parks & Rec"), as mitigation for an offsite library project proposed within adjacent Schabarum Park. Staff stated that they consulted with Parks & Rec to discuss proposed open space Lot Nos. 56 and 57 and Parks & Rec indicated that they would not be able to use Lot No 56 as credit to offset mitigation for a proposed library because that parcel of land would not meet State requirements for mitigation parcels. The applicant will continue to offer this as open space and if restrictions to its use as offsite mitigation for the library remain, will still be maintained as open space for the project.

#### **Density**

- Calculation - Staff discussed how density is calculated using a slope density analysis with calculations from the Los Angeles Countywide General Plan ("General Plan") and the Hacienda Heights Community Plan ("Plan") and the Hillside Management Ordinance which determines a Low Density Threshold of nine dwelling units and a Maximum Density of 75 dwelling units.
- Plan Consistency - Discussion included the interpretation of "extremely low density" as described in the Plan. The applicant stated that their project was consistent with the Plan as it had a density of 0.41 dwelling units per acre (47du/114.3 gross acres = 0.41 du). Applicant stated that they would provide an exhibit (attached) depicting density in the

project site and density within adjoining developments. Applicant will also prepare additional information to justify consistency with the Plan.

- Hillside Management/Midpoint - Staff informed the applicant that the project would need to clearly state community benefits in order to increase density from the mid-point density of 42 dwelling units. Staff also stated that the Commission has historically used the mid-point density as a benchmark to allow an increase in density with additional community benefits or amenities.

#### **Project Benefits and Amenities**

- Public Pedestrian Access – Applicant stated that the project would provide public trail access on existing dirt paths along the westerly and easterly boundaries of the project site and would connect with existing trails inside Schabarum Park. The applicant also avoided creating a trailhead at Apple Creek Road, which provides access to the project site, as the project is proposed as gated development and it would be difficult to provide a trailhead at this location. The applicant described that 89 percent of open space and proposed trails as community benefits as well as correctively onsite geology problems. The proposed trail along the access driveway of Lot No. 50 (water tank lot) to connect with existing trails in Schabarum Park. This could create liability issues for the Rowland Water District if the lot is granted to them in fee as indicated on the tentative map.
- Hillside Management/Midpoint - Staff stated that the project's density of 47 dwelling units was above the mid point density of 42 dwelling units. Staff suggested the addition of a tot lot or passive use lot as an additional amenity for the project. The applicant reiterated that the project was providing an abundance of community benefits and amenities in the form of open space, stabilization grading and trails.
- Oak Trees –Staff requested additional information on the increased removal of oak trees from 112 oak trees (no heritage oaks) to 126 oak trees (no heritage oaks); the applicant indicated they would describe the justification in writing (attached). Applicant also stated that stabilization grading on the project site impacted additional oak trees which required their removal.
- Fuel Modification/Brush Clearance – The applicant stated that brush clearance might be necessary within Schabarum Park to accommodate a single-family residence on proposed Lot No. 15 to meet Los Angeles County Fire Code requirements (Section 317.2.2), which requires brush clearance around an existing structure between 30 feet and 200 feet. Staff inquired whether proposed Lot No. 15 could be used as a tot lot or private park lot, thereby eliminating the need for brush clearance within Schabarum Park. The applicant declined to offer this lot as an amenity, and reiterated the community benefits/amenities that the project was already providing. The applicant also stated that existing homes already require brush clearance, and would prepare an exhibit depicting

brush clearance within Schabarum Park.

### ADDITIONAL CLARIFICATION FROM PREVIOUS STAFF REPORTS

#### Inconsistencies between the Recirculated Draft Environmental Impact Report and Staff report

- The previous staff report stated that project grading consists of 1,023,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with an additional 10,000 cubic yards of imported material. The Revised Draft Environmental Impact Report ("RDEIR") states that it is not expected imported material will be required. Although the Subdivision Application, tentative and exhibit maps have notes that 10,000 cubic yards of imported material may be required, the applicant does not expect import to be required at the time of final grading.
- Staff report stated that Coastal California gnatcatcher was found on the project site. This is incorrect, as the Biota Report prepared for and inserted in the RDEIR did not indicate the sighting or finding of this species on the project site. However, it is noted in the RDEIR that the species is known to occur in the Puente Hills area, and has been observed in adjacent areas including Schabarum Regional Park. A mitigation measure identified as M-B-6 had been placed in the RDEIR to require additional surveys for the gnatcatcher prior to any disturbance or clearing for construction. **This will be reflected in continued hearing memo.**
- The Staff report states that the proposed subdivision is located on a majority of the Powder Canyon Significant Ecological Area ("SEA"), while the RDEIR states on page 4-21 that the entire project site is entirely located within the Powder canyon SEA, and that 32 percent of the site will be impacted by the proposed residential development's footprint. **Staff will clarify in continued hearing memo that entire property is within the SEA, but the project's impacts will only affect 32 percent of the site located within the SEA.**
- Staff report stated that the installation of proposed water tank will be visually significant. RDEIR states project's visual impacts will be less than significant with mitigation through planting and use of earthtone colors on structures. **The relocation of the water tank from its previous location helped in the determination that impacts can be mitigated.**

- Staff report states replacement oak trees would be planted on manufactured slopes. The RDEIR states they will be planted in non-native grassland areas where soil is not compacted. Will be clarified in continued hearing memo.
- Staff reports states proposed development would result in the direct loss of natural habitat and replacement with residential development and non-native or ornamental landscaping. The RDEIR states project will comply with native drought tolerant ordinance. While the project will comply with drought tolerant landscaping ordinance, non-natives and/or ornamentals are still allowed within the DTL ordinance, but final approval of all landscaping plans will be made by Regional Planning and the County Forester.

#### **Previous Commission Direction**

At your March 17, 2004 Regional Planning Commission (“RPC”) public hearing, The applicant, Pacific Communities, proposed to develop a clustered residential project with 50 single-family lots. At the March 17, 2004 RPC public hearing, the Commission directed the applicant to reduce dwelling units, grading amounts and reduction number of oak trees relocated. The Commission did not direct the applicant to have the support of the Rowland Water Company, or the Puente Hills Landfill Habitat Authority as previously described in staff report.

At the April 8, 2009 RPC public hearing, the applicant, Pacific Communities representing Palmdale Summit, LP, proposed a gated single-family residential development 47 single-family lots. This redesign reduced a total of three residential lots as well as reduction in grading by 336,600 cubic yards and an increase in 14 removals.

#### **Other Staff Report Clarifications**

- The applicant states that the Low Density Threshold for the project should be 11 dwelling units and disagrees with staff report’s depiction of nine dwelling units as the low density threshold for the project. Staff has recalculated the Low Density Threshold as nine dwelling units, and 75 dwelling units as the Maximum Density by using Los Angeles Countywide General Plan, Hacienda Heights Community General Plan and Hillside Management Ordinance.
- The applicant indicated that the staff report is inaccurate when it describes the zoning as R-A-1 (Residential – Agricultural – One Acre Minimum Required Lot Area) and not N2 (Non-Urban 2 – 0.5 Dwelling Units per Acre). In fact N2 is the land use designation under the Hacienda Heights Community Plan; the zoning of the property is R-A-1.

**PROJECT NO. 92027-(4)**  
**VESTING TENTATIVE TRACT MAP NO. 51153**  
**CONDITIONAL USE PERMIT CASE NO. 92027**  
**OAK TREE PERMIT CASE NO. 92027**  
**ENVIRONMENTAL ASSESSMENT CASE NO. 92027**  
**August 19, 2009 RPC Memo**

**PAGE 7**

### **JULY 15, 2009 PUBLIC HEARING**

On July 15, 2009, staff gave a brief presentation which included a continuation request from the applicant. Staff and the applicant had been working together to prepare the Final EIR and resolve outstanding issues. The Commission continued the public hearing to August 19, 2009 and instructed staff to continue working with the applicant to resolve outstanding issues.

### **ENVIRONMENTAL DOCUMENTATION**

In accordance with State and County CEQA guidelines, a Final Environmental Impact Report (FEIR) was prepared and recirculated for the proposed project. The FEIR has concluded that significant impacts could be reduced to a level that is less than significant with implementation of all proposed mitigation measures within the proposed subdivision, however, project implementation would result in the elimination of a portion of the project site's natural habitats, grading and replacement with residential homes similar to those in the surrounding neighborhood. While the project results in potentially significant impacts that can be reduced to less-than-significant levels, these changes will be essentially irreversible in the areas to be disturbed and replaced with the proposed residential footprint. A large portion of the project site (approximately 69 percent) would be committed to permanent open space preservation through dedication to a responsible agency. This dedication of open space containing the most important habitat areas prevents any future irreversible environmental change in those areas to be preserved. It should also be noted that although the applicant has agreed to replant the mitigation oak trees, a total of 277 trees for the removal of 126 trees (a 2.2 to 1 replacement ratio) over 2.59 acres on site suitable for their planting, along with establishing a conservation easement over the remaining areas of oak woodland on the site and in compliance with the State's Oak Woodland Conservation Act (PRC 21083.4), the trees must reach full maturity in order for the mitigation to be declared successful.

### **ADDITIONAL CORRESPONDENCE**

In addition to correspondence and additional information received from the applicant dated April 22, 2009 and July 9, 2009, staff has received correspondence from one property owner since the last public hearing. The adjoining property owner had concerns with increased traffic and grading impacts to existing hillside that the proposed subdivision would create. Staff also received correspondence (attached e-mail) from the Rowland Water District ("RWD") concerning the proposed trail on Lot No. 50 (water tank lot) based on analysis by staff regarding access rights the RWD would allow on their lot.

The applicant is proposing to create a trail along the access driveway of Lot No. 50 to connect with existing trails in Schabarum Park. Staff and the RWD both agreed if the tank lot was granted to RWD as indicated on the tentative map, the proposed trail could create liability issues for the RWD. The RWD stated that they would research the issue further and send their findings to staff.

STAFF EVALUATION

Based on discussions with applicant and staff, the following remain as issues for the Commission's consideration:

- Plan Consistency – The Plan specifies that where compatible extremely low residential density is appropriate for development within the Plan's Powder Canyon SEA. The policy does not specify a numeric value.

The applicant has demonstrated that the proposed subdivision may be consistent with the extremely low density per the Plan's Environmental Resource Management for slopes as the density for this project is 0.41 dwelling units per gross acre.

- Project Benefits

The Commission has generally considered an increase in dwelling units above the mid point when community benefits have been offered. The project provides 89 percent of open space which consists of both undisturbed and disturbed terrain, trails and pedestrian access for the community through a proposed access driveway on Lot No. 50 which (water tank lot) as well as stabilization grading. While these are elements of a good project, most of these are in part project requirements. The trails run over an existing path used as offsite properties where there is no assurance of guaranteed continued access. Although the project road itself is proposed to be private and gated to reduce impacts, if the project granted pedestrian access to the public, then public access would be ensured without the need for offsite access.

The trail over the driveway of the water tank lot is also of potential concern as the lot is proposed to be granted in fee to the Rowland Water District ("RWD"). If the access and tank are granted by easements rather than fee to RWD, and this is acceptable to RWD, then the applicant would be able to guarantee continued pedestrian access to the water tank lot.

Staff and the RWD both agreed that if lot was granted in fee to RWD, the proposed trail could create liability issues for RWD. The RWD stated that they would research the issue further and send their findings to staff.

Of the project's dedication of 89 percent open space, only 69 percent (78.3 acres) will be reserved as undisturbed open space and an additional 20 percent (23.4 acres) will be reserved as disturbed manufactured slopes. As a nonurban hillside management project, a minimum of 70 percent open space is required. As a density-controlled development any undeveloped area is also required to remain as permanent open space.

Oak Trees

The project proposes to remove 126 oak trees (no heritage oaks) and replace with 277 oak

PROJECT NO. 92027-(4)  
VESTING TENTATIVE TRACT MAP NO. 51153  
CONDITIONAL USE PERMIT CASE NO. 92027  
OAK TREE PERMIT CASE NO. 92027  
ENVIRONMENTAL ASSESSMENT CASE NO. 92027  
August 19, 2009 RPC Memo

PAGE 9

trees at a higher replacement rate (2.2 to 1 ratio) than required by Forester. Proper mitigation measures have been drafted for the RDEIR, and updated for the Final EIR to reduce the restoration for the oak woodland area.

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

If the Regional Planning Commission feels that the project is consistent with the Plan, meets all requirements of the zoning ordinance or meets the necessary findings for approval, the Commission can continue the public hearing and direct staff to prepare necessary findings and conditions for approval.

#### **STAFF RECOMMENDATION**

**Suggested Motion: "I move that the Regional Planning Commission continue the public hearing so Staff may prepare draft findings and conditions for approval."**

OR

If your Regional Planning Commission feels that the project is inconsistent with the Plan, does not meet all requirements of the zoning ordinance or does not meet necessary findings for approval, the Commission can continue the public hearing and direct the applicant to redesign with additional community benefits, reduction in oak tree removals, and/or elimination of the applicant's offsite fuel modification and brush clearance within Schabarum Park.

**Suggested Motion: "I move that the Regional Planning Commission continue the public hearing and direct the applicant to redesign with additional community benefits, reduction in oak tree removals, and/or elimination of offsite fuel modification and brush clearance within Schabarum Park."**

SMT:REC  
8/6/09

Attachments:

Applicant's letter dated April 22, 2009 with exhibits  
Applicant's Additional Information Letter dated July 9, 2009 with exhibits  
Correspondence





333 South Hope Street | 48th Floor | Los Angeles, CA 90071-1448  
213-620-1780 office | 213-620-1398 fax | [www.sheppardmullin.com](http://www.sheppardmullin.com)

Writer's Direct Line: 213-617-4284  
[jpugh@sheppardmullin.com](mailto:jpugh@sheppardmullin.com)

April 22, 2009

Our File Number: 0JYV-070914

**HAND DELIVERED**

Mr. Jon Sanabria  
Acting Planning Director  
Los Angeles County Department of  
Regional Planning  
320 West Temple Street - Room 1390  
Los Angeles, California 90012

MAY - 6 2009

Re: Staff Report for Hacienda Heights Project No. 92-027-(4)

Dear Mr. Sanabria:

This firm represents Pacific Communities Builders, Inc. ("Pacific Communities") regarding its Hacienda Heights project (the "Project") referenced above. We have reviewed the staff report (the "Staff Report") prepared by the Department of Regional Planning (the "Planning Department") for the Regional Planning Commission (the "Planning Commission") public hearing on April 8, 2009. Unfortunately, the Staff Report contains numerous factual and legal inaccuracies. It is also inconsistent with the Project's Recirculated Draft Environmental Impact Report ("RDEIR") that Los Angeles County (the "County") prepared as the lead agency under the California Environmental Quality Act ("CEQA").

We believe that the Planning Department staff should correct the Staff Report's inaccuracies before further consideration of the Project by the Planning Commission. In addition, Pacific Communities is concerned that the staff has repeatedly provided inconsistent direction regarding acceptable project design. Pacific Communities has cooperated with staff in good faith over the last 10 years, yet the staff continues to recommend redesign or denial without any prior indication to Pacific Communities of its intent to do so. Therefore, on behalf of Pacific Communities, we respectfully request that you, and the appropriate staff members, work with Pacific Communities to resolve the issues discussed in this letter so the Project can be presented in a fair and objective manner.

Below, we provide a brief summary of the Project's background so you have a general understanding of its lengthy entitlement history. We then discuss statements and analysis in the Staff Report issues that we view as problematic. For convenience, we have organized our comments on the Staff Report according to its major headings. In addition, we have attached the following documents: (1) a letter from us to Commissioner Rew regarding the

Mr. Jon Sanabria  
April 22, 2009  
Page 2

April 8, 2009 Planning Commission hearing; (2) two charts that compare the Planning Commission's previous recommendations in 2004 with Pacific Communities' project redesign efforts; (3) a letter from DH Civil Engineering, Inc. regarding the Project's reduced grading footprint; and (4) a letter from Natural Resource Consultants regarding biological resource issues.

Pacific Communities desires to resolve any outstanding issues so the Planning Department can prepare the Final REIR – and hopefully recommend Project approval – on or before July 15, 2009, when this matter is scheduled for another Planning Commission hearing.

## I. PROJECT BACKGROUND AND PROCEDURAL HISTORY.

In one form or another, the County has been considering development proposals on the project site for nearly 17 years. Pacific Communities has been seeking project approvals for the last 10 of those years, but has experienced repeated and lengthy delays due to constant and conflicting requests for re-study and redesign by the Planning Department staff.

In 1992, a different developer submitted an application to the County that proposed 57 dwelling units, a private school, and a pagoda. That development plan was abandoned once Pacific Communities acquired the property in 1999.

In 1999, Pacific Communities proposed a smaller development that included 50 dwelling units, two public facility lots, and two open space lots. The Planning Department prepared an Initial Study in February 2000 and determined that the Project would require the preparation of an environmental impact report ("EIR"). A Draft EIR was eventually circulated for public review in November 2003. Only a few days after the public comment period started, the staff (Annie Lin at that time) advised Pacific Communities that the staff would recommend denial of the Project if it went to hearing. This disturbing trend of releasing a County-prepared EIR and then almost simultaneously recommending project denial has been very costly for Pacific Communities and continues to this day.

In 2004, Pacific Communities proceeded to the Planning Commission twice after holding public outreach meetings and working with staff regarding its concerns. Specifically, the Planning Commission heard this matter on January 17 and March 14, 2004. At the January hearing, the staff recommended denial or redesign. In turn, the Planning Commission recommended that Pacific Communities modify the Project according to certain Planning Commission recommendations expressed at the hearing. At the March hearing, Pacific Communities returned with a conceptual plan that incorporated most of the Planning Commission's previous recommendations. However, the staff still opposed the Project and the Planning Commission recommended further (and more specific) redesign.

For the next five years, Pacific Communities worked diligently to redesign the Project in compliance with the Planning Commission's recommendations. The Project

Mr. Jon Sanabria  
April 22, 2009  
Page 3

underwent extensive Subdivision Committee review and every department in the Subdivision Committee (other than the Planning Department) approved the Project as currently designed. Thus, on February 2, 2009, the County released the RDEIR, which concludes that all of the Project's impacts are considered less than significant with mitigation. The public comment period for the RDEIR closed on April 2, 2009.

On March 26, 2009, the Planning Department released the Staff Report. The matter was set to be heard by the Planning Commission on April 8, 2009. Inexplicably, the Staff Report sharply contradicts the RDEIR and again recommends either denial or further project redesign. As noted above, we have reviewed the Staff Report and found many inaccurate statements and unsupported conclusions. On April 3, 2009, we sent a letter to Commissioner Rew requesting that the matter be continued without discussion so that Pacific Communities could determine why the Staff Report was completely at odds with the RDEIR and the Planning Department's 2004 recommendations. That letter is attached as Exhibit 1: Commissioner Rew Letter.

On April 8, 2009, the Planning Commission heard this matter. At County Counsel's (Patricia Keane) prompting, it did not continue the matter without discussion. Instead, the staff (Ramon Cordova) presented its position, which contained the same incorrect statements and conclusions as the Staff Report. Pacific Communities rebutted the Staff Report. Ultimately, the Planning Commission continued the matter for 90 days and recommended that Pacific Communities work with the Supervisor's office and the Planning Department to resolve the discrepancies between the Staff Report and the RDEIR. In addition, the Planning Commission recommended that Pacific Communities explain how the Planning Commission's 2004 recommendations had been incorporated into the current project design.

Based on that direction, we reviewed the transcripts from the 2004 Planning Commission hearings, which reflect that Pacific Communities has complied with virtually every Planning Commission request. The Staff Report does not reflect this important fact, and in fact suggests the opposite. In those instances where strict compliance could not be achieved due to other County requirements or site constraints, Pacific Communities has designed the Project to meet the intent of the Planning Commission. To clearly demonstrate this compliance, we have prepared two "side-by-side" comparison tables that show the Planning Commission's 2004 recommendations and Pacific Communities' responsive actions. Please refer to Exhibit 2: Planning Commission Comparison Tables.

Nonetheless, Pacific Communities is stuck at another roadblock. The staff has taken the position that the Project should be redesigned again, subject to more Subdivision Committee review, and the RDEIR revised and recirculated again. This position is unreasonable and not supported by the record. Therefore, on behalf Pacific Communities, we respectfully request that the Planning Director's office resolve the serious issues associated with the Staff Report and facilitate an objective and fair presentation of the Project. To assist in that effort, we have outlined below the most problematic Staff Report issues.

Mr. Jon Sanabria  
April 22, 2009  
Page 4

## II. CRITICAL REVIEW OF THE STAFF REPORT.

The following comments are intended to identify the Staff Report's inaccuracies and errors, and provide a basis for a revised report that presents the Project in a fair and objective manner.

### A. PROJECT OVERVIEW.

The project overview section of the Staff Report is inaccurate and misleading for several reasons. First, the Staff Report indicates that the Project requires an oak tree permit to allow the removal of 126 oak trees and encroachment into the protected zone of another 20 oak trees. Staff Report, p. 1. It fails to mention, however, that this impact will be fully mitigated in accordance with CEQA by replacing every removed oak tree at a 2.2:1 ratio. In other words, the Project will include the planting of 277 new oak trees. In addition, the Project will conserve approximately 54% of the project site's coast live oak woodland. The Staff Report should present these relevant facts to ensure that decision-makers and the public are afforded an objective and unbiased project overview.

Second, the Staff Report incorrectly states that "[p]roposed grading consists of 1,033,400 cubic yards (506,700 cubic yards of cut and 516,700 cubic yards of fill) with an additional 10,000 cubic yards of imported material." *Id.* In contrast, the RDEIR accurately states that preliminary grading plans indicate that imported material will not be required. RDEIR, p. 4-5. For additional information on the Project's grading impacts, please see Exhibit 3: Grading Letter provided by the Project's civil engineer.

Third, the Staff Report incorrectly claims that the Planning Commission (at its March 17, 2004 hearing) directed Pacific Communities to "[r]evise the project to have the support of the Rowland Water Company and the Puente Hills Landfill Habitat Authority." Staff Report, p. 2. That is not correct for at least three reasons. One, the Staff Report referenced the wrong hearing. The Planning Commission mentioned the Rowland Water District (the "Water District") support issue at its January 14, 2004 hearing. Two, the Planning Commission simply requested that the Water District have someone present at the next meeting to clarify issues related to the Project's water tank. As requested, the General Manager of the Water District was present at the next hearing on March 17, 2004 and confirmed its ability to support the Project. Three, and most significant, the Planning Commission did not require Pacific Communities to obtain the support of the Puente Hills Landfill Habitat Authority (the "Habitat Authority"). At the January 14 hearing, a single commissioner, Commissioner Modugno, said in passing that ". . . if there is a public agency that is willing to take it [the open space], and they're present and also supporting the project, you've [Pacific Communities] got a pretty good deal." That is a far cry from a Planning Commission directive to obtain the support of the Habitat Authority. Nonetheless, Pacific Communities is negotiating with the Habitat Authority, and other public conservation agencies, to ensure permanent preservation of the Project's open space.

Mr. Jon Sanabria  
April 22, 2009  
Page 5

Fourth, the Staff Report cloaks the reality that Pacific Communities has been highly responsive to all of the Planning Commission's recommendations. As noted above, please see Exhibit 2: Planning Commission Comparison Tables, which demonstrates Pacific Communities' responsiveness. For example, the Planning Commission recommended a reduction in grading and the number of dwelling units. Pacific Communities responded by reducing the Project grading by over 20% and eliminating 3 of the 50 dwelling units. In addition, the Planning Commission requested the size and location of the water tank be reviewed. Pacific Communities responded by moving the water tank to a less impactful area, while complying with the County and Water District's sizing requirements. The Planning Commission also requested a reduction in the number of impacted oak trees. In response, Pacific Communities (in coordination with County biologists) prepared a comprehensive oak tree mitigation program that was approved by the County's Forestry Division. The Staff Report fails to mention any of these important facts.

Fifth, the Staff Report accurately states that "[t]he RDEIR concludes that [the Project's] potentially significant impacts are less than significant with implementation of the proposed mitigation measures in the Mitigation Monitoring Program," but then proceeds, time and again, to contradict this statement. It repeatedly states – without supporting evidence – that the Project's impacts are significant. It is fundamental to understand that the RDEIR is the County's own document. The RDEIR is the result of several years of collaborative planning, environmental impact analysis, and focused technical reports. Nonetheless, the Staff Report for some unknown reason ignored many of the RDEIR's impact conclusions. This critical inconsistency must be resolved to provide decision-makers and the public with an accurate and objective understanding of the Project's true impacts.

#### B. DESCRIPTION OF PROJECT SITE.

The Staff Report's description of the project site is inaccurate. In particular, the Staff Report states that "[s]ensitive species found on the subject property include . . . Coastal California gnatcatcher . . ." when describing the site's physical features. Id. That is incorrect. The RDEIR clearly states that "[f]ocused protocol surveys in 1999 and 2008, as described in the Biota Report, did not find this species on the site." RDEIR, p. 4-13.

In addition, the Staff Report states that the Powder Canyon Significant Ecological Area ("SEA") No. 17 is located on a majority of the project site, which implies that the Project will impact a majority of the SEA. Staff Report, p. 2. In fact, the opposite is true. The Project will only impact approximately 2.3 percent of the SEA. Also, by dedicating 67 percent of the site's undisturbed open space for permanent preservation, the Project will increase the SEA's dedicated open space by 4.5 percent. Biota Report, p. 35. The staff should revise its report to account for these issues and thereby present a balanced discussion of the Project.

Mr. Jon Sanabria  
April 22, 2009  
Page 6

C. ENTITLEMENTS REQUESTED.

The Staff Report's description of the requested entitlements appears accurate. We take this opportunity, however, to point out that the Project does not require a zone change or general plan amendment. In fact, the Project only includes 47 homes, while the County General Plan permits 74 residential units. Because the Project is consistent with all applicable general and community plans and policies, it only requires a conditional use permit ("CUP"), vesting tentative map, and oak tree permit.

D. EXISTING ZONING AND LAND USES.

The Staff Report's description of the existing zoning for the project site appears inaccurate, or at least incomplete, compared to the same description in the RDEIR. Specifically, the Staff Report states that the property is zoned "R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area." Staff Report, p. 3. The RDEIR provides more helpful, and somewhat different information, including that the Hacienda Heights Community Plan (the "HHCP") designates the Project as "N-2 (Non-Urban 2)," which is a non-urban residential classification for rural or agricultural areas characterized by single-family dwellings on parcels 1 to 4.99 acres in size, with 40,000 square feet being the minimum net area requirement, and a density range from 0.3 to 1.0 dwelling units per acre. RDEIR, p. 3-1. The Staff Report should be revised to provide an accurate and inclusive description of the existing zoning and land use designations for the project site.

In addition, the Staff Report's description of surrounding uses is inaccurate. The primary land use to the west of the project site is single-family residential, and not merely the Southern California Edison right-of-way. To provide the proper environmental setting, the Staff Report should not only make it clear that there is open space to the east and southeast, but also indicate that the site is bordered by relatively dense urban development along its entire northern and western boundaries, and a portion of its southern boundary. Exhibit 2: Site Map in the Biota Report makes this point clear.

E. PREVIOUS CASE/ZONING HISTORY.

At this time, we have no comments.

F. PROJECT DESCRIPTION AND HISTORY.

This section of the Staff Report is incomplete and inaccurate for multiple reasons. First, the Staff Report does not include any discussion of the Project's previous environmental review process. Staff Report, pp. 4-5. As noted above, the County has prepared and circulated two draft EIRs for the Project during the past 10 years. The planning staff, however, has consistently and unfoundedly concluded that the Project's impacts are somehow more severe than those disclosed in the draft EIRs. The staff has also failed to carry the EIR findings into its reports.

Mr. Jon Sanabria  
April 22, 2009  
Page 7

Second, the Staff Report again mistakenly claims that Pacific Communities must have the support of the Habitat Authority. *Id.*, p. 4. As discussed above, that is untrue.

Third, as a general concern, the Staff Report gives no indication of the tremendous amount of work that Pacific Communities has done to satisfy virtually every County request. Instead, without substantiation, the staff recommends denial or further significant redesign for reasons that are dramatically in conflict with the suggestions made by the Planning Commission in 2004. The Staff Report notes that the Project was last before the Planning Commission in 2004, at which time the staff recommended that the matter be taken "off-calendar". *Id.* Now, five years later, the Project has finally returned to the Planning Commission and the staff has recommended that the matter be taken "off-calendar" again. As you can imagine, this is extremely frustrating for Pacific Communities, which has in good faith redesigned the Project multiple times to accommodate the County's requests and the public's concerns.

Based on the ambiguous language and unsupported findings in the Staff Report, it appears the staff is categorically opposed to not only this Project, but to any development on the project site. At this point, Pacific Communities cannot reduce the size of the Project because it would no longer be economically viable. Also, further redesign (or County environmental review) is unwarranted because the County's RDEIR has already determined that all of the Project's potential environmental impacts are considered less than significant with mitigation. Nonetheless, Pacific Communities is willing to work with the Planning Department to resolve any valid issues, but it cannot continue to endure perpetual delays and never-ending requests for new studies and plans.

G. GENERAL PLAN AND HACIENDA HEIGHTS COMMUNITY PLAN.

The Staff Report's discussion of the County General Plan (the "General Plan") and the HHCP contains errors and contradicts other sections of the Staff Report. For example, the Staff Report states that "[t]he project will require a CUP since the proposed 47 dwelling units exceeds the low density threshold of nine dwelling units." *Id.*, p. 5. The low density threshold, however, is actually eleven dwelling units as indicated on page 3-2 of the RDEIR.

We appreciate that the Staff Report properly finds that the Project is compatible with the non-urban hillside design criteria (i.e., 70% open space provision) because 89% of the project will be preserved as permanent open space. *Id.* Likewise, the Staff Report acknowledges that the project site's zoning and land use designations yield a maximum development potential of 74 dwelling units, but Pacific Communities is only proposing 47 dwelling units. *Id.* In other words, the proposed Project is well within the development densities permitted by the HHCP and the General Plan. Unfortunately, however (and as discussed in Section II.J, below), the Staff Report incorrectly reverses itself two pages later and claims that the Project is inconsistent with the HHCP and General Plan. These internal inconsistencies should be reconciled.

Mr. Jon Sanabria  
April 22, 2009  
Page 8

H. NON-URBAN HILLSIDE MANAGEMENT.

At this time, we have no comments on this section.

I. POWDER CANYON SIGNIFICANT ECOLOGICAL AREA (SEA # 17).

As discussed below, the Staff Report's discussion here is inconsistent with the RDEIR's conclusions and the SEA Technical Advisory Committee's ("SEATAC") comments on the Project. For additional comments regarding the Project's potential biological resource impacts, please refer to Exhibit 4: Natural Resource Consultants Letter, which addresses each biological issue raised in the Staff Report.

First, the Staff Report lists the HHCP SEA findings required for residential development within the SEA, but does not provide any analysis of the same. *Id.*, p. 6. Instead, it merely claims that SEATAC has evaluated the Project and that impacts to oak trees, coast live oak woodland, coastal sage scrub and mulefat scrub are ". . . deemed to be significant by SEATAC . . ." and that "[o]f particular importance are the riparian woodlands and adjacent wildlife foraging areas that would either be significantly impacted or completely destroyed (mulefat scrub)." These statements are contrary to SEATAC's comments and recommendations provided at its May 5 and August 4, 2008 meetings. Based on our review of the minutes and recommendations from those meetings, SEATAC did not deem any of the Project's biological impacts as significant. In addition, Pacific Communities has incorporated virtually all of SEATAC's recommendations from those meetings into the current project design. The Staff Report should accurately reflect SEATAC's actual recommendations and Pacific Communities corresponding redesign efforts.

The RDEIR does analyze the Project in comparison to the HHCP SEA findings requirements, but does so in a way that appears to contradict other evidence in the record. RDEIR, pp. 4-22 – 4-24. For example, the RDEIR echoes the Staff Report and claims that SEATAC determined certain biology impacts significant. RDEIR, p. 4-22. However, as noted above, that does not appear in the SEATAC minutes or recommendations and the RDEIR clearly reaches the ultimate conclusion that all of the Project's impacts to biological resources are less than significant with mitigation. *Id.*, p. 4-31. We recommend that staff and Pacific Communities resolve these issues by reviewing the Biota Report and the SEATAC records to reach a supportable conclusion that can be presented in the Final REIR.

Second, the Staff Report and RDEIR state that the proposed development requires a significant expansion of water services. Staff Report, p. 7; RDEIR, p. 4-23. However, that also appears overstated and untrue. The Water District provided Pacific Communities with a letter dated June 24, 2008 stating that "[t]he facilities of the Rowland Water District are adequate during normal operating conditions to meet the requirements of the water system for this subdivision." RDEIR, Appendix XII.

Mr. Jon Sanabria  
April 22, 2009  
Page 9

Third, the Staff Report states that installation of the proposed water tank will be visually significant. Staff Report, p. 7. The RDEIR, however, reaches the opposite conclusion and states that the Project's visual resources impacts will be less than significant with mitigation. RDEIR, p. 4-39. It should also be noted that the County requested that the water tank be moved to its currently proposed location.

#### J. PLAN CONSISTENCY ANALYSIS.

The Staff Report originally took the position that the Project must comply with the contemplated, but unadopted, update of the HHCP, which is legally incorrect. Staff Report, p. 7. Pursuant to Section 15125(d) of the CEQA Guidelines, an EIR must only discuss inconsistencies between the proposed project and applicable general plans and regional plans. For a plan to be legally applicable, it must be adopted. To the Planning Department's credit, it did acknowledge this error and submitted a letter to the Planning Commission on April 2, 2009 conceding that the draft HHCP is not applicable to the Project. Accordingly, staff requested that the Planning Commission disregard the Staff Report's draft HHCP analysis. However, the letter still concluded that the Project was "inconsistent with Plan policies and incompatible with the SEA designations." As we discuss herein, that statement is unsupported and in conflict with the RDEIR's land use analysis.

In addition, this section of the Staff Report contains numerous inaccurate and vague statements. For instance, it vaguely claims that the Project is inconsistent with General Plan policies because the grading plan will significantly alter existing topography, result in adverse visual impacts, remove valuable environmental resources and require installation of a 500,000-gallon water tank. *Id.* The Staff Report does not indicate which General Plan policies it is referring to and thus provides no basis to determine whether that statement is true.

Similarly, the Staff Report states that "[t]he project is also inconsistent with General Plan policy that development should protect the visual quality of scenic areas including ridgelines and scenic views from public roads, trails and key vantage points." *Id.* The Staff Report fails to recognize, however, that the RDEIR includes a comprehensive aesthetics analysis (including view simulations) and finds that the Project would not result in the substantial degradation or obstruction of an important scenic resource from a designated scenic highway.

Finally, the Staff Report selectively picks a few goals and policies from the HHCP to claim that the Project is inconsistent with it. For example, the Staff Report selectively states that the HHCP goal is to "minimize alteration of the natural hillsides." *Id.*, p. 8. Yet, it fails to mention any of the other HHCP goals, including "preserving the community as a predominately single family bedroom area" and "maintaining a variety of housing prices and lot size." HHCP, p. 4. These types of misleading statements bias the Staff Report to the detriment of Pacific Communities.

Mr. Jon Sanabria  
April 22, 2009  
Page 10

K. CONDITIONAL USE PERMIT.

For the most part, this section of the Staff Report is repetitive. We concur with the general description of the Project provided here. However, there are some incorrect statements that mislead the reader.

For example, the Staff Report states that "[t]he Powder Canyon area is listed as an SEA primarily due to the extensive stands of coastal live oak consisting of 146 trees in 5.3 acres, coastal sage scrub and sycamore riparian woodlands, and is the only area in the Puente Hills that contains an undisturbed portion of self-contained watershed." Staff Report, p. 9. This statement is misleading because it implies that the 5.3 acres of oak woodlands affected by the Project are the primary resource of the SEA. This is clearly untrue. The project site comprises only 19% of the northwest corner of 609-acre Powder Canyon SEA, and the project would protect nearly 70% of the SEA land within the site's boundaries. In addition, substantial oak woodlands are located offsite in other portions of the Powder Canyon SEA. Therefore, the extent of the Project's impacts on the SEA is relatively minor in comparison to the impression given by the Staff Report.

As another example, the Staff Report states that "[t]he General Plan and the Hacienda Heights Community General Plan (HHGP) both consider compatible uses within the SEA to include regulated scientific study, limited low intensity recreational uses, and residential use with extremely low density where compatible and requires a CUP and findings that the proposed subdivision is consistent." *Id.* It does not reflect, however, that the HHCP in fact allows development within Powder Canyon SEA, provided that proposed development is supported by an ecological survey and environmental impact report. Pacific Communities prepared detailed biological surveys and comprehensive biota reports that the County incorporated into the RDEIR. Pacific Communities has also been responsive to comments from SEATAC and the County. Therefore, the Staff Report should present a balanced and objective discussion that considers these positive factors.

To close this section, the Staff Report lists the "burden of proof" requirements for development in a hillside management area and the SEA. *Id.*, p. 10. However, it provides no analysis of these requirements and simply states that the Pacific Communities' burden of proof responses are attached. Upon reviewing those responses, it is evident that the Project does in fact satisfy the applicable burden of proof requirements. Nonetheless, the Staff Report seems to have overlooked Pacific Communities' burden of proof analysis (which is consistent with the RDEIR) and reached contrary conclusions in the Staff Evaluation section (discussed in Section II.Q) below.

L. OAK TREE PERMIT.

The Staff Report properly recognizes that the County's Forestry Division has determined the Project's oak tree report to be accurate and complete, and has recommended

Mr. Jon Sanabria  
April 22, 2009  
Page 11

approval of the proposed oak tree removal program. *Id.* Pacific Communities went to great lengths to accommodate every County request regarding oak mitigation. The current oak mitigation plan fully complies with all CEQA and County requirements. Nonetheless, the Staff Report claims without basis that "[s]taff and SEATAC consider the proposed impacts to the oak and oak woodland to be significant . . ." *Id.* This statement contradicts the County's oak tree permit standards, the Project's extensive oak tree mitigation measures, and the RDEIR's conclusion that impacts to oaks are ultimately considered less than significant.

Furthermore, the Staff Report mistakenly states that replacement oaks would be planted on manufactured slopes. *Id.* Per the terms of the oak tree permit, and as described in the Biota Report and RDEIR, replacement oaks will not be planted on manufactured slopes. Pacific Communities redesigned the program so oak trees will be planted in non-native grassland areas where the soil is not compacted.

Lastly, the Staff Report notes the number and location of disturbed oak trees, but ignores the proposed mitigation measures, which include planting a minimum of 277 replacement oaks, maintaining those oaks for seven years, and permanently preserving existing oak woodlands that are home to 500-900 mature oak trees, all in strict accordance with CEQA requirements and the County's oak tree ordinance. RDEIR, pp. 4-29-4-31. Pacific Communities requests that Planning Department remedy this unbalanced approach regarding the Project's oak tree impacts so that decision-makers and the public are properly informed.

M. ENVIRONMENTAL DOCUMENTATION.

The Staff Report's environmental documentation section is short, but critically important. At the heart of our comments is the fact that the Staff Report sharply contradicts the RDEIR. But here, the Staff Report plainly states the truth, which is that the Project's ". . . potentially significant impacts are less than significant with the implementation of the proposed mitigation measures in the Mitigation Monitoring Program." Staff Report, p. 12. This statement is consistent with the County's environmental analysis and is based on multiple expert technical studies and many years of collaborative planning. Therefore, the Project's remaining environmental documentation and forthcoming staff recommendations should carry forward the fundamental finding that the Project's impacts are considered less than significant with mitigation.

N. COUNTY DEPARTMENTS AND AGENCY COMMENTS AND RECOMMENDATIONS.

The Staff Report notes that the Subdivision Committee consists of the Departments of Regional Planning, Public Works, Fire, Parks and Recreation, and Public Health, and that all of those departments have reviewed Vesting Tentative Tract Map No. 51153 for the Project. *Id.* Obviously missing from the Staff Report, however, is any indication that every

Mr. Jon Sanabria  
April 22, 2009  
Page 12

department – except the Planning Department – has preliminarily approved the Project as designed, subject to conditions that Pacific Communities intends to satisfy.

Despite this support, the Staff Report recommends that the Project either be taken "off calendar" or "denied". *Id.*, p. 18. Pacific Communities strongly disagrees with this unsupported recommendation, which would result in more lengthy and needless processing delays. Hence, we suggest that future discussions between the County and Pacific Communities focus principally on resolving the Planning Department's issues of concern. Pacific Communities does not believe it is necessary for the Subdivision Committee to review the Project yet again (as the Staff Report recommends) because it is clear that all of the departments of the Subdivision Committee (other than the Planning Department) have approved the Project as is.

We acknowledge, as does the Staff Report, that the staff received public comments on the RDEIR. *Id.*, 12. Pacific Communities has reviewed those comments and will coordinate with the County to provide good-faith, reasoned responses in the Final REIR.

O. LEGAL NOTIFICATION AND COMMUNITY OUTREACH.

At this time, we have no comments on this section, except to note that it is the County's responsibility (not the applicant's, as the Staff Report claims) to properly notice County public hearings.

P. CORRESPONDENCE RECEIVED BEFORE PUBLIC HEARING.

At this time, we have no comments on this section.

Q. STAFF EVALUATION.

The staff evaluation section addresses four issues, including density, hillside management, biota, and burden of proof. We comment on each respectively below.

With respect to density, we appreciate the Staff Report's acknowledgement that the Project consists of only 47 dwelling units and is surrounded by compatible uses and residential densities. *Id.*, p. 13. However, the Staff Report incorrectly categorizes the Project as a combination of two alternatives from the 2003 Draft EIR, including "Alternative 2" (a 47-lot design) and the "West Tank Alternative" (a 50-lot design). *Id.* The Staff Report then claims this "combo" project increases the amount of grading and therefore results in greater impacts to plant and wildlife species. That is inaccurate. The Project is simply a refined and downsized plan based on the recommendations of the Subdivision Committee and in response to the Planning Commission's 2004 direction. The currently proposed Project in fact reduces grading by over 20% (see Exhibit 3: Grading Letter) and the RDEIR concludes that all of the Project's environmental impacts are less than significant with mitigation. The density discussion should be revised accordingly.

Mr. Jon Sanabria  
April 22, 2009  
Page 13

With respect to hillside management, we note that the Staff Report incorrectly calculated the low density threshold as 9 dwelling units, when in fact it is 11 dwelling units as provided in Table 3-1 in the RDEIR. This error is immaterial, but should be corrected.

With respect to biota, the Staff Report contains numerous inaccurate statements. Natural Resources Consultants prepared detailed responses to this section of the Staff Report. We summarize and supplement most of those responses below. Please refer to Exhibit 4: Natural Resources Consultants Letter for additional information.

First, the Staff Report erroneously claims that the Project directly impacts each onsite sensitive habitats and is not designed to be highly compatible with the biotic resources. Id., p. 14. To the contrary, the RDEIR and Biota Report describe in detail how the Project is compatible with biotic resources. The project design specifically minimizes significant effects on sensitive species and habitats. All impacts to coastal sage scrub, mulefat scrub and oak woodlands are mitigated as required under CEQA and as requested by SEATAC and County agencies. The primary onsite drainage (i.e., blue line stream) is topographically isolated from the development footprint and contains the project site's only riparian woodlands, which will not be impacted.

Second, the Staff Report overstates the Project's impacts by claiming that its grading boundary will significantly impact the SEA by reducing the number of oak trees, oak woodland area and other important habitat that existing wildlife depend on to thrive. Id., p.15. The truth of the matter is that the Project primarily impacts highly-disturbed non-native grasslands that are not connected to any larger grassland areas and are thus unlikely to support significant core populations of any species, either sensitive or non-sensitive. In addition, significant stands of oak woodlands, sumac and coastal scrub will be preserved near the core of the Puente Hills Preserve, which will facilitate habitat connectivity and species survivability for most area species. Also, implementation of the oak mitigation program will increase (not decrease) the number of oak trees on the project site.

Third, the Staff Report inaccurately states that the Project does not maintain any water bodies, watercourses or their tributaries in a natural state, and that the Project will impact three onsite drainages. Id. There are, however, no water bodies onsite to be maintained. And, the Project retains – and does not impact – the primary onsite watercourse. According to the Biota Report, the Project would only impact one drainage that does not harbor any sensitive species.

Fourth, the Staff Report claims that (1) the Project does not adequately buffer critical habitats from development, (2) fuel modification and lot lines extend into the sycamore riparian woodland habitat, (3) cut and fill slopes and fuel modification zones can not be considered buffers, and (4) proposed roads, services and utilities directly impact critical biotic resources. Id. Those assertions are largely inaccurate because (a) vegetated cut and fill slopes do not affect the ability to buffer development from open space, (b) the majority of the Project's

Mr. Jon Sanabria  
April 22, 2009  
Page 14

impacts are on non-native grasslands, and (c) the RDEIR analyzed the fuel modification zone as a project impact and fully mitigated it.

Fifth, the Staff Report claims that the SEATAC minutes from the May 5, 2008 meeting were attached and identified the Project's incompatibility with biotic resources and the integrity of the Powder Canyon SEA. *Id.* It also states that SEATAC directed Pacific Communities to incorporate its comments and recommendations. *Id.* First of all, the May 5, 2008 SEATAC minutes were not attached to the Staff Report. More importantly, Pacific Communities responded to all of SEATAC's comments as requested, and SEATAC then found at its August 4, 2008 meeting that the Project's "[b]iological documentation is now sufficient for CEQA presentation." Furthermore, the RDEIR and the Biota Report describe in detail how the Project is, to the extent feasible, compatible with biotic resources and maintains the integrity of the SEA.

Finally, the Staff Report incorrectly states that the Project, as currently designed, does not substantiate the SEA CUP burden of proof because (1) it would directly impact each of the designated sensitive habitats and is not designed to be highly compatible with the biotic resources, (2) critical habitats would not be adequately buffered from the development, (3) proposed roads, services and utilities would directly impact critical biotic resources, and (4) the development of the Project would result in the direct loss of natural habitat and replacement of existing habitat with residential development and non-native or ornamental landscaping that would result in the elimination of the majority of animal species typical of a natural setting. *Id.*, pp. 15-16. This conclusion is inaccurate, misleads the reader, and is not supported by the RDEIR or the Biota Report. We request that the Planning Director review the myriad of avoidance and mitigation measures associated with the Project and reassess the staff's conclusion above.

With respect to burden of proof, the Staff Report vaguely claims that the Project does not meet the burden of proof required for the requested CUP for development in a hillside management area and within the SEA. *Id.*, p. 16. That claim is unsupported for several reasons as discussed below. We also note that Pacific Communities submitted detailed burden of proof documentation and analysis, which is attached to the Staff Report, but which the Staff Report ignores in reaching its conclusions.

First, the Staff Report incorrectly concludes that development of the Project's retaining wall will create slope instability for existing dwelling units. *Id.* That is untrue and, in fact, the retaining wall will enhance slope stability for adjacent dwelling units.

Second, the Staff Report states that the proposed grading and development would have a negative effect on the integrity of the Powder Canyon SEA and result in the elimination of the majority of animal species typical of natural setting. *Id.* That is also inaccurate. The majority of animal species on the project site would not be eliminated because Pacific Communities is permanently preserving most of the sensitive habitats there.

Mr. Jon Sanabria  
April 22, 2009  
Page 15

Third, the Staff Report reiterates its mistaken conclusion that the Project was not designed to be highly compatible with biotic resources, despite its set aside of approximately 89% of the project site as open space. Id. This statement is without basis and plainly inconsistent with the RDEIR and the Biota Report.

Fourth, the Staff Report contradicts the Biota Report and the RDEIR by implying that the Project would substantially interfere with a wildlife corridor. Id., p. 17. The project site is located in a "cul-de-sac" of development and is outside of the expected primary movement corridor for wildlife species that occur in the area. The Biota Report clearly demonstrates that the Project is not expected to have a significant effect on wildlife movement corridors and no mitigation is required. Biota Report, p. 33.

In sum, the Staff Report's burden of proof analysis is not supported by substantial evidence.

R. FEES/DEPOSITS.

At this time, we have no comments on this section.

S. STAFF RECOMMENDATION.

The Staff Report includes two recommendations, both of which Pacific Communities believes are unreasonable. First, the staff recommends that the Planning Commission take the matter "off-calendar" to allow Pacific Communities time to redesign the Project, circulate it through the Subdivision Committee, and update and recirculate the RDEIR for public review before bringing the Project back to the Planning Commission. In simpler terms, the staff is recommending that Pacific Communities start again from ground zero.

Pacific Communities has already redesigned the Project multiple times to accommodate the Planning Department's requests and respond to the Planning Commission's direction. Every member of the Subdivision Committee (other than the Planning Department) has already signed off on the Project. The public comment period for the RDEIR just ended and preparation of the Final REIR is underway. Fortunately, the Planning Commission did not take the matter off calendar at the April 8 hearing and instead granted a 90-day continuance.

Second, the staff recommended that the Planning Commission deny the Project. We believe this recommendation is unfounded for all of the reasons previously discussed.

III. CONCLUSION.

Pacific Communities was obligated to comment on the Staff Report because it contained numerous errors and inaccuracies. However, its desire is to resolve these issues in a timely manner and present the Project to County decision-makers and the public in an objective and unbiased manner. Therefore, we are requesting that the appropriate representatives from the

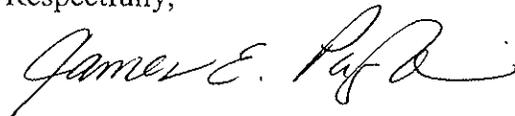
SHEPPARD MULLIN RICHTER & HAMPTON LLP

Mr. Jon Sanabria  
April 22, 2009  
Page 16

Planning Department meet with Pacific Communities at the earliest opportunity to resolve the issues discussed herein.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully,



James E. Pugh

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:1JEP2M401457609.6

cc: Ms. Julie Moore, AICP (w/encls.)  
Mr. Nelson Chung (w/encls.)

Attachments:

- Exhibit 1: Commissioner Rew Letter
- Exhibit 2: Planning Commission Comparison Tables
- Exhibit 3: Grading Letter
- Exhibit 4: Natural Resources Consultants Letter







333 South Hope Street | 48th Floor | Los Angeles, CA 90071-1448  
213-620-1780 office | 213-620-1398 fax | www.sheppardmullin.com

Writer's Direct Line: 213-617-4284  
jpugh@sheppardmullin.com

April 3, 2009

Our File Number: 0JYV-070914

***VIA EMAIL AND FEDERAL EXPRESS***

Los Angeles County Regional Planning Commission  
Attention: Commissioner Wayne Rew  
320 West Temple Street – Room 1350  
Los Angeles, California 90012

Re: Request for a Continuance of Project No. 92-027-(4)

Dear Commissioner Rew:

This firm represents Pacific Communities Builders, Inc. ("Pacific Communities") regarding its Hacienda Heights development project (the "Project") referenced above. As you know, this matter is on the Regional Planning Commission's (the "Planning Commission") agenda for April 8, 2009. We understand that the Los Angeles County ("County") Department of Regional Planning (the "Planning Department") has already provided the Planning Commission with a staff report (the "Staff Report") for the upcoming hearing. Nonetheless, for the reasons discussed below, we are respectfully requesting that you remove this matter entirely from the agenda and continue it for 60 days.

First, the Staff Report is inaccurate and inconsistent with the County's own environmental impact report. The Planning Department prepared a Recirculated Draft Environmental Impact Report ("RDEIR") for the Project and released that document for public review on February 2, 2009. The RDEIR contains detailed technical studies and environmental impact analysis that were prepared over several years of collaborative effort between the Planning Department and Pacific Communities. Inexplicably, however, the Staff Report seemingly ignored many of the RDEIR's findings.

For example, the Staff Report states that "[s]ensitive species found on the subject property include . . . Coastal California gnatcatcher . . ." Staff Report, p. 2. That is not true. The RDEIR clearly states that "[f]ocused protocol surveys in 1999 and 2008, as described in the Biota Report, did not find this species on the site." RDEIR, p. 4-13. In addition, the Staff Report states ". . . the proposed development is considered . . . incompatible with the [Significant Ecological Area] SEA designation." Staff Report, p. 7. That is also false. The RDEIR states that "[a]fter implementation of Mitigation Measures M-B-1 to M-B-12 identified in Section 4.4.4 the proposed development may be considered compatible with the SEA designation." RDEIR,

Commissioner Rew  
April 3, 2009  
Page 2

p. 4-24. Furthermore, the Staff Report states that "[t]he project would potentially result in adverse visual impacts on all of these scenic resources due to grading and site development." Staff Report, p. 8. That statement is the opposite of the RDEIR's conclusion that "[w]ith implementation of the proposed mitigation measures, any Visual Resources/Landform impact will be less than significant." RDEIR, p. 4-39. There are numerous other errors in the Staff Report that would be too lengthy to discuss in this brief request for a continuance.

To the Planning Department's credit, it did catch one of those other errors and submitted a letter to the Planning Commission on April 2, 2009 regarding the applicability of the draft Hacienda Heights Community Plan ("HHCP"). Originally, the Staff Report took the position that Project must comply with the draft HHCP, which is legally incorrect. Pursuant to Section 15125(d) of the California Environmental Quality Act ("CEQA") Guidelines, an EIR must only discuss inconsistencies between the proposed project and applicable general plans and regional plans. For a plan to be legally applicable, it must be adopted. Draft plans need not be evaluated. We appreciate staff's effort to clarify this issue before the hearing, but there are still many other problems with the Staff Report that should be resolved before this matter is heard by the Planning Commission or the public.

Second, even if the Staff Report was accurate (which it is not), the April 8, 2009 Planning Commission hearing is premature. Section 21092.5(a) of the Public Resources Code (*i.e.*, CEQA) requires that "[a]t least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform with the requirements of this division." In other words, the Final EIR for this Project should be complete, and responses to comments circulated to public agencies, at least 10 days before the Planning Commission hears this matter.

In this case, the Planning Commission would be acting as the lead agency's decision-making body that approves the Project and certifies the RDEIR because the Project only requires Conditional Use Permit, Vesting Tentative Map and Oak Tree Permit, which we understand are all within the Planning Commission's approval authority. Yet, the comment period closed just yesterday (April 2, 2009) and the County has not provided written responses to the public agencies that commented on the RDEIR. Therefore, the above 10-day requirement should preclude this matter from being heard on April 8, 2009. At this time, hearing this matter in a public forum would be contrary to CEQA's procedural requirements and would likely proliferate the Staff Report's factual and legal errors.

Third, the Board of Supervisors' office recommended that Pacific Communities meet with the Planning Director to resolve the Staff Report's inconsistencies before this matter is presented to the Planning Commission. Specifically, on March 30, 2009, Pacific Communities met with Julie Moore and Dick Simmons of Supervisor Don Knabe's office to discuss the Project. At that meeting, and in further correspondence this week, the Supervisor's office

Commissioner Rew  
April 3, 2009  
Page 3

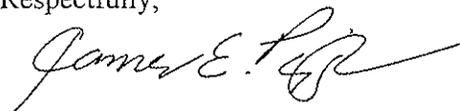
supported our position that this matter should be continued. In fact, we believe that Julie Moore has contacted you to recommend the same.

With respect to the April 8, 2009 hearing procedure, we would prefer that this matter be continued for 60 days without discussion. We believe that opening this matter up for discussion will only confuse the public and could put the Planning Commission in the awkward position of explaining why its own Staff Report is inconsistent with the County's RDEIR. If the Planning Commission must open the hearing to allow public testimony, then we respectfully request that: (1) both the staff and the applicant refrain from presenting the Project; and (2) the Planning Commission withhold any questions until the Project is properly before it. Please advise us at your earliest convenience before the hearing as to whether the Planning Commission can honor these requests.

Lastly, we oppose taking this matter "off calendar" as recommended by the staff because that creates undue delay and removes any impetus for the Planning Department to proceed in a timely manner. Pacific Communities will work diligently and cooperatively with the Planning Department over the next 60 days to resolve any valid issues associated with the Project.

We appreciate your consideration of these issues. If you have any questions whatsoever, please do not hesitate to contact me.

Respectfully,



James E. Pugh

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:1JEP2401469602.1

cc: Julie Moore, AICP  
Elsa Trujillo



**EXHIBIT 2**

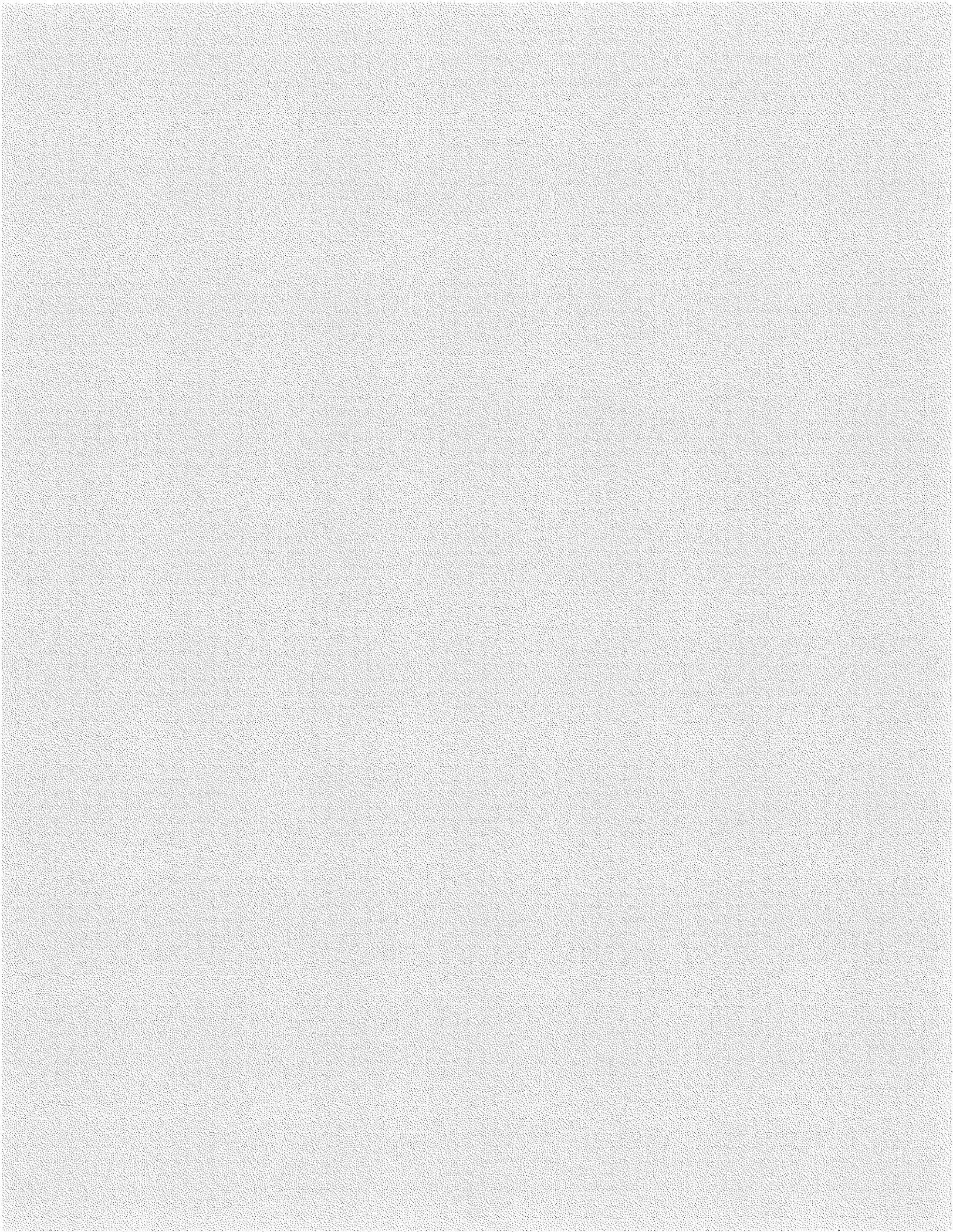


<p align="center"><b>January 14, 2004 Planning Commission Recommendations<sup>1</sup></b></p>	<p align="center"><b>Pacific Communities Responsive Action</b></p>
<p><b>Present Alternative Project Design with Less Units</b></p>	<ul style="list-style-type: none"> <li>• Pacific Communities did not reduce the number of units before the March 17, 2004 hearing, which provoked several comments from Commissioners requesting reduction.</li> <li>• Subsequently, Pacific Communities eliminated 3 lots and thereby reduced the project design from 50 to 47 dwelling units. The County staff analyzed the reduced-project design in the January 2009 Recirculated Draft Environmental Impact Report ("RDEIR").</li> </ul>
<p><b>Reduce Grading</b></p>	<ul style="list-style-type: none"> <li>• Pacific Communities prepared a conceptual plan on February 26, 2004 that reduced grading by 7 percent. The Planning Commission commented on that plan during its March 17, 2004 hearing and recommended further grading reductions.</li> <li>• Pacific Communities further reduced grading by approximately 20.8 percent, which is the current plan.</li> </ul>
<p><b>Clarify Impacts Associated with Water Tank</b></p> <ul style="list-style-type: none"> <li>• Sizing Demand</li> <li>• Visual Impacts</li> <li>• Elevation and Location</li> <li>• Exclusive Use or Community Benefit</li> </ul>	<ul style="list-style-type: none"> <li>• Sizing is determined by fire flow and reserve storage requirements. These requirements were explained by Aspen Environmental Group at the January 14, 2004 hearing and confirmed by the Rowland Water District at the March 17, 2004 hearing.</li> <li>• County staff requested the water tank be placed in its current location (west side of site) to reduce visual impacts. Mitigation Measure "M-V-1" requires vertical landscaping around the water tank to screen views.</li> <li>• The elevation was reduced from 930 to 898 feet above sea level, which is the minimum height required to deliver adequate pressure to proposed dwelling units. County staff, Aspen Environmental and Rowland Water District</li> </ul>

<p align="center"><b>January 14, 2004 Planning Commission Recommendations<sup>1</sup></b></p>	<p align="center"><b>Pacific Communities Responsive Action</b></p>
<p><b>Reduce Impacts on Oak Trees</b></p>	<p>confirmed.</p> <ul style="list-style-type: none"> <li>• Rowland Water District confirmed that water tank is for exclusive use of the project.</li> <li>• The original grading plan (dated 12/30/2003) impacted 112 oak trees. This was the plan presented to the Planning Commission at the January 14, 2004 hearing, and the Planning Commission requested a reduction.</li> <li>• Pacific Communities produced a conceptual plan that would only impact 70 oaks.</li> <li>• However, the County Department of Public Works Geotechnical and Materials Engineering Division required extensive geotechnical work to stabilize all soils within the grading limits. That new requirement remedial grading impacted an additional 56 oak trees.</li> <li>• Thus, the current design requires removal of 126 oaks, which is still only 12 more oaks than the design presented at the January 14, 2004 hearing.</li> <li>• To mitigate those impacts, Pacific Communities developed an oak mitigation plan in coordination with the County's planning staff and biologists. The County Department of Fire conditionally approved that plan. Oak tree impacts are fully mitigated through conservation of oak woodland and planting/maintaining replacement oaks. The RDEIR determined that oak tree and oak woodland impacts are less than significant with mitigation.</li> </ul>
<p><b>Confirm that Dwelling Units Will Not be on Transitional Lots</b></p>	<ul style="list-style-type: none"> <li>• No dwelling units will be built on transitional lots. The original geotechnical report completed by Hannan Geotechnical, Inc. confirms this fact.</li> </ul>

<p style="text-align: center;"><b>January 14, 2004 Planning Commission Recommendations<sup>1</sup></b></p>	<p style="text-align: center;"><b>Pacific Communities Responsive Action</b></p> <ul style="list-style-type: none"> <li>• Mitigation Measure "M-B-1" requires that the applicant dedicate in fee title, as open space, the undeveloped portion of the site to a responsible and qualified conservation organization.</li> <li>• Pacific Communities is currently negotiating with several conservation agencies interested in the project's substantial open space.</li> </ul>
<p style="text-align: center;"><b>Ensure Preservation of Open Space by Agreement with Public Conservation Entity</b></p>	

<sup>1</sup> This table includes the Planning Commission's recommendations from its January 14, 2004 public hearing on the Pacific Heights project. The Planning Commission did not make specific recommendations at the end of the hearing. Instead, its recommendations were peppered throughout the hearing with a partial summary at the end of the hearing. The Commissioners provided varying recommendations regarding project design and there was not consensus regarding the extent of project redesign. Therefore, this table summarizes (to the best extent possible based on the hearing transcript) the Planning Commission's recommendations regarding project redesign and provides explanatory information where those recommendations were either unclear or inconsistent with each other.



<p align="center"><b>March 17, 2004 Planning Commission Recommendation<sup>1</sup></b></p>	<p align="center"><b>Pacific Communities Responsive Action</b></p>
<p><b>Reduce number of dwelling units</b></p> <ul style="list-style-type: none"> <li>• Rew: 50-unit project acceptable.</li> <li>• Modugno: 50-unit project acceptable, but preferred nominal or "somewhat fewer" units for "psychological reasons".</li> <li>• Helsley: 45-unit project preferred (10 percent reduction).</li> <li>• Valdez: Not asking for "50 percent reduction in units," but strive towards environmentally superior project.</li> </ul>	<ul style="list-style-type: none"> <li>• Pacific Communities reduced the number of dwelling units from 50 to 47, which is a 6 percent reduction.</li> <li>• The Planning Commission's reduction recommendations were contradictory and ranged from 0 percent to 10 percent reductions.</li> <li>• Current 47-unit design is responsive to Planning Commission by implementing a 6 percent reduction (slightly above middle ground) while reducing environmental impacts and retaining economic viability of project.</li> </ul>
<p><b>Reduce Grading</b></p>	<ul style="list-style-type: none"> <li>• Pacific Communities significantly reduced grading by approximately 20.8 percent.</li> </ul>
<p><b>Stabilize Existing Onsite Geotechnical Failures</b></p>	<ul style="list-style-type: none"> <li>• The project's grading plan will remediate all slope failure areas located within the proposed limits of grading, as required and per the direction of the County Department of Public Work's Geotechnical and Materials Engineering Division. Slope failure areas contain uncertified fill, colluvium soils, surficial failures, and landslide masses.</li> <li>• All removed materials will be replaced as compacted fill. This will stabilize the geotechnical characteristics of the unstable areas within the grading limits.</li> <li>• Implementation of grading plan will remedy existing landslides that adversely affect adjacent residents. Grading plan provides a substantial community benefit.</li> </ul>

<p align="center"><b>March 17, 2004 Planning Commission Recommendation<sup>1</sup></b></p>	<p align="center"><b>Pacific Communities Responsive Action</b></p>
<p><b>Privatize Internal Streets and Retain Apple Creek Lane Connector as Public Street</b></p> <ul style="list-style-type: none"> <li>• Rew: Desired private internal streets, but with public access for pedestrians.</li> <li>• Modugno: Private and narrower streets. Tie into Apple Creek Lane should remain public and internal streets private to reduce "through traffic."</li> </ul>	<ul style="list-style-type: none"> <li>• Pacific Communities revised the street design to include a gated entrance and 2,635 lineal feet of onsite private residential streets and fire lanes.</li> <li>• Vehicular access to the site will be through Apple Creek Lane, which is an existing public residential street "stubbed out" at the property line. It will remain a public street up to the access gate.</li> <li>• Pedestrians will have access to the site and its open space via pedestrian gates located at the end of Apple Creek Lane. There are additional access points to the open space. The maintenance road for the proposed water tank located along the western boundary of the site and can be used to access the open space areas. Pedestrians can access the west portion of the site via Apple Creek Lane by walking west along a 20-foot-wide maintenance road that will be constructed along the northern boundary of the site.</li> <li>• Proposed right of way widths vary from 44 to 46 feet, with street widths (curb to curb) varying from 34 to 36 feet. The March 2004 conceptual plan map design proposed 60 foot right-of-way widths and 36-foot street widths (curb to curb).</li> </ul>

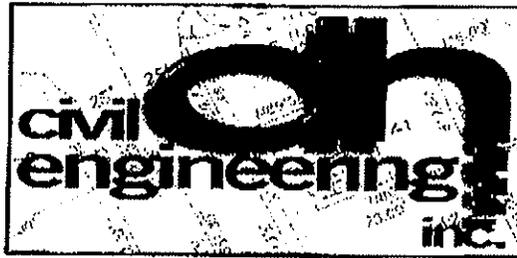
<p style="text-align: center;"><b>March 17, 2004 Planning Commission Recommendation<sup>1</sup></b></p> <p><b>Adjust Fuel Modification Plan</b></p> <ul style="list-style-type: none"> <li>• Helsley: Design Lot 15 so fuel modification within Shabarum Park is not necessary. Indicated that a 200-foot clearance from the closest dwelling unit to the to property line would suffice and satisfy Fire Department.</li> </ul>	<p style="text-align: center;"><b>Pacific Communities Responsive Action</b></p> <ul style="list-style-type: none"> <li>• Lot 15 (along with Lots 1-14) were reconfigured and resized. Lot 15 was resized from 9,766 to 8,657 square feet.</li> <li>• Current design provides 138 feet of clearance between proposed dwelling unit and property line. This could require brush clearance in Shabarum Park in an approximately 9,859-square-foot area if onsite mitigation is not implemented.</li> <li>• Pacific Communities commits to no fuel modification in Shabarum Park and may provide additional "wet zone" on/adjacent to Lot 15 to meet setback and fuel modification requirements.</li> <li>• Even if brush clearance is necessary in Shabarum Park, a significant swath of brush clearance area is already under active maintenance due to existing residential units to the north and northeast of the project site.</li> <li>• Pacific Communities removed all buildable lots east of the detention basin.</li> </ul>
<p><b>Relocate or Eliminate Lots 16 and 17 East of Detention Basin as Illustrated on Conceptual Plan (2-26-04) to Reduce Visual Impacts.</b></p>	

<sup>1</sup> This table includes the Planning Commission's recommendations from its March 17, 2004 public hearing on the Pacific Heights project. The Planning Commission did not make specific recommendations at the end of the hearing. Instead, its recommendations were peppered throughout the hearing with a partial summary at the end of the hearing. The Commissioners provided varying recommendations regarding project design and there was not consensus regarding the extent of project redesign. Therefore, this table summarizes (to the best extent possible based on the hearing transcript) the Planning Commission's recommendations regarding project redesign and provides explanatory information where those recommendations were either unclear or inconsistent with each other.



**EXHIBIT 3**





April 6, 2009

Dear Ms. Trujillo,

This letter is in response to the staff report prepared by County staff for the Regional Planning Commission hearing on April 8, 2009 regarding the Pacific Heights project.

As you are aware, the Pacific Heights project has been redesigned several times during the last decade in response to comments from County staff. In particular, revisions to the grading plan were made to satisfy requests by the Planning Commission to: 1) reduce grading quantities per recommendations made at two previous public hearings in January and March of 2004; and 2) reduce the number of proposed dwelling units.

Specifically, it is our understanding that the Planning Commission requested a grading reduction of approximately 20% at the March 2004 hearing. In addition, we understand that following the March 2004 hearing the County's planning staff agreed that a reduction of 3 dwelling units would be sufficient. As currently proposed, the Pacific Heights project satisfies both of the above Planning Commission requests.

The following table demonstrates that the Project's current grading quantities satisfy the Planning Commission's requests to reduce the amount of grading.

**Table 1: Grading Reduction Quantities**

Public Hearing Date	Proposed Cut/Fill Quantities
January 14, 2004 (Dec. 3, 2003 Map Design Date)	690,000 C.Y Cut/ 670,000 C.Y Fill
March 17, 2004 (Conceptual Map Design)	640,000 C.Y Cut/570,000 C.Y Fill
April 8, 2009 (Current Map Design)	506,700 C.Y Cut/516,700 C.Y Fill
Reduction in Grading Quantities since January 14, 2004/Reduction in Site Disturbance due to grading *See enclosed grading exhibit	(183,300 C.Y) 26%/4.3 Acres
Reduction in Grading Quantities since March 17, 2004	(133,300 C.Y) 20.8%

With respect to the calculations in Table 1, common engineering practice is to base a reduction in grading quantities on the amount or percentage of reduction in either the cut or fill quantity, whichever is greater. For example, this project's proposed cut amount (640,000 CY) during the March 17, 2004 RPC hearing was greater than the proposed fill amount (570,000 CY). Therefore, the reduction amount shown in Table 1 reflects the difference between the cut quantity from the March 17, 2004 conceptual map design and the cut quantity associated with the currently proposed project.

It should be noted that the Geotechnical and Materials division of the County Department of Public Works ("DPW") has reviewed and approved the current Pacific Heights preliminary grading plan. When reaching this approval, DPW required that limits of grading be extended beyond the proposed development area designated for housing pads, roads, and water tank for geotechnical stability. Therefore, even if the developer could reduce the total number of dwelling units, the site grading could not be reduced more than what is currently proposed.

In our efforts to reduce grading, the current map design no longer proposes six lots that were to be located east of the detention/debris basin; and the water tank was moved to the west portion of the site. However, remedial work required by the DPW still required the grading of those areas for geotechnical stability even though no structure was proposed in these areas (i.e. Lot 53 and 54). DPW also required that the limits of grading be extended further east for lot 51 for the same reason.

Furthermore, to design the site in a manner in which it is reasonably anticipated that 10,000 CY of dirt will be generated from the footings of the proposed residences is a superior engineering practice, as off-site importing of dirt will be avoided. Any further reduction in cut or fill quantities may result in an unbalanced site that may trigger the need for off-site importing/exporting. Any unbalance amount causing importing or exporting of dirt would cause lots of truck traffic through the existing neighborhood.

In our review of the staff report we noted the following errors and inconsistencies:

- Throughout the report, grading quantities for the currently proposed project are identified as totaling 1,033,400 C.Y. This is incorrect. The total combined grading quantity is 1,023,400 C.Y. However, it is not a common engineering practice to combine cut and fill quantities to identify total earthwork quantities. The cut quantity given identifies the amount of dirt being cut out of an area due to the depth of the cut. The fill amount identifies the amount of dirt being filled on top of an area, which could be over an existing cut. As is the case for this project, dirt generated from areas designated for removal (i.e. cut) will be temporarily stockpiled on-site and used to fill in areas designated as fill areas. This includes areas that require removal and re-compaction for geotechnical stability.
- On page 13 of 19 the report states that a combination of Alternative 2 and the West Tank - 50 Lot Alternative were chosen for the current redesign, and that these two alternatives increase the grading amount of the proposed project. This

statement is incorrect. The currently proposed project is not a combination of these two alternatives. Instead, the project design has simply been refined and downsized based on comments received from the Planning Commission. As is evident from the table provided above, the currently proposed project in fact reduces grading by 20.8% from the previously proposed map design presented to the Planning Commission on March 17, 2004.

- On page 16 of 19 the report states that the proposed retaining wall will create slope instability for the existing dwelling units. Currently, existing homes located along the northern boundary of the site experience damage to their back yards and existing backyard fencing caused by mud slides. The proposed retaining wall will improve this condition and will actually make those homes safer from slope instability than existing conditions. The location, placement, and varying heights of the wall have been preliminarily reviewed and approved by the DPW. Geotechnical recommendations for construction of the retaining wall will be reviewed and addressed to the satisfaction of the DPW prior to issuance of building permits. Therefore, it is not anticipated that existing homes will experience a threat of slope instability resulting from the proposed retaining wall.

Should you have further questions, please contact me.

Sincerely,

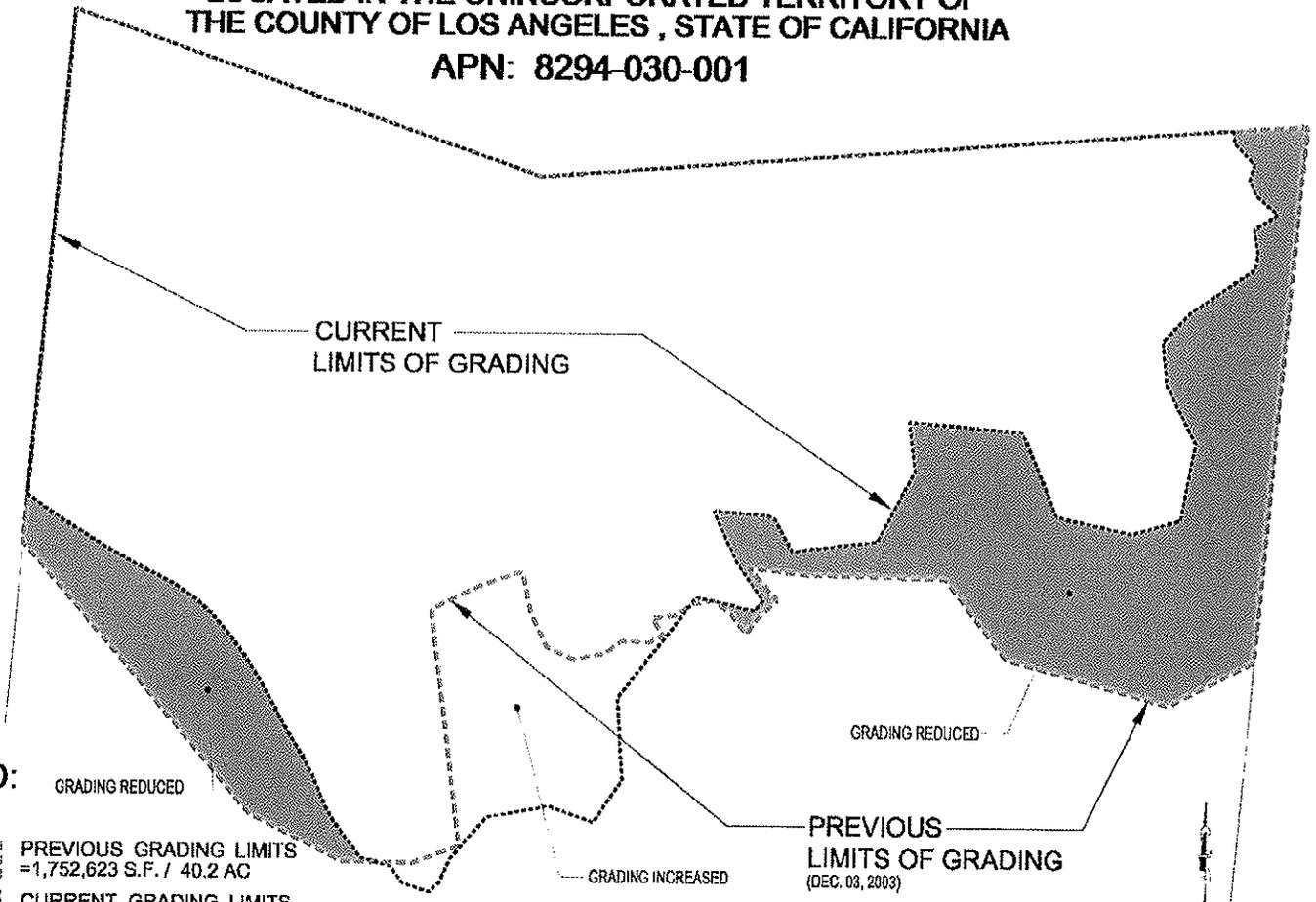


Danh Cong Ho, P.E  
DH Civil Engineering

# EXHIBIT MAP TRACT NO. 51153

LOCATED IN THE UNINCORPORATED TERRITORY OF  
THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

APN: 8294-030-001



## LEGEND:

-  GRADING REDUCED
-  PREVIOUS GRADING LIMITS  
= 1,752,623 S.F. / 40.2 AC
-  CURRENT GRADING LIMITS  
= 1,564,048 S.F. / 35.9 AC
-  GRADING REDUCTION  
= 188,575 S.F. / 4.3 AC

PREVIOUS  
LIMITS OF GRADING  
(DEC. 03, 2003)

60' 0" 0" 60' 0" 160'  
GRAPHIC SCALE 1" = 60'

**EXHIBIT 4**



# Natural Resource Consultants

---

April 7, 2009

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

**SUBJECT:** Response to the Los Angeles County Department of Regional Planning Staff Analysis for April 8, 2009 Regional Planning Commission Public Hearing Pertaining to the Proposed Pacific Heights Project, Los Angeles County, California

Dear Ms. Trujillo:

Natural Resource Consultants (NRC) has been retained by Pacific Communities to respond to comments from the Los Angeles County Department of Regional Planning *Staff Analysis for April 8, 2009 Regional Planning Commission Public Hearing* pertaining to the Proposed Pacific Heights Project, Los Angeles County, California. The comments in the *Staff Analysis* describe adverse effects of the project with little or no mention of the project's beneficial features, including long term preservation of nearly 70 percent of the site's natural lands, planting of 256 oak trees, and restoration of coastal sage scrub vegetation. These measures provide adequate biological mitigation measures for unavoidable consequences of grading and development. In addition, the County's presentation of information pertaining to various biological topics does not emphasize the avoidance and minimization measures that balance the project's impacts with regional conservation goals.

The Applicant requests that the County review the myriad of avoidance and mitigation commitments associated with this project and the changes to the biological documentation and project design that resulted from the lengthy SEATAC and County review process. In particular, the Applicant requests that the County staff acknowledge the following:

- SEATAC's May 5, 2008 meeting minutes were comprised of 40 comments regarding the proposed project's biological effects and documentation. Each of the 40 comments were responded to in detail by NRC in a July 2008 letter, and in modifications to the subsequent version of the Biota Report dated August 2008.
- The adequacy of NRC's responses and Biota Report revisions are reflected in SEATAC's August 4, 2008 statement that "Biological documentation is now sufficient for CEQA presentation."
- SEATAC's August 4, 2008 meeting minutes comprised 10 additional comments regarding the proposed project's biological effects, though no determination was made by SEATAC as to the project's consistency with the SEA. Each comment pertaining to project impacts was responded to by the Applicant with modifications in project design, including:
  - Mitigation measures for impacts to oaks resulting from grading activities were revised. The Applicant met with the County's biologist to determine appropriate mitigation. The following mitigation measures were requested by the County and incorporated into the project:
    - Replacement/planting of 277 15 gallon oaks instead of the minimum 252



required by the County Oak Tree Ordinance;

- Oaks will be maintained for 7 years (CEQA Oak woodland mitigation requirement) instead of 2 years (LA County Forester's minimum requirement);
  - A conservation easement will be placed over all existing oak woodland on-site and over replacement oak tree areas
  - Replacement oak trees will now be planted on natural slopes instead of graded slopes
- No revision to the existing approved preliminary fuel modification plan is required by the LA County Fire Dept. Off-site fuel modification is the responsibility of the neighboring property owner; Schabarum Regional Park already does fuel modification for homes adjacent it.
  - California Sagebrush will no longer be planted within fuel modification zones. The Applicant will restore 4.84 acres of existing disturbed Coastal Sage Scrub on-site to mitigate for impacts to 3.34 acres of Coastal Sage Scrub. The existing Coastal Sage Scrub onsite is located outside grading limits and fuel modification zones on the south portion of the site and is identified in Table IV of the Biota report included as Appendix III of the 2009 Recirculated Draft EIR; This revision in mitigation measures for coastal sage scrub will be included in the Final EIR;
  - CC&Rs for this project will require that individual homeowners only plant native landscaping in their individual front/side/back yards;
  - The Applicant will revise the proposed plant pallet for common landscaped areas to ensure that no invasive species are planted and will work with the Puente Hills Landfill Native Habitat Preservation Authority and Department of Regional Planning Staff to develop an appropriate plant pallet;
  - The Applicant revised its mitigation measures for impacts to oaks as described above to satisfy both County staff and CEQA's Oak Woodland Requirements. County Council reviewed the Applicant's mitigation measures and agreed that PCB is adhering to CEQA's Oak Woodland Requirements.

The following responses to comments provided in this letter seek to clarify and balance the project description and biological impact evaluation.

#### DESCRIPTION OF PROJECT PROPERTY

##### Paragraph labeled "Physical Features"

*County Comment: Sensitive species found on the subject property include Coastal sage scrub, Coast live oak woodland, Southern sycamore riparian woodland and Mule fat scrub; Willow flycatcher, Least Bell's vireo, Coastal California gnatcatcher, San Diego ringneck snake, Cooper's hawk, loggerhead shrike and Southern California rufous-crowned sparrow, San Diego horned lizard and two-striped garter snake.*

**Response:** This statement by the County Staff regarding sensitive species and sensitive habitats present on the site provides inaccurate information about the presence of federally listed and otherwise sensitive bird species that have been confirmed absent from the site in 2008. In addition, the County lists sensitive resources that have been historically recorded, but would not be adversely affected by the proposed project.

To correct the County's *Staff Analysis*, the following species are *not* present on the site:

- Coastal California gnatcatcher – This species is confirmed absent on the site based on 2008 focused protocol surveys. As described in the DEIR (page 4-13) and the Biota Report (page 26), no California gnatcatchers were observed on the site during the 2008 and 1999 protocol surveys or during other survey efforts. During their 1997 and 1998 study of the distribution of birds in the Puente/Chino Hills, Scott and Cooper<sup>4</sup> reported that the "...California gnatcatcher is essentially restricted to... the southern flank of the Puente and Chino Hills, mainly in... northeast Brea and northwestern Yorba Linda." Habitat for this species on the site (coastal sage scrub) is patchily distributed and unlikely to support this species.
- San Diego horned lizard – This species is not present on the site. As described in the Biota Report (page 25), this species was not observed during focused surveys conducted in 1999 or any other biological survey on this site. In addition, San Diego horned lizards have not been recorded in the Puente/Whittier Hills during intensive reptile and amphibian pitfall trapping conducted in the late 1990's<sup>1</sup>. Based on these results, it was determined that San Diego horned lizards do not occur further west than a point located midway between Carbon Canyon and State Route 57 in the Puente/Chino Hills area<sup>2</sup>, far from the site's location.
- Two-striped garter snake – Two-striped garter snake does not occur on the site, and it was not discussed in either the DEIR or the Biota Report as there are no CNDDDB records for this species in the site vicinity. This species has not been recorded in the adjacent lands managed by the Puente Hills Landfill Authority<sup>3</sup>.

The following species and communities have been detected on the site, but information is provided regarding their status on the site for clarity:

- Willow flycatcher – This species was not observed during focused riparian bird surveys conducted in 2008. As described in the DEIR (page 4-12) and the Biota Report (page 20), on June 5, 1999, a minimum of eight and a maximum of twelve willow flycatchers were detected on the site. In 1999, it was determined based upon habitat and timing of observation that the individuals observed in 1999 were not representatives of the federally listed subspecies (*Empidonax traillii extimus*). No willow flycatchers have been detected during subsequent surveys, and there is no breeding or optimal stopover habitat on the site for this species.

---

1 U.S. Geological Survey. 1999. Letter and data matrix, latest report for herpetofaunal study being conducted in the Whittier/Puente/Chino Hills, from Robert N. Fisher to Mr. Bob Henderson, Chair, Puente Hills Landfill Native Habitat Preservation Authority. December 15.

2 U.S. Geological Survey. 2000. Map of species gradient across the Chino Hills-Puente Hills Corridor and data matrix, report for herpetofaunal study being conducted in the Whittier/Puente/Chino Hills, Robert N. Fisher, distributed at meeting of the Wildlife Corridor Conservation Society. May 3.

3 LSA Associates, Inc. 2007. Resource Management Plan – Puente Hills Landfill Native Habitat Preservation Authority. Report Prepared for the Puente Hills Landfill Native Habitat Preservation Authority.

- Least Bell's vireo – This species was confirmed absent from the site based on 2008 protocol surveys. As described in the DEIR (page 4-12) and the Biota Report (page 20), on May 27, 1999 one vocalizing least Bell's vireo was detected in a dense, flowering patch of blue elderberry along the eastern edge of the site. No least Bell's vireos were detected during subsequent surveys, nor did surveys of adjacent habitat indicate their persistence through the 1999 survey period. The 1997 and 1998 distribution study of birds in the Puente/Chino Hills<sup>4</sup> reports that the "Least Bell's vireo... was found primarily along the Santa Ana River in Riverside County and in Carbon Canyon Regional Park." Given the site's lack of breeding habitat (or ideal stopover habitat), it is unlikely that this species regularly occurs on the site.
- San Diego ringneck snake – As described in the DEIR (page 4-13) and the Biota Report (page 21), this species was detected on the site once, during surveys in 1999. Suitable habitat for this species does not occur within the proposed grading area and the likelihood that the project would result in adverse impacts to this species is negligible.
- Cooper's hawk – As described in the DEIR (page 4-13) and the Biota Report (page 20), this species has been observed once on the site. Primary habitat on the site for this species is located in the riparian woodland, which is topographically isolated from the proposed project (located in steep canyon separated from grading areas) and would not be affected by the proposed project. This species is no longer considered a species of special concern by CDFG<sup>5</sup>.
- Loggerhead shrike – As described in the DEIR (page 4-13) and the Biota Report (page 21), this species has been detected on the site once, during surveys in 1992. As stated by Cooper<sup>6</sup>, this individual was likely a dispersing bird and is not likely to breed on the site (Biota Report, page 32).
- Southern California rufous-crowned sparrow – As described in the DEIR (page 4-13) and the Biota Report (page 21), this species has only been detected twice, during surveys in 1992 and 1999. Habitat on the site is marginal for this species and it is not likely regularly occur there. This species was not detected in during any subsequent surveys and was not detected during focused bird studies in 2008. This species is no longer considered a species of special concern by CDFG<sup>4</sup>.
- Coastal sage scrub – As described in the DEIR (page 4-8) and the Biota Report (page 7), coastal sage scrub occurs on 13.78 acres while disturbed coastal sage scrub occurs on 4.84 acres. In general, this community is highly fragmented and disturbed on the site. The lack of quality coastal sage scrub on the site is evident from the absence of two sensitive coastal sage scrub-dependent bird species that occur elsewhere in the Puente Hills: California gnatcatcher and cactus wren. The proposed project would impact only impact 3.34 acres of coastal sage scrub, accounting for only 18 percent of this community on the site (DEIR page 4-15, Biota Report page 29). Proposed mitigation measures (DEIR page 4-30, Biota Report page 37) will be revised as described on page 2 of this letter, as suggested by the Department of Fish and Game in their comment letter dated April 2, 2009. Their letter was submitted to the Los Angeles County Department of Regional Planning in response to the Pacific Heights Recirculated Draft EIR. This revised mitigation measure will

---

4 Scott, T.A., and D.S. Cooper. 1999. Summary of Avian Resources of the Puente-Chino Hills Corridor, Los Angeles, Orange, San Bernardino, and Riverside Counties, California. Unpublished.

5 Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

6 Cooper, D.S. 2007. Email message from Andrea Gullo, Executive Director of the Puente Hills Native Habitat Restoration Authority. November 16.

reduce all impacts to coastal sage scrub to less than significant levels and will be incorporated into the Final EIR.

- Coast live oak woodland – As described in the DEIR (page 4-9) and the Biota Report (page 8), coast live oak woodland occurs on 11.73 acres. As described in the DEIR (page 4-26) and Biota Report (page 37), the proposed project would remove 126 mature oak trees and encroach upon twenty oak trees for a total of 146 oak trees disturbed. The remaining 256 mature oak trees described in the 2007 Oak Tree Report, as well as an estimated 800 other oak trees on the site, would be avoided and preserved by the proposed project. Total donation of oak trees would range from about 740 to 1,140 mature oak trees which would represent a ratio from approximately five to eight trees donated and preserved per tree impacted. A total of 6.37 acres of oak woodland would be donated and preserved, which would represent a ratio of about two acres donated and preserved per acre impacted. In compliance with the State of California's Public Resources Code (PRC) §21083.4(b)(1), the Applicant will conserve this oak woodland area on-site through the use of a conservation easement. This mitigation would substantially reduce the significant impact to oak woodland habitat.

In addition to donating and preserving approximately 6.37 acres of oak woodland habitat, the Applicant will replace a total of 277 15-gallon oak trees on the northeast portion of the site, outside of grading limits and fuel modification zones, as replacement for the 126 required removals. This complies with conditions of the oak tree permit and PRC §21083.4(b)(2). The Applicant will use oak trees grown from local nursery stock and efforts will be made to ensure oak trees used for revegetation are grown from acorns collected from the Puente Hills. Replacement trees shall be properly maintained for a period of seven years and replaced if fatality occurs during this time period. The Applicant will also place a conservation easement over this area. The implementation of on-site oak tree preservation, conservation and planting measures would reduce all impacts to oak woodlands to a level that is less than significant.

- Southern sycamore riparian woodland – As described in the DEIR (page 4-9) and the Biota Report (page 7), southern sycamore riparian woodland occurs on 0.96 acres, in a drainage that is topographically isolated from the proposed project. This community would not be affected by the proposed development.
- Mulefat scrub – As described in the DEIR (page 4-9) and the Biota Report (page 8), mulefat scrub occurs on 0.53 acres within the proposed development footprint. As stated in the DEIR (page 4-30) and Biota Report (page 37), restoration of riparian vegetation in an amount equal to greater than the 0.53 acres of impacts will be conducted. The specifics of this mitigation shall be coordinated through the permit processes for the CDFG 1603 Streambed Alteration Agreement and the ACOE Section 404 permit. Proposed mitigation measures will be identified in the Final EIR.

*County Comment: The Powder Canyon Significant Ecological Area (SEA No. 17) is located on a majority of the project site and consists of southern oak woodland, coastal sage scrub and riparian woodland. This SEA is relatively undisturbed and of sufficient size to support a healthy animal population.*

**Response:** While the County's comment is accurate, the wording of the first sentence implies that the site comprises the majority of the SEA. The site – at 114 acres – comprises only 19 percent in the northwest corner of 609-acre Powder Canyon SEA. The project would protect nearly 70 percent of the SEA occurring within the site boundaries.

*County Comment: There is an unnamed seasonal drainage course on the southeast portion of the site.*

**Response:** The southeast portion of the site is a ridgeline. The unnamed seasonal blue-line drainage is in the central portion of the site, draining towards the west, and would be preserved by the project in perpetuity. Another small seasonal drainage is located on the northern slope of site draining toward Apple Creek Lane. This mulefat-dominated drainage is the only drainage on the site to be impacted by the proposed project.

#### ENTITLEMENTS REQUESTED

No comments regarding biology.

#### EXISTING ZONING

No comments regarding biology.

#### EXISTING LAND USES

No comments regarding biology.

#### PREVIOUS CASE/ZONING HISTORY

No comments regarding biology.

#### PROJECT DESCRIPTION AND HISTORY

No comments regarding biology.

#### GENERAL PLAN AND HACIENDA HEIGHTS COMMUNITY PLAN

No comments regarding biology.

#### NON-URBAN HILLSIDE MANAGEMENT

No comments regarding biology.

#### POWDER CANYON SIGNIFICANT ECOLOGICAL AREA (SEA #17)

*County Comment (first paragraph of section): The Powder Canyon area is... the only area in the Puente Hills that contains an undisturbed portion of self-contained watershed.*

**Response:** The applicant recognizes the regional biological value of the SEA and has designed a project that preserves the vast majority of all native vegetation communities on the site. In addition, the project specifically avoids all impacts to the core drainage of the Powder Canyon watershed within the site. Over 70 percent of project impacts are to annual grasslands and disturbed areas, and the primary drainage in the central portion of the site (i.e. the core of the watershed), containing sycamore riparian woodlands will be preserved in perpetuity by the proposed development. The topography of the site and impact overlay for the project are shown on Exhibit 9 and 10 of the Biota Report.

*County Comment (second paragraph of section): The General Plan and Plan both consider compatible uses within the SEA to include regulated scientific study, limited low intensity recreational uses and residential uses at densities*

*compatible with biotic resources and consistent with the community character. Additionally, the Plan provides for the preservation of the SEA through stringent development controls and requires findings that the development...*

**Response:** The applicant has presented a development plan that provides residential densities that maximize the compatibility of development with biotic resources. Comments by County staff do not reflect the avoidance of impacts, provision of mitigation measures, and preservation of regionally significant open space associated with the Applicant's project. Further, the Hacienda Heights Community Plan allows development within Powder Canyon SEA, provided that "*proposals for any significant development within the SEA's must be supported with a detailed ecological survey and environmental impact report of the project area. Any residential use of land within the SEA will be subject to the granting of a conditional use permit...*" The Applicant has met this burden by completing accurate and detailed biological surveys over a period of 18 years, completion of a variety of a Biota Reports, several DEIRs, and responsiveness to comments from the SEATAC. Further, the Applicant has provided a well-documented Burden of Proof for the SEA Conditional Use Permit as requested by the County.

*County Comment (third paragraph of section): The proposed project has been evaluated by the Significant Ecological Area Technical Advisory Committee (SEATAC). The proposed development will impact resources on approximately 36 acres (31 percent) of the site. These impacts are deemed to be significant by SEATAC and include removal of 126 oak trees (no heritage oaks), 5.4 acres of coast live oak woodland, 3.3 acres of coastal sage scrub and 0.5 acre of mulefat scrub. Most of these habitats and associated wildlife are considered sensitive or are listed by the California Department of Fish and Game. Of particular importance are the riparian woodlands and adjacent wildlife foraging areas that would either be significantly impacted or completely destroyed (mulefat scrub habitat). The proposed development may substantially deteriorate these biotic resources.*

**Response:** The Applicant appreciates the County's recognition of a lengthy SEATAC review process. However, in their presentation of the SEATAC conclusions the County does not recognize the avoidance and mitigation measures associated with the Applicant's project nor do they recognize that, to the extent feasible, the applicant has incorporated all comments and suggestions made by SEATAC into the project design and associated documentation. Indeed, SEATAC's final August 4, 2008 minutes (where they did not render an opinion on the project's compatibility with the SEA) states that "Biological documentation is now sufficient for CEQA presentation."

It should also be repeated here that the majority of the site's impacts are to non-native annual grasslands (28.27 acres, or 70 percent of impacts), as described in the Biota Report (page 31) and the DEIR (page 4-15). The County staff's comment that riparian woodlands would be "significantly impacted or completely destroyed" is inaccurate. No riparian woodlands are affected by the proposed project.

*County Comment (fourth paragraph of section – regarding water service): The installation of this infrastructure significantly impacts oak woodland and coastal sage scrub habitats, requires extensive grading and due to its proposed location, will be visually significant.*

**Response:** While neither the Biota Report nor the DEIR consider the focused impacts of water service infrastructure individually, it is clear from Exhibit 9 of the Biota Report (Vegetation Community Impacts) that this infrastructure, when considered alone, almost entirely affects non-native grasslands. In fact, no oak woodlands and only 0.08 acres of coastal sage scrub would be impacted by the water tank and access road.

#### PLAN CONSISTENCY ANALYSIS

*County Comment (third paragraph of section): Also, due to the direct impacts on biotic resources, and the associated grading and infrastructure required for the project, the proposed development is considered inconsistent with Plan policies and incompatible with the SEA designation.*

Response: The project was designed to be consistent with protection and avoidance of the biological resources of primary importance to the integrity of the Powder Canyon SEA. Whereas there are small impacts to coastal sage scrub (3.34 acres), mulefat scrub (0.53 acres), and oak woodlands (5.36 acres), these impacts are offset by large scale avoidance throughout the majority of the SEA and appropriate mitigation. The Applicant has previously submitted a Burden of Proof (attached) documenting the proposed development's consistency with CUP requirements for the SEA.

#### CONDITIONAL USE PERMIT

*County Comment (fourth paragraph of section): The Powder Canyon area is listed as an SEA primarily due to the extensive stands of coastal live oak consisting of 146 trees in 5.3 acres, coastal sage scrub and sycamore riparian woodlands, and is the only area in the Puente Hills that contains an undisturbed portion of self-contained watershed. The purpose of the SEA is to preserve ecological resources while allowing limited compatible development.*

Response: This statement is misleading as it indicates that the 5.3 acres of oak woodlands affected by the project are the primary resources of the SEA. This is clearly false. As described in the DEIR (page 4-26) and Biota Report (page 37), the 2007 Oak Tree Report describes 402 oaks, while an estimated 800 other oak trees occur on the site. Oak woodlands are also found off-site in other portions of the Powder Canyon SEA. As stated previously, while the Powder Canyon SEA contains resources that retain much of their native character, there is no portion of the site that could be characterized as undisturbed.

*County Comment (fifth paragraph of section): The General Plan and the Hacienda Heights Community General Plan (HHGP) both consider compatible uses within the SEA to include regulated scientific study, limited low intensity recreational uses, and residential use with extremely low density where compatible and requires a CUP and findings that the proposed subdivision is consistent.*

Response: As stated previously, comments by County staff do not reflect that the Hacienda Heights Community Plan allows development within Powder Canyon SEA, provided that "proposals for any significant development within the SEA's must be supported with a detailed ecological survey and environmental impact report of the project area. Any residential use of land within the SEA will be subject to the granting of a conditional use permit...". The Applicant has met this burden by completing accurate and detailed biological surveys over a period of 18 years, completion of a variety of a Biota Reports, several DEIRs, and responsiveness to comments from the SEATAC. Further, the Applicant has provided a well-documented Burden of Proof for the SEA Conditional Use Permit as requested by the County.

#### OAK TREE PERMIT

*County Comment (third paragraph of section): Staff and SEATAC consider the proposed impacts to the oaks and oak woodland to be significant (5.4 acres of oak woodland would be destroyed) and staff has received comments with concerns of the proposed on-site mitigation planting within manufactured slopes and the survivability of the oaks. It is recommended that mitigation oaks be planted in areas without compacted soil as this type of soil is difficult for tree roots to expand and grow.*

Response: Per the terms of the oak tree permit, and as described in the Biota Report and DEIR, the Applicant is no longer proposing to plant oaks on manufactured slopes. Proposed oak tree planting has been moved to a non-native grassland area where soil is not compacted.

## ENVIRONMENTAL DOCUMENTATION

No comments regarding biology.

## COUNTY DEPARTMENTS AND AGENCY COMMENTS AND RECOMMENDATIONS

*County Comment (second paragraph of section): Issues raised included the destruction of existing oak woodland and wildlife animal corridor, alteration of existing hillsides and inconsistencies with the existing and proposed updated Plan.*

**Response:** Regarding impacts to oak woodlands: As described on page 2 of this letter, in addition to donating and preserving approximately 6.37 acres of oak woodland habitat, the Applicant will plant a total of 277 15-gallon oak trees on the northeast portion of the site, outside of grading limits and fuel modification zones, as replacement for the 126 required removals. This complies with conditions of the oak tree permit and PRC §21083.4(b)(2). The implementation of on-site oak tree preservation, conservation and planting measures would reduce all impacts to oak woodlands to a level that is less than significant.

Regarding impacts to wildlife movement: The proposed project would not significantly affect wildlife movement. As described in the Biota Report (page 33) and the DEIR (page 4-15), the Pacific Heights site is located in a "cul-de-sac" and is outside of the expected primary movement corridor for wildlife species that occur on the site. The proposed residential development would primarily impact non-native grasslands. While grassland habitats are important for some species, the grasslands proposed to be removed by the project are isolated (i.e., not connected) to any larger grassland areas and are unlikely to support significant core populations of any species, either sensitive or non-sensitive. The area proposed for preservation and donation by Pacific Communities contains significant stands of oak woodlands, sumac and interspersed coastal scrub closer to the core of the Puente Hills Preserve. These donated habitats are consistent with those that generally characterize the larger area, thus habitat connectivity for most area species would be retained and preserved in perpetuity.

## LEGAL NOTIFICATION/COMMUNITY OUTREACH

No comments regarding biology.

## CORRESPONDENCE RECEIVED BEFORE PUBLIC HEARING

No comments regarding biology.

## STAFF EVALUATION

### Biota

*County Comment (first paragraph of section): Biotic resources present on the subject property include California Department of Fish and Game sensitive habitats (coastal sage scrub, coast live oak woodland, Southern sycamore riparian woodland, mulefat scrub), sensitive and listed wildlife species and species of concern (Cooper's hawk, Loggerhead shrike, southern California rufous-crowned sparrow, least Bell's vireo), an intermittent blue line stream, and various tributaries and riparian areas. The proposed development directly impacts each of the designated sensitive habitats and is not designed to be highly compatible with the biotic resources.*

**Response:** The DEIR and the Biota Report describe in detail how the project is compatible with biotic resources. As discussed previously in this letter (e.g., response on page 1), the project is designed and located to not have significant effects on sensitive species and habitats. All impacts to coastal sage scrub, mulefat scrub and oak woodlands are fully mitigated as required under CEQA and as requested by SEATAC and County agencies. The primary drainage (blue line stream) on the site, which is topographically isolated from the project and harbors the site's only riparian woodlands, would not be impacted by the proposed project.

*County Comment (second paragraph of section): The proposed development is proposing a grading boundary which encompasses 36.0 acres (32 percent) of the site to eliminate possible landslide areas and the subdivision will impact the SEA significantly by reducing the number of oak trees, oak woodland area and other important habitats that existing wildlife depend on to thrive.*

**Response:** As stated previously, the proposed residential development would primarily impact non-native grasslands, which on the site are highly disturbed, not connected to any larger grassland areas and are unlikely to support significant core populations of any species, either sensitive or non-sensitive. The area proposed for preservation and donation by Pacific Communities contains significant stands of oak woodlands, sumac and interspersed coastal scrub closer to the core of the Puente Hills Preserve. These donated habitats are consistent with those that generally characterize the larger area, thus habitat connectivity for most area species would be retained and preserved in perpetuity. As also previously described, the number of oak trees on the site would be increased – not reduced – by the mitigation program described in the Biota Report and the DEIR.

*County Comment (third paragraph of section): The development does not maintain any water bodies, watercourses and their tributaries in a natural state. Three drainages on the subject property will be impacted by the proposed development.*

**Response:** The first sentence is inaccurate. No water bodies are present on the site to be maintained. The primary watercourse is retained by the project and is not impacted in any way. The Biota Report (page 33) only describes one drainage that would be impacted. This drainage is vegetated by mulefat scrub and does not harbor any sensitive species.

*County Comment (fourth paragraph of section): Critical habitats are not adequately buffered from development. Fuel modification and proposed lot lines for Lot Nos. 34 and 37 extend into the sycamore riparian woodland habitat. Cut and fill slopes can not be considered buffers as they directly impact some of the most significant habitats. Fuel modification zones also do not provide a buffer as they require removal of vegetation that results in potential increased surface erosion and impacts to drainage courses. Proposed roads, services and utilities directly impact critical biotic resources. The extension of Apple Creek Lane, the storm drain connection, and the construction of the detention and debris basins and water tank will result in the removal of the mulefat scrub habitat and associated drainage, and a substantial number of oak trees, oak woodland habitat and coastal sage scrub habitat.*

**Response:** The development impacts of cut and fill slopes do not affect the ability of final infrastructure and landscaping to buffer development from retained open space. Regardless, the majority of the project's effects are on non-native grasslands as previously described. The fuel modification zone, which was considered an impact in the DEIR and Biota Report and fully mitigated, will adequately buffer the proposed development from remaining open space on the slope that the project is located on, which faces existing residential development. The majority of the project's preserved open space will be additionally buffered by topography, as shown in Exhibit 10 of the Biota Report.

Regarding sycamore riparian woodland impacts: Lots 34 and 37 are not near sycamore riparian woodland, as shown on Biota Report Exhibit 9. They are on top of a hill. None of the project, inclusive of fuel modification, will affect sycamore riparian woodland.

Regarding infrastructure and habitat impacts: Again, the majority of the project's effects are on non-native grasslands as previously described. The entire development is topographically separated from the primary drainage, the sycamore riparian woodland, most of the oak woodlands, and the majority of any sensitive and important habitats on the site. See Exhibit 10 of the Biota Report, which shows the development area in three dimensions.

*County Comment (fifth paragraph of section): SEATAC minutes from May 5, 2008 (attached) identify the project's incompatibility with biotic resources and this concern regarding the proposed grading and development having a negative effect on the integrity of the Powder Canyon SEA. The development would result in the direct loss of natural habitat and replacement of existing habitat with residential development and non-native or ornamental landscaping that would result in the elimination of the majority of animal species typical of a natural setting. SEATAC comments from this meeting directed the applicant to incorporate comments and recommendations into additional information to be provided to SEATAC at next available meeting.*

**Response:** All SEATAC comments, including comments from the May 5, 2008 meeting, have been responded to as requested. The results of this response are evident in the August 4, 2008 minutes, where SEATAC stated that "Biological documentation is now sufficient for CEQA presentation." The DEIR and the Biota Report describe in detail how the project is, to the extent feasible, compatible with biotic resources. All impacts to coastal sage scrub, mulefat scrub and oak woodlands are fully mitigated as required under CEQA and as requested by SEATAC and County agencies. Section 8.23 of the Biota Report (Effects on the Integrity of the SEA) and page 4-21 of the DEIR describe measures that have been incorporated into the project at the suggestion of SEATAC to maintain the integrity of the SEA. These measures include buffer zones, homeowner education regarding wildlife and the use of invasive plants in landscaping, interpretive signage, shielded night lighting and fencing.

*County Comment (sixth paragraph of section): SEATAC minutes from August 4, 2008 discussed the proposed destruction of the existing oak woodland and its impact on the surrounding wildlife. Also discussed was the proposed fuel modification plan which included flammable plants (California Sagebrush and Acacias) and invasive plant material. SEATAC did not have a recommendation concerning consistency with SEA.*

**Response:** While SEATAC's August 4, 2008 minutes did summarily describe the project's impacts to oaks (bullet item number 3), they also described appropriate mitigation measures (bullet item number 8) and how this should be described in the Biota Report (bullet item number 9). The project's impact to oaks are fully described in the Biota Report and DEIR and fully mitigated as required. Contrary to staff comments, we could not find any portion of the minutes that discusses SEATAC concerns about surrounding wildlife. Fuel modification plantings have also been modified per SEATAC comments. SEATAC also stated that "Biological documentation is now sufficient for CEQA presentation."

*County Comment (seventh paragraph of section): Staff analysis determines that the project, as currently designed, does not substantiate the SEA CUP burden of proof because it directly impacts each of the designated sensitive habitats and is not designed to be highly compatible with the biotic resources; critical habitats are not adequately buffered from the development; proposed roads, services and utilities directly impact critical biotic resources and the development would result in the direct loss of natural habitat and replacement of existing habitat with residential development and non-native or ornamental landscaping that would result in the elimination of the majority of animal species typical of a natural setting.*

**Response:** Based on the information provided in this response to comments the Applicant requests that the County review the myriad of avoidance and mitigation commitments associated with this project. Based on these measures supplemented by the incorporation of the recommendations made by SEATAC, the Applicant provides a plan that, to the extent feasible, is consistent with the biotic resources of the Powder Canyon SEA.

#### Burden of Proof

*County Comment (third paragraph of section): The proposed grading and development would have a negative effect on the integrity of the Powder Canyon SEA. The development would result in the direct loss of natural habitat and replacement of existing habitat with residential development and non-native or ornamental landscaping would result in the elimination of the majority of animal species typical of natural setting.*

**Response:** The majority of animal species on the site would not be eliminated, as a majority of the site is not being developed and the majority of the site's sensitive and significant habitats would be preserved in perpetuity. As stated previously, the proposed residential development would primarily impact non-native grasslands. While grassland habitats are important for some species, the grasslands proposed to be removed by the project are not connected to any larger grassland areas and are unlikely to support significant core populations of any species, either sensitive or non-sensitive. The area proposed for preservation and donation by Pacific Communities contains significant stands of oak woodlands, sumac and interspersed coastal scrub closer to the core of the Puente Hills Preserve. These donated habitats are consistent with those that generally characterize the larger area, thus habitat connectivity for most area species would be retained and preserved in perpetuity.

*County Comment (fourth paragraph of section): The proposed development was not designed to be highly compatible and will impact resources on approximately 36 acres (31 percent) of the site. These impacts are deemed to be significant by SEATAC and include removal of 126 oak trees (no heritage oaks), 5.4 acres of coast live oak woodland, 3.3 acres of coastal sage scrub and 0.5 acre of mulefat scrub. Most of these habitats and associated wildlife are considered sensitive or are listed by the California Department of Fish and Game. Of particular importance are the riparian woodlands and adjacent wildlife foraging areas that would either be significantly impacted or completely destroyed (mulefat scrub habitat). The proposed development may substantially deteriorate these biotic resources. The EIR and MMP conditions will mitigate proposed impacts such as conserving existing undisturbed oak woodlands and replacement oak mitigation areas onsite; applicant shall dedicate in fee 78.3 acres (69 percent) of undisturbed natural open space and revegetate a minimum of 5.1 acres of coastal sage scrub but still not designed as highly compatible.*

**Response:** All riparian woodlands are preserved by the project. The majority of the site's impacts are to non-native annual grasslands (28.27 acres, or 70 percent of impacts), as described in the Biota Report (page 31) and the DEIR (page 4-15). Riparian woodlands are not "completely destroyed" nor "impacted" as stated.

*County Comment (fourth paragraph of section): While wildlife is expected to move through the project site, the site itself is not a major corridor for wildlife movement but any proposed development of the project site can negatively impact the existing corridor that is utilized by wildlife as it provides a habitat linkage for animals to wander in search of food, water and mates.*

**Response:** As stated previously, the proposed project would not significantly affect wildlife movement. As described in the Biota Report (page 33) and the DEIR (page 4-15), the Pacific Heights site is located in a "cul-de-sac" and is outside of the expected primary movement corridor for wildlife species that occur on the site. The proposed residential development would primarily impact non-native grasslands. While grassland habitats are important for some species, the grasslands proposed to be removed by the project are not connected to any larger grassland areas and are unlikely to support significant core populations of any

Ms. Elsa Trujillo  
April 7, 2009  
Page 13 of 13

species, either sensitive or non-sensitive. The area proposed for preservation and donation by Pacific Communities contains significant stands of oak woodlands, sumac and interspersed coastal scrub closer to the core of the Puente Hills Preserve. These donated habitats are consistent with those that generally characterize the larger area, thus habitat connectivity for most area species would be retained and preserved in perpetuity.

*County Comment (fifth paragraph of section): Approximately 69 percent (78.3 acres) of the site will be reserved as permanent natural open space and an additional 20 percent (23.4 acres) will be reserved as disturbed open space in graded areas (Lot Nos. 51 through 56 and a portion of Lot Nos. 58). Critical habitats are not adequately buffered from the development. Fuel modification and proposed lot lines extend into the sycamore riparian woodland habitat. Cut and fill slopes cannot be considered buffers as they directly impact some of the most significant habitats. Fuel modification zones also do not provide a buffer as they require removal of vegetation that results in potential increased surface erosion and impacts to drainage courses.*

**Response:** Fuel modification and lot lines do not extend into sycamore riparian woodland. The majority of the site's impacts are to non-native annual grasslands (28.27 acres, or 70 percent of impacts), as described in the Biota Report (page 31) and the DEIR (page 4-15). All riparian woodlands are preserved by the project.

If you have any questions or comments regarding this letter, please contact me directly at 949.497.0931.

Sincerely,

NATURAL RESOURCE CONSULTANTS

  
Marcus C. England





July 9, 2009

VIA EMAIL

Los Angeles County Department of Regional Planning  
Attention: Sorin H. Alexanian  
320 West Temple Street  
Los Angeles, CA 90012

**RE: REQUEST FOR ADDITIONAL PACIFIC HEIGHTS SUBDIVISION  
(TT-51153) DOCUMENTATION/INFORMATION**

Dear Mr. Alexanian:

In response to your request for additional documentation and information for the Pacific Heights Subdivision (TT-51153) at our last meeting with you and your staff on June 25, 2009, I am including a brief discussion and attached corresponding exhibits of the following:

- A discussion of the Pacific Heights Subdivision's (Proposed Project) overall density and consistency with the current Hacienda Heights Community Plan's (HHCP) density requirements;
- A discussion/comparison of proposed lot sizes to adjacent neighborhood lot sizes with attached spread sheet of neighboring lot sizes within a 500 foot radius of the proposed project site;
- Community benefits resulting from the proposed project including the open space donation and proposed trail head with corresponding exhibits (Exhibit 1 and 2); A discussion of the proposed fuel modification plan/brush clearance requirements with a corresponding fuel modification plan exhibit (Exhibit 3);
- A discussion/justification regarding the increase in the number of oak removals with a corresponding exhibit (Exhibit 4);

**Pacific Heights Density Analysis:**

Section 22.56.215.E of the County Zoning Code (the "Zoning Code") establishes the density thresholds for development in non-urban hillside management areas. It provides

calculation methodologies for low-density thresholds and maximum permitted densities. As demonstrated below, the Project complies with the Zoning Code density requirements.

First, Section 22.56.215.E.1 of the Zoning Code provides that the low-density threshold for a project in a non-urban hillside management area is one dwelling unit per five acres of land for slope less than 25 percent. The low-density threshold for a hillside management area is one dwelling unit per five acres for slopes less than 25 percent, one dwelling unit per 10 acres for slopes from 25 percent to 49.99 percent, and one dwelling unit per 20 acres for slopes exceeding 50 percent. The maximum allowable number of on-site dwelling units based on the low-density threshold for the Project parcel is 11 dwelling units (see Table below).

**Number of Dwelling Units per Low Density Threshold**

Percentage of Slope	Project Area (acres)	Low Density Threshold	Total Dwelling Units
≥ 50 %	41.2	1 du/20 acres	2
< 50 % ≥ 25 %	52.3	1 du/10 acres	5
< 25 %	20.8	1 du/5 acres	4
<b>Totals</b>	<b>114.3</b>	<b>---</b>	<b>11</b>

Second, Section 22.56.215.E.3 of the Zoning Code states that "[t]he maximum density for a proposed development shall be that permitted by the adopted areawide, community or specific plan for the area in which the proposed development is located." The Project is within the boundaries of the Hacienda Heights Community General Plan (the "HHCGP"). Thus, the maximum permitted density for the site is determined by following the guidance of policies for development in sloped areas under the HHCP's Environmental Resource Management chapter for sloped areas greater than 30 percent, and for very low to moderately low slope stability zones under the Public Health and safety chapter, as outlined in the HHCP. With the project's location qualifying it for management under this chapter, the maximum density permitted for the site would be 166 units, this is determined by calculating the maximum number of units permitted on very low and moderately low slope stability zones and on slopes greater than 30 percent. See table below.

**Number of Dwelling Units per High Density Threshold in Sloped Areas of HHCP**

Percentage of Slope	Project Area (acres)	High Density Threshold	Total Dwelling Units
≥ 50 %	41.2	1 du/1 acres	41
< 50 % ≥ 30%	47.1	1 du/1 acre	47
< 30 %	26	3 du/1 acre	78
<b>Totals</b>	<b>114.3</b>	<b>---</b>	<b>166</b>

However, Section 22.56.215.E.3 of the Zoning Code states that "in no event shall the maximum overall density permitted for a proposed development exceed a total of one dwelling unit per acre for slopes less than 50 percent, plus one dwelling unit per 20 acres for slopes of 50 percent or greater." Therefore, as demonstrated in the table below, the maximum allowable number of on-site dwelling units based on the high-density threshold for the Project parcel is 75 dwelling units.

**Number of Dwelling Units per High Density Threshold**

Percentage of Slope	Project Area (acres)	High Density Threshold	Total Dwelling Units
≥50 %	41.2	1 du/20 acres	2.06
< 50 % ≥ 30%	47.1	1 du/1 acre	47.1
<30 %	26	1 du/1 acre	26
<b>Totals</b>	<b>114.3</b>	<b>---</b>	<b>75</b>

Third, Section 22.56.215.J.1.d.ii, states that the hearing officer shall, as a condition of approval, designate the maximum number of dwelling units permitted in non-urban hillside management areas as ". . . a number between the low density threshold and the maximum number of dwelling unit established for the property pursuant to subsection E of this section..." The Project's low-density threshold is 11 units and its maximum number of dwelling units is 75 pursuant to the Zoning Code calculations above. In other words, the appropriate permitted density for the site is between 11 and 75 units. The Project design contains 47 units. This design also incorporates the Planning Commission's express recommendations regarding the desired number of dwelling units. Therefore, the Project is consistent with Zoning Code, the HHCGP, and the Planning Commission's recommendations.

Furthermore, HHCGP land use designation for the site is "Non-Urban 2," which allows single family dwelling units at a density of 0.3 to 1.0 dwelling unit per gross acre. The Project's overall density is .41 units per gross acre. In addition, Mr. Nelson Chung, President of Pacific Communities Builder, discussed this overall density calculation with the Planning Department's Ms. Susie Tae on June 30, 2009. On that call, Ms. Tae confirmed that this overall density calculation was accurate and satisfies County requirements.

Lastly, the HHCGP's Environmental Resource Management Section, Policy 4, states that development should be controlled in the Powder Canyon SEA. Specifically, it states that, where compatible, extremely low density residential uses are appropriate uses within the SEA. As discussed above, the Project complies with all of the applicable density provisions and only proposes an overall density of .41 units per acre. This is compatible with development in the SEA, especially considering (1) that the clustered development is contained on mostly non-native grassland areas; (2) the surrounding neighborhoods have materially higher densities; and (3) the Project is supported by detailed ecological surveys and an environmental impact report that has determined all impacts to biological resources are considered less than significant with mitigation.

**Proposed Lot Sizes V.S Adjacent Neighborhood Lot Sizes:**

In response to your request for information regarding proposed lot sizes and existing lot sizes for adjacent neighborhoods to the north and west of the proposed project site, PCB obtained lot size information from Fidelity Title Insurance Company for homes located within a 500 foot radius of the proposed project site. You may refer to the attached spreadsheet. Note that the average lot size for the neighborhood to the north is 9,443 sq.

ft or 10,107 sq. ft. when one uncharacteristically large lot (84,525 sq. ft) is taken into account, the range in lot sizes for this neighborhood is between 6,615 sq. ft to 84, 525 sq. ft. The neighborhood to the west has bigger lots that average 17,647 sq.ft or 18,358 sq. ft when one uncharacteristically large lot (79,500 sq. ft) is taken into account, the range in lot sizes for this neighborhood is between 6,867 sq. ft to 79,500 sq. ft. The combined average lot size for both neighborhoods is 13,696 sq. ft. The range in the size of lots for both neighborhoods is between 6,615 sq. ft and 84,525 sq. ft.

The proposed project has been designed as a clustered development in an effort to reduce disturbance to the surrounding vegetation and wildlife. Therefore, lot sizes for the proposed project have been reduced from the previously proposed average lot size of 23,478 sq. ft to an average lot size of 8,268 sq. ft. The range in lot sizes has also been reduced from the previously proposed range of 10,583 sq. ft to 84,062 sq. ft to the currently proposed 5,002 sq. ft to 16,715 sq. ft. lots. This accounts for a 64.7% decrease in lot size. It should be noted that this decrease in combination with decreased right of ways on interior streets has resulted in a 4.3 acre reduction in grading disturbance. This adheres to the request of both staff and Planning Commissioner Mudugno's request for narrower right of ways and Commissioner Valdez's request for an "environmentally superior" project at the Planning Commissioner hearing held on March 17, 2009.

#### **Community Benefits Resulting From the Pacific Heights Subdivision:**

The proposed project will offer the following community benefits:

- Preservation of 89% (101.4 acres) of Project Site for Open Space. (This includes 23.1 acres of graded open space to be landscaped and maintained by the H.O.A), refer to attached Exhibit 1;
- Donation of 68.5% (78.3 acres) of undeveloped open space on-site protected by a conservation easement to guarantee that the land will be free from the threat of future development and will convert this open space from private ownership to public ownership so that the public will no longer be trespassing when accessing this open space. Refer to Exhibit 1;
- Creation of a 20 foot wide trail head/access road starting from Apple Creek Lane, along the northern boundary of the site. Refer to attached Exhibit 2 to see proposed trail access, existing trail access, and existing open space access; Note that PCB will make every effort to keep the water tank access road accessible to the public via the use of an easement to the Rowland Water District in lieu of dedication of the water tank access road to the water district;
- Correction of existing geotechnical failures that currently threaten the neighborhood to the north of the proposed project site; Refer to Exhibit 5.
- Reduction in existing storm water discharge at four discharge locations along the northern boundary of the site. This reduction in storm water discharge will range from a 2 percent reduction to a 77 percent reduction. This will aid in preventing future mudslides into the rear and side yards of existing homeowners in the neighborhood to the north of the site; Refer to Exhibit 6

SEND  
EMAIL  
TOKEN  
DECK  
ON  
ACCESS  
EASE  
ON  
WATER  
TANK

- The proposed retaining wall along portions of the northern boundary of the site, the proposed debris basin, and compaction and remediation of on-site slopes will also aid in preventing these mudslides; and
- Creation of new housing in an area where existing single family homes are over 30 to 55 years old (note that the current HHCP states that majority of homes were less than 25 years old in 1978) can aid in increasing adjacent property values as well as provide homebuyers the opportunity to buy a new home in this area who may otherwise have to rehabilitate existing sub-standard homes or make them more energy efficient. Refer to section 4.10.4 of the Recirculated Draft EIR to see how the proposed project will increase energy efficiency in the proposed homes.

**Proposed Fuel Modification Plan/Brush Clearance Requirements:**

The currently approved preliminary fuel modification plan has reduced site disturbance associated with fuel modification by 1.45 acres from the previously approved fuel modification plan. The current fuel modification plan no longer impacts the Sycamore Riparian Area located on the south west portion of the proposed development. Currently, existing brush clearance occurs 200 feet south of the proposed project site's northern boundary line as well as 200 feet south of the northern boundary of adjacent Shabarum Park, located along the east of the project site. Brush clearance is also conducted along the entire open space strip that separates the proposed project site from the adjacent western neighborhood; therefore no additional brush clearance will be required in this area. (This strip is approximately 167 feet wide from the existing neighborhood to the west to the North West property line of the project site). Brush clearance on adjacent Shabarum Park, on the east, may or may not be necessary to account for the proposed home that will be placed on Lot 15. This home will be located approximately 138 feet from the project site's eastern property line. Per section 317.2.2 of the LA County Fire Code, brush clearance is required from a minimum of 30 feet from a structure to a maximum of 200 feet. This determination is made by the fire official or fire commissioner at the time the home is built. See attached e-mail from Richard Takata, Deputy Agricultural Commissioner/Sealer of the Weed Abatement Division. Also refer to attached Exhibit 3, it shows proposed fuel modification zones, reduction in fuel modification disturbance, existing brush clearance locations, and the possible brush clearance area on adjacent Shabarum Park. Note that if 200 feet of clearance is required east of lot 15, only 62 feet/ 9,779 sq. ft will require brush clearance in Shabarum Park.

**Justification Regarding the Increase in the Number of Oak Removals:**

The location of the oaks to be removed is such that the hills cannot to be stabilized, built upon, or made stable without removal of the oaks. Specifically, there are three concentrations of oak trees to be removed that require removal for slope stabilization, as required by the Department of Public Work's Geotechnical and Materials Division. The first concentration is located on the southwest portion of the development, north and south of lot 33. The purpose of the remedial work in this area is to remove an existing landslide and replace it with compacted fill which will stabilize the subject area. Without

removal of the landslide, there is a potential of a landslide affecting the subject development and the adjacent area down slope from the tract. Given that this is an existing landslide area that requires removal for slope stability, this area must be removed regardless of whether or not the proposed development was to be cut back. While some oak removals are a result of grading required for the water tank the majority of the oak removals are required for slope stability in this area. The second concentration is located in the slope area below residential lots 13 thru 15; removal is required for protecting the development from any superficial failures. The third concentration is located south of lot 8. See attached Exhibit 4 and note that 55 oaks (43% of all removals) require removal for geotechnical stability.

Alternative site plans have been developed as described in the EIR. However, as a result of the site configuration, the location of the oaks and the need for clustering at the northern end all affect oak trees in a similar manner as the proposed project.

Should you have any further questions, please do not hesitate to contact me at (949) 660-8988 extension 123.

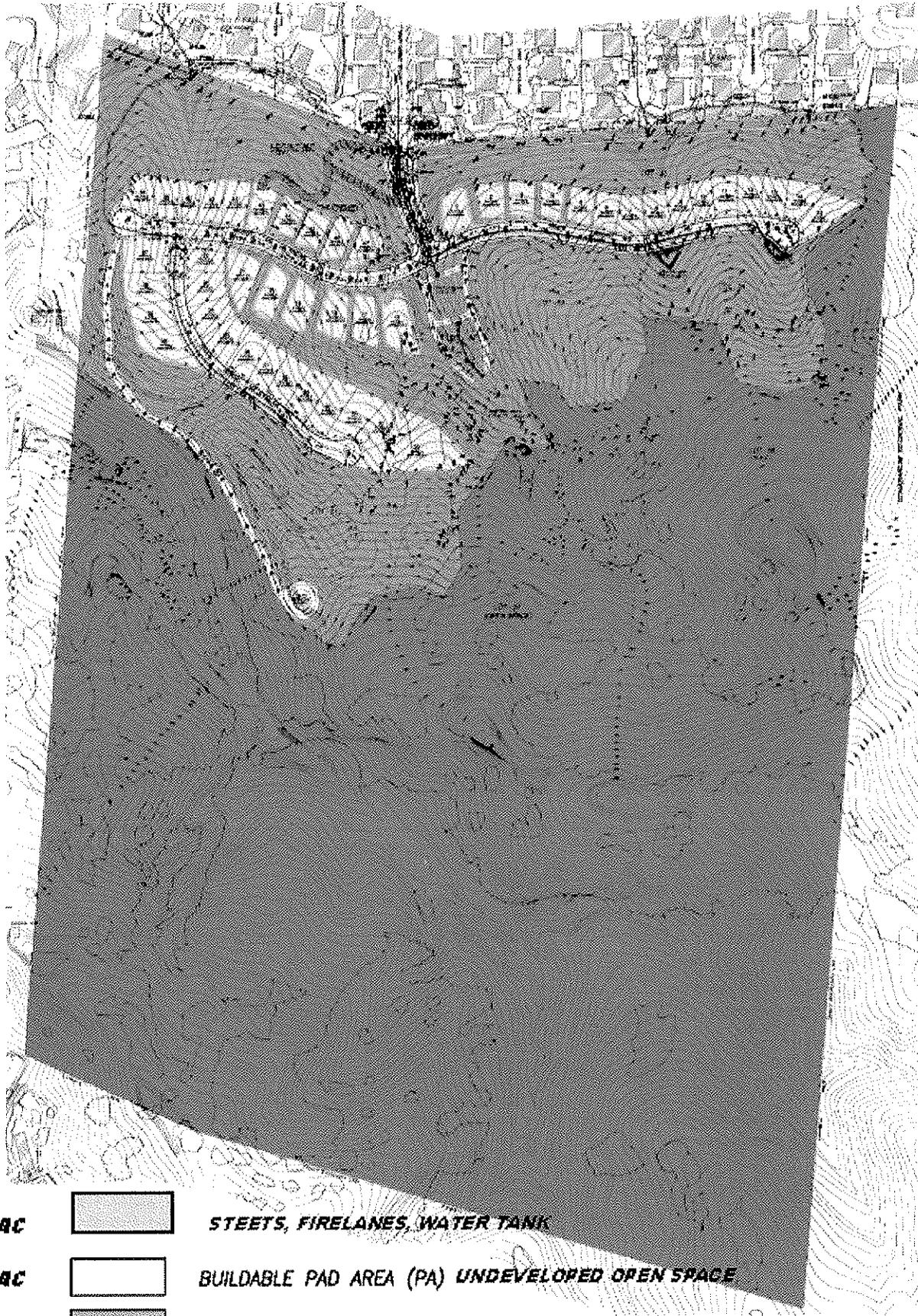
Sincerely,



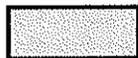
Elsa Trujillo, PROJECT MANAGER  
PACIFIC COMMUNITIES BUILDER INC.

cc Patricia Keane, Deputy County Council  
Susan Tae AICP, Supervising Regional Planner  
Ramon Cordova, Regional Planning Assistant II  
Rudy Silvas, Principal Regional Planning Assistant Impact Analysis Section

# 89% (101.4 Acres) Open Space



**3.8 AC**



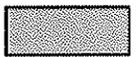
**STREETS, FIRELANES, WATER TANK**

**8.9 AC**



**BUILDABLE PAD AREA (PA) UNDEVELOPED OPEN SPACE**

**23.1 AC**



**MANUFACTURED SLOPE (OPEN SPACE)**

**78.3 AC**



**UNDISTURBED OPEN SPACE**

**EXHIBIT 1**

# Open Space Trail Access

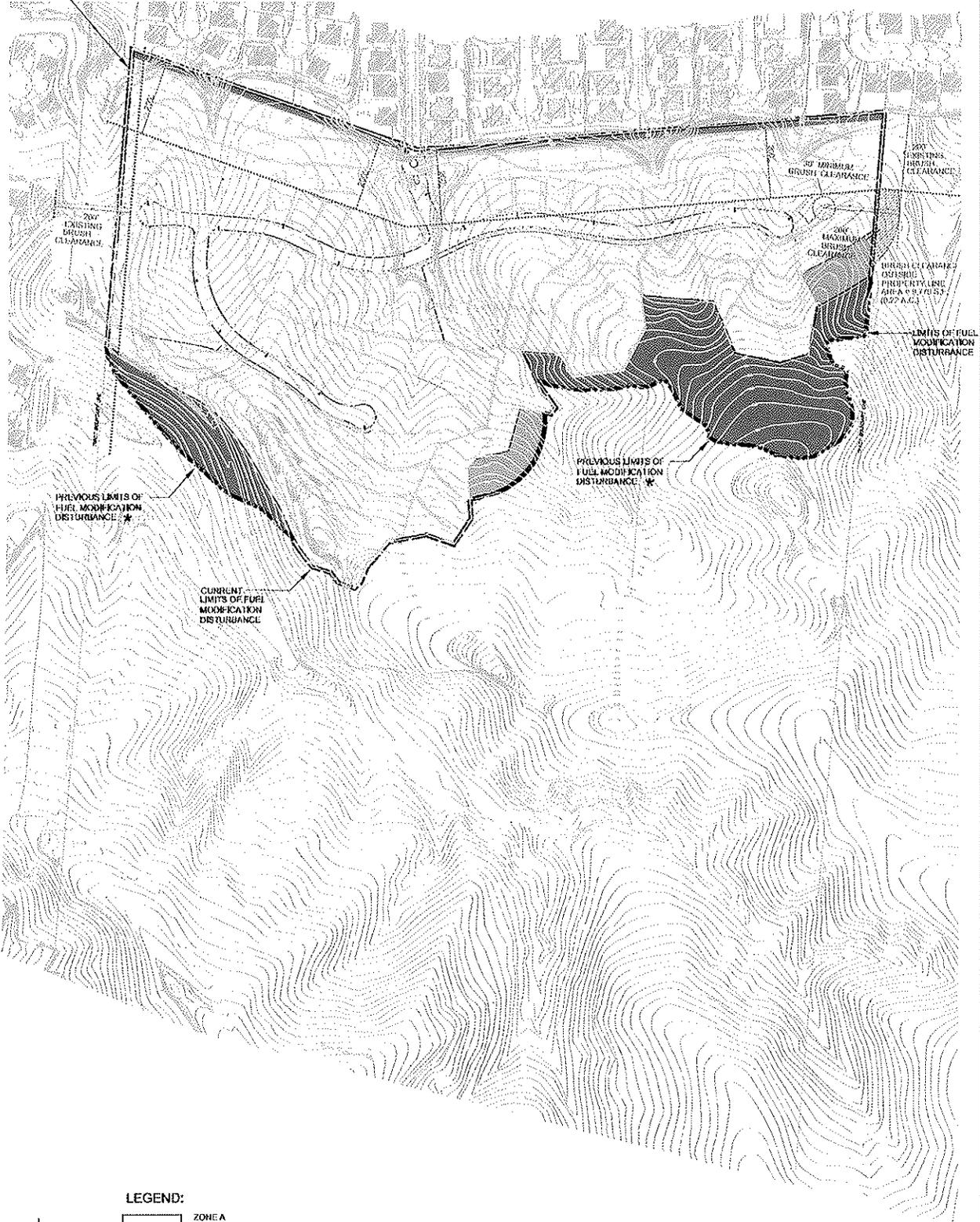


- LEGEND:
- PROPOSED TRAIL/ACCESS ROAD
  - EXISTING TRAIL
  - EXISTING OPEN SPACE ACCESS

EXHIBIT 2

# Fuel Modification/ Existing Brush Clearance

LIMITS OF  
PACIFIC HERCULES  
FUEL MODIFICATION  
DISTURBANCE



**LEGEND:**

-  ZONE A (SETRACK ZONE)
-  ZONE B (IRRIGATION ZONE LANDSCAPE REQUIREMENTS)
-  ZONE C (THINNING ZONE LANDSCAPE REQUIREMENTS)
-  PROPOSED TRAIL/ ACCESS ROAD
-  PREVIOUS 2001 FUEL MODIFICATION PLAN AREA

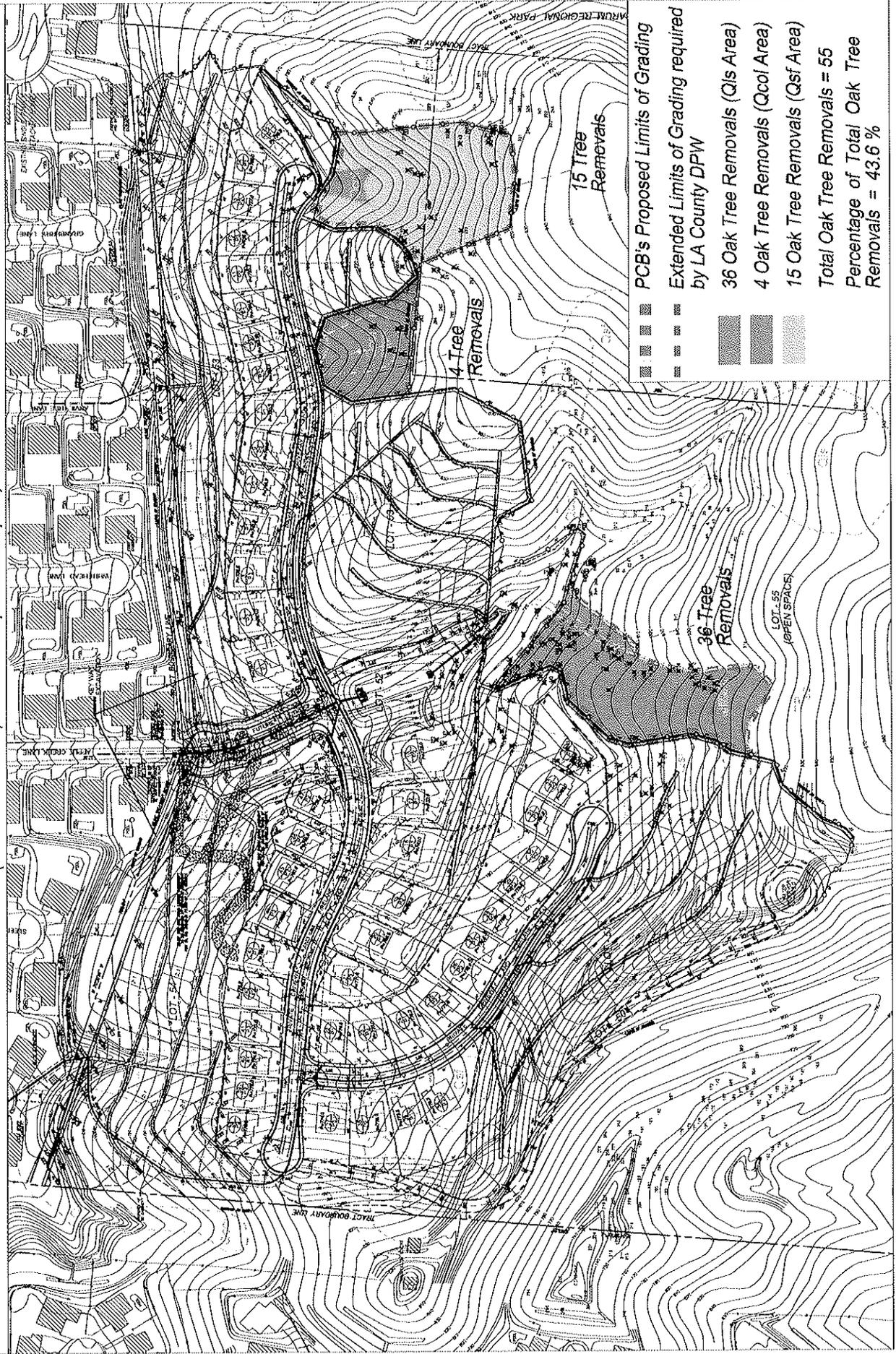
REDUCTION IN SITE DISTURBANCE =63,323.52 S.F./ 1.45 AC.

**EXHIBIT 3**

\* REFER TO PREVIOUSLY APPROVED 2001 FUEL MODIFICATION PLAN

**Extended Limits of Grading required by LA County DPW**  
 (Outside PCB Proposed Development Footprint)

**EXHIBIT 4**



**Pacific Heights Adjacent Neighborhood Avg. Lot Size and House Size**

	<b>Site Address</b>	<b>House Number</b>	<b>Site Address</b>	<b>Street Name</b>	<b>Sq. Ft. Lot Size</b>
1		2386	CHERRY GATE WAY		7,700
2		2378	CHERRY GATE WAY		8,066
3		2370	CHERRY GATE WAY		7,918
4		16735	ROCKY KNOLL RD		7,812
5		16745	ROCKY KNOLL RD		6,615
6		16751	ROCKY KNOLL RD		6,720
7		2366	RUSTIC GATE WAY		8,532
8		2358	RUSTIC GATE WAY		7,452
9		2352	RUSTIC GATE WAY		8,132
10		2344	RUSTIC GATE WAY		7,632
11		2338	RUSTIC GATE WAY		8,058
12		2361	CHERRY GATE WAY		9,085
13		2367	CHERRY GATE WAY		8,658
14		2377	CHERRY GATE WAY		8,664
15		2385	CHERRY GATE WAY		8,968
16		2389	CHERRY GATE WAY		9,558
17		2341	RUSTIC GATE WAY		8,175
18		2353	RUSTIC GATE WAY		8,239
19		2359	RUSTIC GATE WAY		7,950
20		2367	RUSTIC GATE WAY		7,490
21		2371	RUSTIC GATE WAY		7,623
22		16700	ROCKY KNOLL RD		8,613
23		16702	ROCKY KNOLL RD		11,780
24		16706	ROCKY KNOLL RD		8,694
25		16710	ROCKY KNOLL RD		9,039
26		16756	ROCKY KNOLL RD		11,984
27		16750	ROCKY KNOLL RD		12,870
28		16744	ROCKY KNOLL RD		11,403
29		16736	ROCKY KNOLL RD		11,247
30		16730	ROCKY KNOLL RD		9,834
31		16722	ROCKY KNOLL RD		10,902
32		16716	ROCKY KNOLL RD		9,177
33		2524	CRANBERRY LN		10,560
34		2534	CRANBERRY LN		10,010
35		2538	CRANBERRY LN		9,301
36		2546	CRANBERRY LN		9,694
37		2552	CRANBERRY LN		8,820
38		2558	CRANBERRY LN		6,900
39		2568	CRANBERRY LN		10,028
40		2569	CRANBERRY LN		12,240
41		2557	CRANBERRY LN		7,275
42		2549	CRANBERRY LN		7,665
43		2543	CRANBERRY LN		7,875
44		2535	CRANBERRY LN		7,665
45		2525	CRANBERRY LN		8,586
46		2515	CRANBERRY LN		9,020
47		2514	ANVIL TREE LN		9,912
48		2518	ANVIL TREE LN		10,416
49		2526	ANVIL TREE LN		9,625

50	2532 ANVIL TREE LN	9,375
51	2540 ANVIL TREE LN	9,196
52	2550 ANVIL TREE LN	13,924
53	2528 APPLE CREEK LN	8,500
54	2536 APPLE CREEK LN	7,840
55	2542 APPLE CREEK LN	7,590
56	2548 APPLE CREEK LN	7,705
57	2556 APPLE CREEK LN	7,705
58	2562 APPLE CREEK LN	7,705
59	2568 APPLE CREEK LN	7,705
60	2551 ANVIL TREE LN	11,270
61	2543 ANVIL TREE LN	7,700
62	2535 ANVIL TREE LN	8,352
63	2529 ANVIL TREE LN	8,352
64	2521 ANVIL TREE LN	8,584
65	2515 ANVIL TREE LN	8,855
66	2509 ANVIL TREE LN	9,234
67	2506 WHITEHEAD LN	10,270
68	2510 WHITEHEAD LN	10,287
69	2518 WHITEHEAD LN	9,576
70	2526 WHITEHEAD LN	9,576
71	2534 WHITEHEAD LN	9,424
72	2544 WHITEHEAD LN	15,344
73	2545 WHITEHEAD LN	14,763
74	2535 WHITEHEAD LN	9,120
75	2527 WHITEHEAD LN	9,500
76	2519 WHITEHEAD LN	9,500
77	2511 WHITEHEAD LN	9,500
78	2507 WHITEHEAD LN	9,250
79	2433 LAZY BROOK LN	8,687
80	2441 LAZY BROOK LN	8,614
81	2447 LAZY BROOK LN	8,541
82	2448 LAZY BROOK LN	8,640
83	2442 LAZY BROOK LN	8,640
84	2436 LAZY BROOK LN	9,600
85	2569 APPLE CREEK LN	22,000
86	2557 APPLE CREEK LN	7,840
87	2549 APPLE CREEK LN	7,840
88	2543 APPLE CREEK LN	8,176
89	2535 APPLE CREEK LN	8,400
90	2529 APPLE CREEK LN	8,701
91	2521 APPLE CREEK LN	8,625
92	2515 APPLE CREEK LN	8,775
93	2512 SLEEPY SPRING WAY	8,625
94	2518 SLEEPY SPRING WAY	8,625
95	2526 SLEEPY SPRING WAY	8,625
96	2534 SLEEPY SPRING WAY	8,850
97	2540 SLEEPY SPRING WAY	8,640
98	2548 SLEEPY SPRING WAY	25,650
99	2549 SLEEPY SPRING WAY	16,250
100	2541 SLEEPY SPRING WAY	7,875
101	2535 SLEEPY SPRING WAY	8,400

102	2527 SLEEPY SPRING WAY	84,525
103	2519 SLEEPY SPRING WAY	8,400
104	2513 SLEEPY SPRING WAY	8,400
105	2505 SLEEPY SPRING WAY	9,296
106	2456 LAZY BROOK LN	8,640
107	2462 LAZY BROOK LN	8,640
108	2470 LAZY BROOK LN	8,136
109	2478 LAZY BROOK LN	16,830
110	2479 LAZY BROOK LN	13,775
111	2471 LAZY BROOK LN	8,162
112	2463 LAZY BROOK LN	8,395
113	2457 LAZY BROOK LN	8,395
114	16433 COMPO REAL DR	6,867
115	16437 COMPO REAL DR	7,085
116	16449 COMPO REAL DR	7,208
117	2565 BOLAR AVE	8,611
118	2559 BOLAR AVE	6,868
119	2552 BOLAR AVE	10,430
120	2560 BOLAR AVE	10,430
121	2566 BOLAR AVE	9,536
122	2572 BOLAR AVE	9,089
123	2580 BOLAR AVE	10,430
124	2584 BOLAR AVE	15,810
125	16448 COMPO REAL DR	10,880
126	16442 COMPO REAL DR	8,840
127	16436 COMPO REAL DR	8,905
128	16430 COMPO REAL DR	8,704
129	16422 COMPO REAL DR	8,778
130	16407 CANBERRA CT	7,070
131	16413 CANBERRA CT	7,102
132	16419 CANBERRA CT	7,995
133	16425 CANBERRA CT	8,576
134	16431 CANBERRA CT	9,112
135	16437 CANBERRA CT	20,600
136	16438 CANBERRA CT	18,755
137	16432 CANBERRA CT	13,746
138	16426 CANBERRA CT	8,777
139	16420 CANBERRA CT	8,646
140	16412 CANBERRA CT	8,840
141	2750 GARONA DR	12,730
142	2760 GARONA DR	11,770
143	2768 GARONA DR	14,382
144	2819 FLECHA CT	10,384
145	2813 FLECHA CT	12,300
146	2805 FLECHA CT	14,925
147	2801 FLECHA CT	14,516
148	2800 FLECHA CT	14,787
149	2804 FLECHA CT	46,605
150	16525 NICOYA DR	21,840
151	16537 NICOYA DR	16,695
152	16547 NICOYA DR	14,688
153	16559 NICOYA DR	26,058

154	16562 NICOYA DR	24,480
155	16554 NICOYA DR	16,554
156	16548 NICOYA DR	11,832
157	16540 NICOYA DR	12,012
158	16534 NICOYA DR	10,240
159	16526 NICOYA DR	10,287
160	2848 GARONA DR	10,400
161	2856 GARONA DR	15,600
162	2862 GARONA DR	13,552
163	2866 GARONA DR	14,875
164	2872 GARONA DR	11,120
165	2876 GARONA DR	20,806
166	2902 GARONA DR	35,910
167	2880 GARONA DR	14,960
168	2904 GARONA DR	25,125
169	2910 GARONA DR	14,300
170	2916 GARONA DR	30,475
171	2922 GARONA DR	28,804
172	2928 GARONA DR	29,325
173	2936 GARONA DR	26,532
174	2944 GARONA DR	28,700
175	2952 GARONA DR	49,287
176	2958 GARONA DR	29,680
177	2964 GARONA DR	30,170
178	2972 GARONA DR	14,580
179	2976 GARONA DR	10,795
180	3118 GOTERA DR	14,375
181	3126 GOTERA DR	15,747
182	3136 GOTERA DR	28,980
183	3160 GOTERA DR	79,500
184	3202 GOTERA DR	33,939
185	3210 GOTERA DR	35,073
186	3220 GOTERA DR	34,104
187	3230 GOTERA DR	46,900
188	3244 GOTERA DR	18,620
189	3238 GOTERA DR	14,351
190	3227 GOTERA DR	18,758
191	3215 GOTERA DR	27,200
192	3224 EL GRECO CT	29,640
193	3266 EL GRECO CT	14,400
194	3274 EL GRECO CT	27,370
195	3139 GOTERA DR	27,000
196	3133 GOTERA DR	14,400
197	3121 GOTERA DR	15,210
198	3113 GOTERA DR	14,820
199	3105 GOTERA DR	14,820
200	3231 EL GRECO CT	32,160

---

2,739,235

**Average lot size**

**13,696**

**Smallest Lot Size**

6,615

**Biggest Lot Size**

84,525

**John and Sharon Melone  
16751 Dawn Haven Road  
Hacienda Heights, California 91745  
626-961-5296**

July 6, 2009

The Honorable Don Knabe  
Supervisor, 4<sup>th</sup> District  
County of Los Angeles  
822 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

JUL - 7 2009

✓ Mr. Ramon E. Cordova  
Senior Regional Planning Assistant  
Department of Regional Planning  
Land Divisions Section  
County of Los Angeles  
320 West Temple Street, Suite 1382  
Los Angeles, California 90012

Re: Pacific Heights Development  
Tract No. 51153  
Hearing Date: July 17, 2009

Dr. Mr. Supervisor and Mr. Cordova:

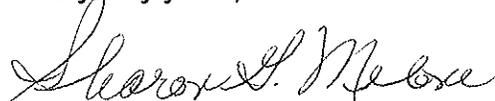
Since 1977, my husband and I have been residents and home owners in the immediate area of the subject proposed development. We live on Dawn Haven Road, the main ingress/egress street for the community. The traffic which passes in front of our home on a daily basis is very heavy. Additionally, the speed limit is frequently exceeded, making it extremely dangerous for us to exit our driveway. Further, the intersection of Colima Road and Dawn Haven Road is heavily congested at certain times of the day, and there are frequent traffic accidents at that location. The addition of more single-family residences will only add to these dangers and congestion.

I am enclosing for your information a copy of water conservation requirements which we recently received from Rowland Water District, the provider of water services for the community in question. As you can readily see from the "Water Reserve Levels" diagram, the entire community is suffering from a serious shortage of water resources. The addition of additional residences would gravely and negatively impact the water supply for the entire community.

We believe the subject development project should be terminated immediately and the developer informed there is no hope whatsoever of obtaining a permit for construction of this, or any other, project now or in the future.

Thank you very much for your attention and consideration.

Very truly yours,

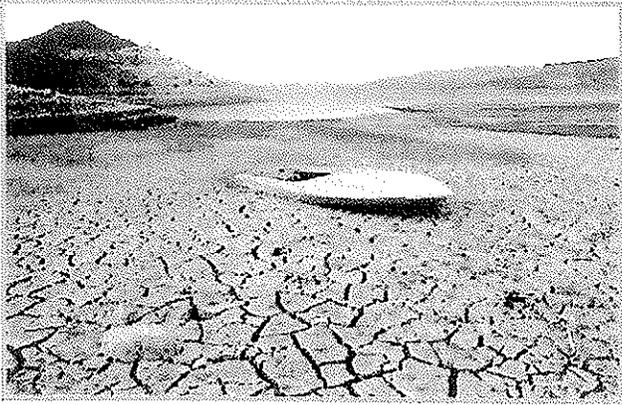
  
SHARON G. MELONE

SM

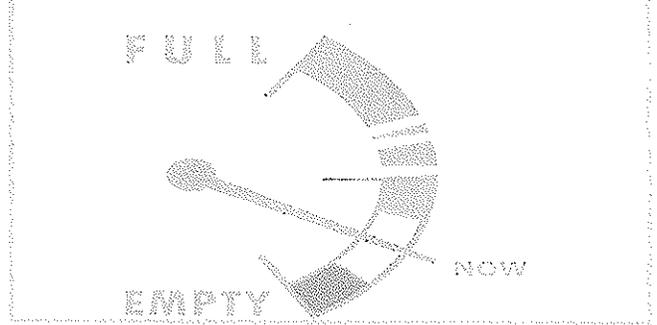
Encl: Publication from Rowland Water District



# NEW ORDINANCE PROHIBITS WASTING WATER IN THE ROWLAND WATER DISTRICT SERVICE ARE



## Water Reserve Levels



Water graphic provided courtesy of The Metropolitan Water District of So. Calif. (MWD), copyright owned by MWD

Because California is in a continuing water shortage, not simply a drought, the District encourages its customers to use water efficiently, even during times of adequate supplies, and the following water conservation practices are recommended at all times:

- ⦿ No watering or irrigation of lawn, landscape or other vegetated area with potable water between the hours of 8:00 a.m. and 5:00 p.m.
- ⦿ Eliminate watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.
- ⦿ Washing down of sidewalks, walkways, driveways, parking areas, tennis courts, patios, or alleys should only be done using a bucket or hand-held hose equipped with self-closing water shut-off device, a low volume, high-pressure cleaning machine, or a low volume high-pressure water broom.
- ⦿ Repair all plumbing and irrigation leaks and/or breaks as soon as reasonably possible.
- ⦿ No restaurant, hotel, cafeteria or other public place where food is sold or served shall provide drinking water to any customer unless specifically requested to do so.
- ⦿ Hotels, motels and other commercial lodging establishments should offer customers the option of not having towels and linens laundered daily and should display a notice of this option in each bathroom using clear and easily understood language.

In May, the Rowland Water District Board of Directors approved an Ordinance establishing a water conservation and water shortage contingency plan.

A *Level 1 Water Supply Shortage* has been declared in the Rowland Water District service area requiring mandatory minimum 10% water use restrictions commencing July 1, 2009. In addition to the foregoing conservation measures, the following water conservation requirements apply during a declared

*Level 1 Water Supply Shortage:*

- ⦿ Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to three days per week – Monday, Wednesday and Friday. Irrigation by hand-held hose equipped with a positive self-closing shut-off nozzle, drip irrigation type irrigation systems when no emitter produces more than 2 gallons per hour, or hand-held bucket or similar container is permitted.
- ⦿ All leaks, breaks and malfunctions in the customer's plumbing must be repaired within 72 hours of discovery. Failure to repair a leak or break within 72 hours of notification by the District will constitute a violation.
- ⦿ Potable water used on a temporary basis for construction and dust control is limited to quantity described in the plan submitted by the user which describes water use requirements.
- ⦿ Use of water from fire hydrants is limited to fire fighting or activities necessary to maintain public health, safety and welfare.
- ⦿ Metered water use in excess of the mandatory 10% reduction, will be billed at a penalty rate of \$3.72 per hcf, in addition to the water usage charge.

Violation of the Ordinance is subject to a written warning for the first violation and is punishable by a fine of up to \$200.00 for subsequent violations.

To report overwatering or runoff, or for more information about water conservation, contact us at (562) 697-1726. Visit our website at [www.rowlandwater.com](http://www.rowlandwater.com) to view a complete version of the Ordinance.





## Cordova, Ramon

---

**From:** Ken Deck [KDeck@ROWLANDWATER.COM]  
**Sent:** Thursday, July 30, 2009 12:16 PM  
**To:** Cordova, Ramon  
**Subject:** RE: TR 51153 - Pacific Heights

Hi Ramon,

I would have to investigate that because of the potential liability issue with it being specified as a public access trail. We have other tank sites where there has not been a trail installed, but the public uses our access road to get to other areas of the park. When we have had request for vehicular access we do have a license agreement.

**From:** Cordova, Ramon [mailto:rcordova@planning.lacounty.gov]  
**Sent:** Wednesday, July 29, 2009 5:17 PM  
**To:** Ken Deck  
**Subject:** TR 51153 - Pacific Heights

Ken,  
Pacific Communities is creating Lot No. 50 as a public facility lot for the proposed water tank. They are also proposing to create a trail along the access driveway on Lot No. 50 for public use that would connect with other trails inside of Schabarum Park. If this lot is conveyed to the Rowland Water District would a trail be allowed on the access driveway? I am planning to add this information to my staff report for the continued August 19<sup>th</sup> Regional Planning Commission public hearing. Thank you for your help on this matter.

Ramon E. Cordova  
Senior Regional Planning Assistant  
Land Divisions Section  
Los Angeles County  
Department of Regional Planning  
Phone: (213) 974-6433  
Fax: (213) 626-0434  
E-mail: [rcordova@planning.lacounty.gov](mailto:rcordova@planning.lacounty.gov)