Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

September 10, 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; SEPTEMBER 16, 2009
SUPPLEMENTAL INFORMATION

PROJECT BACKGROUND

Staff submitted a hearing package to your Commission ("RPC") on September 3, 2009 for Project No. 92027-(4), 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 hearing package included draft findings and conditions of approval as well as the Findings of Fact for the Environmental Impact Report.

CORRESPONDENCE

- Mitigation for Offsite Library Project – On September 8, 2009 staff received a letter and exhibits (attached) dated September 8, 2009 from the Los Angeles County Department of Parks and Recreation ("Parks & Rec") requesting that the applicant relocate Lot No. 58, a 10-acre parcel of land to the southeast corner of the project site, eliminating any manufactured slopes from the lot. Lot No. 58 is proposed to be dedicated to Parks & Rec, as mitigation for an offsite library project proposed within adjacent Schabarum Park. The offsite library project is separate from this subdivision and is not required or related.

- Fuel Modification/Brush Clearance – The applicant has forwarded an e-mail (attached) dated September 3, 2009 between the applicant and the Los Angeles County Agricultural Commissioner which contains language for the proposed condition prohibiting fuel modification/brush clearance within Schabarum Park for the benefit of siting a structure within Lot No.15. 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. If brush clearance cannot be avoided at the building permit stage, the applicant proposes a replacement area to be donated for Schabarum Park.

- Staff has included an exhibit (attached) as Attachment A with revised draft conditions pertaining to the mitigation for offsite library project (Condition A of Attachment) and fuel modification/brush clearance for your Commission's review.

STAFF EVALUATION

Staff concurs with Parks & Rec's recommendation regarding the 10-acre parcel for offsite library mitigation, and drafted language that also requires that area be compatible with Mitigation Monitoring Program. Any mitigation required for the project should not be within the 10-acre parcel dedicated to Parks & Rec.

The applicant has discussed the proposed condition with the Los Angeles County Agricultural Commissioner who has found it acceptable. Staff however does not recommend a replacement method for brush clearance impacts to Schabarum Park. This would result in a net loss of open space required for the project as a hillside management density controlled development since all open space was provided within open space lots.

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

Staff recommends that the Commission close the public hearing, and certifies that the Final EIR was completed in compliance with CEQA and the State and County guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the project. Staff also recommends the Commission approve Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027 with the attached revised conditions as recommended by staff.

Suggested Motion: "I move that the Regional Planning Commission close the public hearing, and certifies that the Final EIR was completed in compliance with CEQA and the State and County guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the project."

AND

Suggested Motion: "I move that the Regional Planning Commission approve Vesting Tentative Tract Map No. 51153, Conditional Use Permit Case No. 92027 and Oak Tree Permit Case No. 92027 with conditions as revised."

SMT:REC
9/10/09

Attachments:
Draft condition revisions (Attachment A)
Parks and Recreation letter and exhibits dated September 8, 2009
Applicant's e-mail dated September 3, 2009

ATTACHMENT A

MITIGATION FOR OFFSITE LIBRARY PROJECT

Staff's Recommended Revised Language (New Tract Map and CUP condition)

A. The permittee or successor in interest shall dedicate open space Lot No. 58, a 10-acre parcel, to the Los Angeles County Department of Parks and Recreation ("Parks & Rec") relocating lot to the southeast portion of project site adjoining Schabarum Park, and shall not include any manufactured slopes or disturbed areas, and shall be compatible with all MMP requirements to the satisfaction of Parks & Rec and the Director of Planning.

FUEL MODIFICATION/BRUSH CLEARANCE

Staff's Recommended Revised Language (Tract Map Condition No. 16 and CUP Condition No. 21)

B. No fuel modification/brush clearance of any kind shall be permitted within Schabarum Park to accommodate a structure to be sited on Lot No. 15. Prior to issuance of a building permit for Lot No. 15, the developer shall provide evidence through an approved fuel modification/brush clearance plan that no fuel modification/brush clearance will be required on adjoining Schabarum Park to accommodate any structures on Lot No. 15 to the satisfaction of the Los Angeles County Fire Department, Agricultural Commissioner, Parks and Recreation, and the Director of Planning. No building permit shall be issued for any structure on Lot No. 15 if the fuel modification/brush clearance area falls within Schabarum Park.

Applicant's Proposed Language

C. Prior to issuance of a building permit for Lot No. 15, the developer will provide evidence that no brush clearance will be required on adjoining Schabarum Park to accommodate any structures on Lot No. 15 to the satisfaction of the Los Angeles County Agricultural Commissioner ("Agricultural Commissioner"), Parks and Recreation, and the Director of Planning. If the Agricultural Commissioner determines, at the time of building permit issuance, that brush clearance will be required on adjoining Schabarum Park to accommodate any structures on Lot No. 15, then the developer will donate, prior to issuance of a building permit for Lot 15, an adjacent portion of undisturbed open space at a 1:1 replacement ratio for the park land within Schabarum Regional Park that will require brush clearance.

COUNTY OF LOS ANGELES

DEPARTMENT OF PARKS AND RECREATION

"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

September 8, 2009

TO: Ramon Cordova
Senior Regional Planning Assistant
Department of Regional Planning

FROM: Larry R. Hensley
Chief of Planning

SUBJECT: **VESTING TENTATIVE TRACT MAP NO. 51153 – PACIFIC HEIGHTS OPEN SPACE DEDICATION**

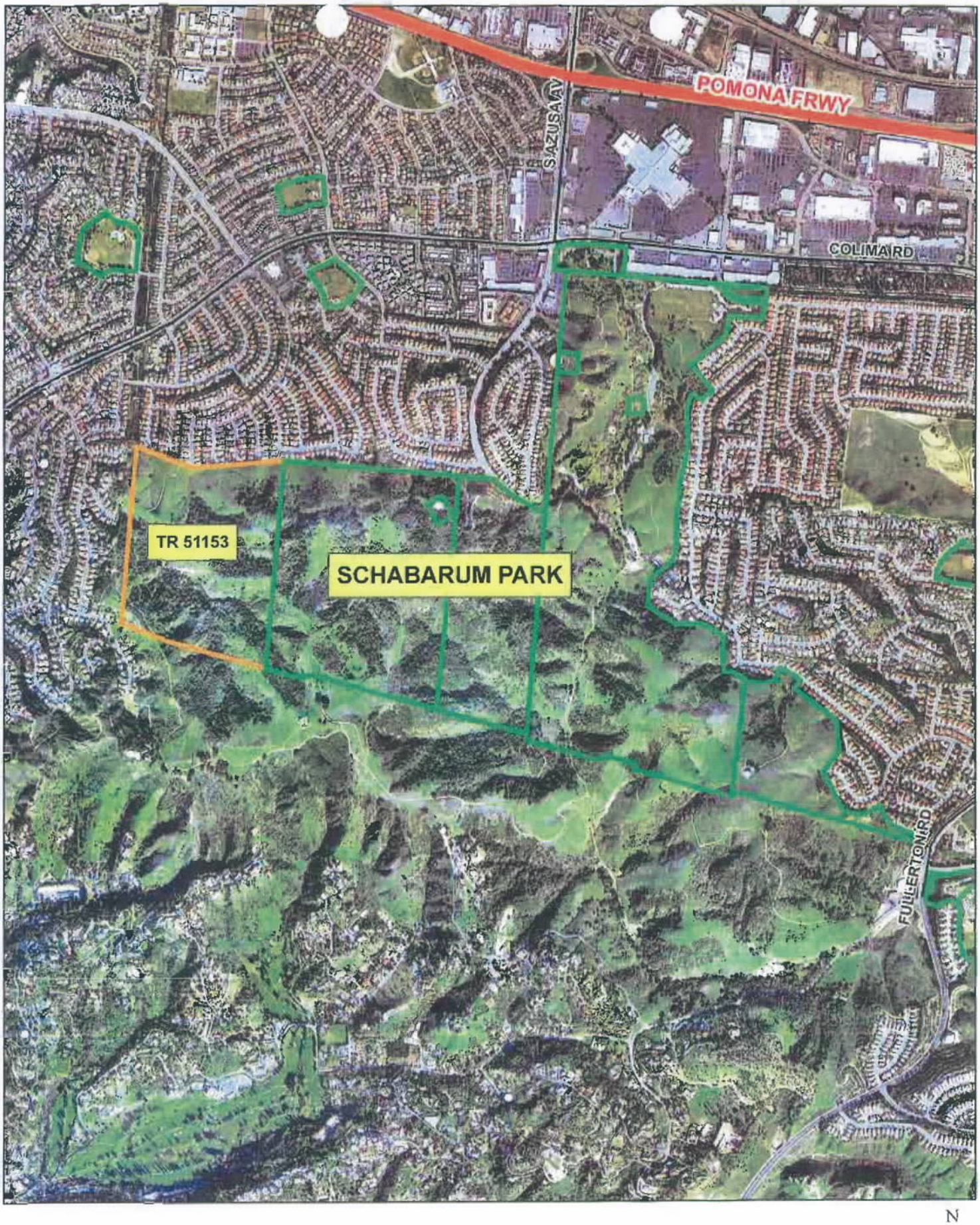
The applicant has offered to dedicate Lot No. 58, a 10-acre lot, to the Department of Parks and Recreation as permanent open space. Upon further review, we have determined that the northern portion of this lot is undesirable for park and open space purposes due to the presence of manufactured slopes. We request that the applicant instead dedicate to us 10 acres of land at the southeast corner of the property, away from the manufactured slopes. Our request is shown graphically in the attached aerial photograph (page 2). We further ask that the applicant transfer ownership of these 10 acres to the Department at final map recordation.

If you have any questions or need clarification, please feel free to contact me at (213) 351-5098 or lhensley@parks.lacounty.gov.

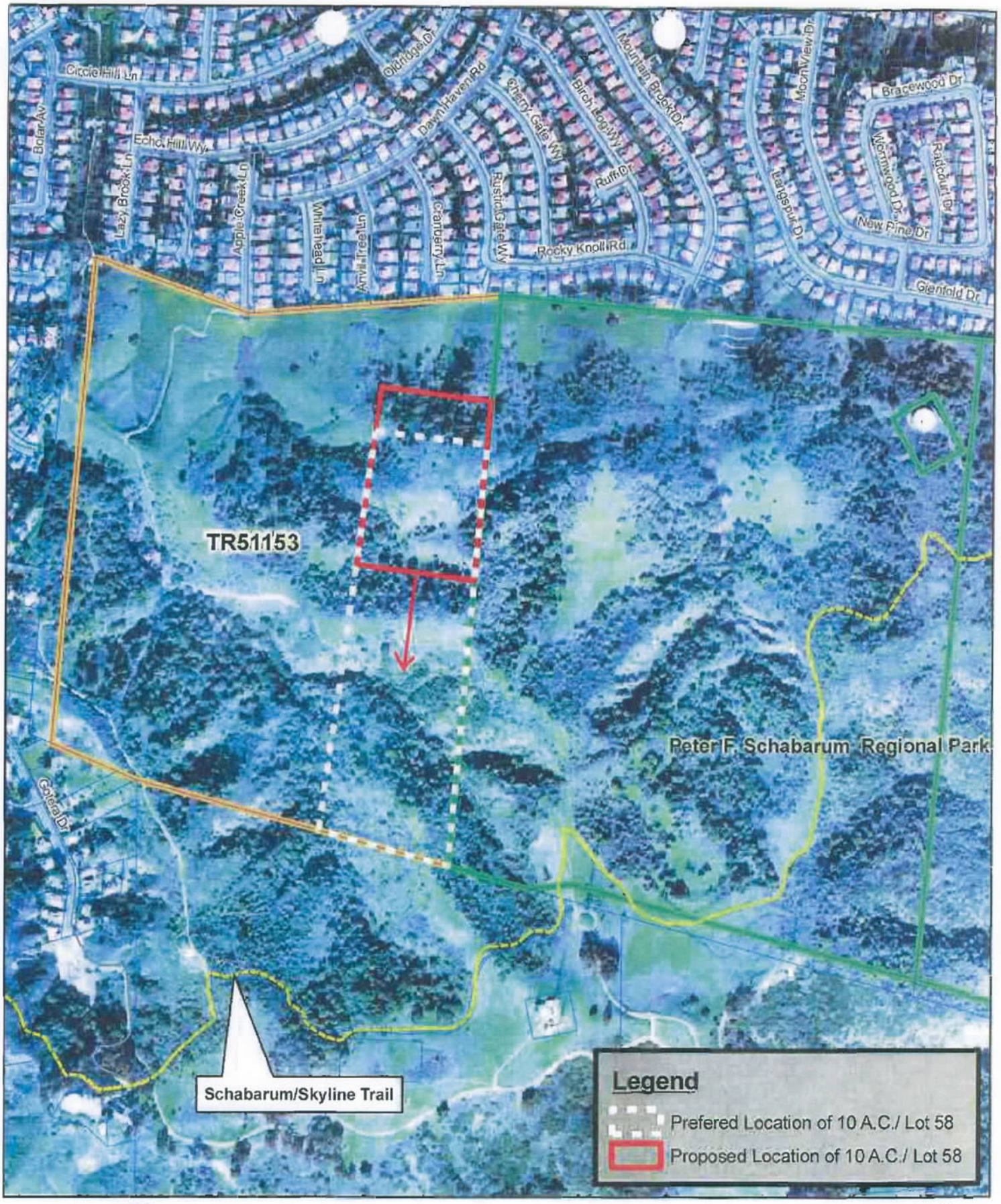
LH:CL

Attachment: Aerial photographs (2 pages)

c: Parks and Recreation (N.E. Garcia, H. Sohm, C. Douglas, J. Barber)


POMONA FRWY
SAZUSA AV
COLIMA RD
TR 51153
SCHABARUM PARK
FULLERTON RD
N

TR 51153



8-31-09
Map Preppared By: Planning
LACO Parks and Recreation

Roads: Thomas Brothers. All Rights Reserved
Aerial: LAR-IAC2 2008
Subdivision Data: Regional Planning
Trails and Parks: Parks and Recreation
Parcels: Assessor 2009

Peter F. Schabarum Regional Park

Proposed Location of Lot 58 for TR51153

500 Feet

N

Cordova, Ramon

From: Alexanian, Sorin
Sent: Tuesday, September 08, 2009 1:20 PM
To: Cordova, Ramon; Tae, Susan
Subject: FW: Brush Clearance Inquiry for TT-51153

FYI

-----Original Message-----
From: Robert Philibosian [mailto:RPhilibosian@sheppardmullin.com]
Sent: Thursday, September 03, 2009 3:50 PM
To: Alexanian, Sorin
Cc: Elsa@pcbinc.com; Nelson Chung; James Pugh
Subject: FW: Brush Clearance Inquiry for TT-51153

Sorin,

Thanks for reviewing the condition. Here is the concurrence from the Ag Dept. with Elsa's proposed draft condition.

Best regards,
Robert

Robert H. Philibosian
Sheppard, Mullin, Richter & Hampton LLP
333 S. Hope Street, 48th Floor
Los Angeles, CA 90071
Direct Dial: 213-617-5420
Fax: 213-620-1398
Email:rphilibosian@sheppardmullin.com
www.sheppardmullin.com

-----Original Message-----
From: Elsa Trujillo [mailto:Elsa@pcbinc.com]
Sent: Thursday, September 03, 2009 3:31 PM
To: James Pugh; Robert Philibosian
Cc: Nelson Chung
Subject: FW: Brush Clearance Inquiry for TT-51153

FYI See e-mail below from the Agricultural Department.

Elsa Trujillo, Project Manager
Pacific Communities Builder Inc.
1000 Dove Street Suite 300
Newport Beach, CA 92660
TEL: (949) 660-8988 Ext. 123
FAX: (949) 253-0683
Elsa@pcbinc.com

-----Original Message-----
From: Richard Takata [mailto:RTakata@acwm.lacounty.gov]
Sent: Thursday, September 03, 2009 3:27 PM
To: Elsa Trujillo
Cc: Adrian Zavala
Subject: RE: Brush Clearance Inquiry for TT-51153

Ms. Trujillo-

I've discussed with my supervisor and the draft conditions below are acceptable to our Department.

Regards,

Richard Takata
Deputy Agricultural Commissioner/Sealer
Weed Abatement Division
(626) 459-8892
RTakata@acwm.lacounty.gov

>>> "Elsa Trujillo" <Elsa@pcbinc.com> 9/3/2009 12:42 PM >>>
Good Afternoon Richard,
Per our previous e-mails regarding our Pacific Heights Project Site
(APN: 8294-030-001) located in Hacienda Heights off Apple Creek Lane, we are currently working with the Planning Department to come up with a condition of approval for Lot 15, the lot closest to our east property line. As you recall Schabarum Regional Park is adjacent to our property on the east and brush clearance may or may not need to be conducted on Schabarum park to accommodate a home on Lot 15, as per the e-mails below. Therefore, given that your department can't make a determination at this time regarding if brush clearance will be required on Schabarum park until we can provide you with a precise grading plan that will show you the exact placement of where the home will be on Lot 15 (which will include setback information), we would like you to review the draft condition below and let us know if this is acceptable to your department:

"Prior to issuance of a building permit for Lot No. 15, the developer will provide evidence that no brush clearance will be required on adjoining Schabarum Park to accommodate any structures on Lot No. 15 to the satisfaction of the Los Angeles County Agricultural Commissioner ("Agricultural Commissioner"), Parks and Recreation, and the Director of Planning. If the Agricultural Commissioner determines, at the time of building permit issuance , that brush clearance will be required on adjoining Schabarum Park to accommodate any structures on Lot No. 15, then the developer will donate , prior to issuance of building permit for Lot 15 , an adjacent portion of undisturbed open space at a 1:1 replacement ratio for the park land within Schabarum Regional Park that will require brush clearance."

If you could respond to this e-mail and let me know as soon as possible I would greatly appreciate it. -Thanks

Elsa Trujillo, Project Manager
Pacific Communities Builder Inc.
1000 Dove Street Suite 300
Newport Beach, CA 92660
TEL: (949) 660-8988 Ext. 123
FAX: (949) 253-0683
Elsa@pcbinc.com

-----Original Message-----
From: Richard Takata [mailto:RTakata@acwm.lacounty.gov]
Sent: Tuesday, July 07, 2009 4:29 PM
To: Elsa Trujillo

Cc: Adrian Zavala
Subject: Re: Brush Clearance Inquiry for TT-51153

Ms. Trujillo-

Based on the measurements provided, you are correct in your assessment. Again, I must emphasize that in determining what clearance is needed, staff takes other factors into consideration such as slope, erosion concerns, etc.

Regards,

Richard Takata
Deputy Agricultural Commissioner/Sealer
Weed Abatement Division
(626) 459-8892
RTakata@acwm.lacounty.gov

>>> "Elsa Trujillo" <Elsa@pcbinc.com> 7/7/2009 3:16 PM >>>
Good Afternoon Richard,

This is Elsa Trujillo, from Pacific Communities; we spoke earlier regarding my inquiry on Brush Clearance requirements. I think I now have a better understanding of these requirements but wanted to verify with you that my understanding is correct.

Per your direction, I reviewed section 317.2.2 of the fire code regarding brush clearances. Based on my interpretation of this section of the code "effective fire protection or firebreak" around and adjacent to buildings or structures is made by "removing and clearing away, for a distance of not less than 30 feet on each side thereof, all flammable vegetation or combustible growth." However, there are "exceptions for extra hazardous" conditions in which an additional fire protection or firebreak from 30 to 100 feet may be required, but not to exceed a 200 feet radius from the structure. Per this section of the code, this determination is determined by the fire code official or commissioner. Based on my conversation with you, the fire code official or commissioner will not make this determination until the homes for our proposed subdivision are built. Therefore, since the closest home to our eastern property line will have 138 feet of clearance, Shabarum Regional Park, which located adjacent to our parcel on the east, may or may not be required to conduct additional brush clearance. However if it is determined that additional clearance is required, as mentioned above, the maximum firebreak is up 200 feet, so the maximum brush that Shabarum Regional Park would be required to clear on their site, is 62 feet.
Please confirm, if this is correct. -Thanks

Elsa Trujillo, Project Manager

Pacific Communities Builder Inc.

1000 Dove Street Suite 300

Newport Beach, CA 92660

TEL: (949) 660-8988 Ext. 123

FAX: (949) 253-0683

Elsa@pcbinc.com

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