



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

August 13, 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. 5 a, b,c,d; AUGUST 19, 2009**

**SUPPLEMENTAL INFORMATION**

**PROJECT BACKGROUND**

Staff submitted a hearing package to your Commission ("RPC") on August 6, 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).

On August 10, 2009 Staff received a detailed letter (attached) describing the applicant's concerns with the August 6, 2009 Staff analysis. On August 11, 2009, Staff met with the applicant and his representatives to discuss those issues. Based on further discussion with the applicant this supplemental memo clarifies additional facts of the case and resolves additional issues from the August 6 staff analysis.

**ADDITIONAL CLARIFICATION FROM RPC MEMO DATED AUGUST 6, 2009**

Page 1 – 2

**Changes Included**

- 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

**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 Supplemental Information**

**PAGE 2**

- 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 balanced 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~~ allowing a reduction in grading amounts.
  - Redesign of street from public, 58 feet wide and 64 feet wide, to private and future street system and driveway system ~~and fire lanes~~, 46 feet wide, also ~~allowed~~ allowing a reduction in grading.

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

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

**AFTER APRIL 8, 2009 PUBLIC HEARING**

**Page 3**

**Open Space**

- Public Dedication – The applicant stated that they had met with the San Gabriel Mountains Regional Conservancy and discussed possible dedication of undisturbed open space, Lot No. 57 (69 acres) to their organization. The applicant forwarded a letter dated August 10, 2009, from the Conservancy stating their interest in accepting the undisturbed open space lots. Staff agreed that the Conservancy was an acceptable agency to acquire and maintain open space. A mitigation measure in the final EIR

already includes requirement of an irrevocable conservation easement before final map recordation.

- 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~~ Lot No. 58 and Parks & Rec indicated that they would not be able to use Lot No. ~~56~~ 58 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. The offsite library project is separate from this subdivision and is not required or related.

#### **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. Staff acknowledges the applicant's interpretation of the low-density threshold as 11 dwelling units, which was calculated for this project per Section 22.56.215.E.1 of the Los Angeles County Code. Staff's calculation of the low-density threshold as nine dwelling units for this project was based on the Los Angeles Countywide General Plan slope density analysis per department policy.
- 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. The Applicant will also prepared additional information to justify consistency with the Plan, which was attached in their July 9, 2009 additional materials. Based on the information provided, Staff believes that the proposed project is consistent with Plan.

#### **Page 4**

- 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. This is separate from the midpoint density threshold calculation in the Hillside Management Ordinance, and is separate from the previous Commission's discussion regarding density.

### Project Benefits and Amenities

The proposed project's community benefits are adequate based on previous Commission's direction and the fact that Zoning Ordinance does not specifically require community benefits for permitted density.

- 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.
- Open Space Trails - The applicant had requested that staff acknowledge the feasibility of proposed trail system given 20-foot-wide trailhead, Rowland Water District (“RWD”) letter (attached), existing open space access points and historical use of offsite trails. After much discussion on August 11, 2009, Staff and the applicant agreed that an onsite private hiking trail (“Trail”) to be owned and maintained by the homeowners association, would satisfy staff’s concern for continued trail access within the project site. Staff is also recommending an irrevocable easement to the public for continued pedestrian access to be reviewed by Staff. The proposed Trail will be contiguous with the west and southwest lot lines of Lot No. 56 (see attached exhibit). It was also concluded, based on the additional correspondence from the RWD, that the proposed Trail within the water tank access road would be allowed. The applicant has also agreed to construct and maintain a picnic/view area with tables and seating, as an additional open space amenity.
- 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 (previously attached). Applicant also stated that stabilization grading that satisfied geotechnical requirements of the Los Angeles County Department of Public Works (“Public Works”), impacted additional oak trees which required their removal. The EIR concluded that all oak tree impacts could be mitigated to less than significant. The project will be replanting a total of 277 trees for the removal of 126 trees (a 2.2 to 1 replacement ratio).

- 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. The applicant clarified that the brush clearance requirements range from 30 feet to 200 feet, and that the extent of clearance determination on Schabarum Park cannot be made until the structure is proposed on Lot No. 15. Therefore, Staff recommends a condition that prior to the issuance of any building permit, the subdivider provide evidence that no brush clearance or fuel modification would be required on adjoining Schabarum Park for any development on Lot No. 15 to the satisfaction of the Los Angeles County Agricultural Commissioner (“Agricultural Commissioner”), Parks & Rec and the Director of Planning. If it is determined at the time of building permit issuance that offsite brush clearance/fuel modification would be required on Schabarum Park for the development of Lot No. 15, prior to building permit issuance the subdivider and/or subsequent homeowners association will be required to establish a financing mechanism for the brush clearance on Schabarum Park, to the satisfaction of the affected County departments.

Page 5

#### ADDITIONAL CLARIFICATION FROM PREVIOUS STAFF REPORTS

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

- 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 and updated in the Final EIR to require additional nesting birds 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~~ The entire property is within the SEA, but the project's impacts will only affect 32 percent of the site located within the SEA and only 2.08 percent (5.8 percent in worst-case scenario) of the overall SEA. The proposed project is within the Powder Canyon/Puente Hills SEA and covers 5.67 percent of the overall SEA which is comprised of 609 acres. Areas to be impacted include 32 acres of graded lots and other graded areas and an additional 2.59 acres of oak woodland mitigation area for a total impacted area of 34.59 acres. This impact was identified as less than significant with mitigation in the Final EIR.

- 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 ~~that they will be planted in non-native grassland areas where soil is not compacted. Will be clarified in continued hearing memo,~~ illustrates in Figure 4.4-1 on page 4-27, and in Exhibit 3 of the biota report included and prepared by Natural Resource Consultants, that the majority of replacement oaks will be planted in non-native grassland areas where soil is not compacted. Only a small quantity of replacement oaks were identified to be planted within an area indicated in Exhibit 3 to have Sumac Scrub.
  
- Staff report 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~~ Drought – Tolerant Landscaping ordinance, but final approval of all landscaping plans will be made by Regional Planning and the County Forester. Mitigation measure M-B-5 requires that only vegetation native to the Puente Hills area be used.

**Page 6**

**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

**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 Supplemental Information**

**PAGE 7**

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. The applicant has complied with most of the 2004 Commission recommendations (decreased units, decreased grading amounts), and where these were not met, provided adequate justification. The oak tree removals were warranted by Public Work's geotechnical requirements based on the current design, and offsite brush clearance will be addressed at the building permit stage through project financing if necessary.

**Page 7**

**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 Mitigation measures M-B-1 and 2, which require proper oak tree mitigation performance standards, incorporate a seven-year maintenance period.

**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 Supplemental Information**

**PAGE 8**

**UPDATED STAFF EVALUATION**

The applicant has demonstrated that the proposed subdivision is consistent with the extremely low density per the Plan's Environmental Resource Management as the density for this project is 0.41 dwelling units per gross acre and a maximum of 47 dwelling units. The project is also supported with appropriate biota studies in the EIR for development within the SEA.

The project provides 89 percent of open space which consists of both undisturbed and disturbed terrain, and trails and pedestrian access for the community, including the access driveway on Lot No. 50 (water tank lot) and additional access through the subject property with picnic/rest area. Staff is recommending irrevocable easements to the public for the onsite pedestrian access and picnic/rest area.

Staff is also recommending a condition requiring proof that no brush clearance or fuel modification would be required on adjoining Schabarum Park for any development on Lot No. 15. If it is determined by the Agricultural Commissioner at the time of building permit issuance that offsite brush clearance/fuel modification would be required on Schabarum Park for Lot No. 15, Staff is recommending that a financing mechanism be established for the brush clearance required for Lot No. 15 on Schabarum Park, to the satisfaction of the appropriate County department.

The Final EIR has been prepared and circulated to the Commission. With preparation of final documents, the Findings of Fact for the EIR must also be prepared, and will be considered together for any final action.

**UPDATED STAFF RECOMMENDATION**

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 and can meet the necessary findings for approval, the Commission may continue the public hearing and direct staff to prepare necessary findings and conditions for approval including the Findings of Fact for the EIR.

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

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 Supplemental Information

PAGE 9

If your Regional Planning Commission has any remaining concerns or additional questions, the Commission may continue the public hearing for further discussion.

**Suggested Motion:** "I move that the Regional Planning Commission continue the public hearing to a date certain to allow time to address issues raised during the public hearing."

SMT:REC  
8/13/09

Attachments:

Applicant's letter dated August 11, 2009 with exhibits and correspondence



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

August 11, 2009

Our File Number: 0JYV-070914

**BY EMAIL AND HAND DELIVERED**

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

Re: Pacific Heights Project No. 92-027-(4)

Dear Mr. Sanabria:

As you know, this firm represents Pacific Communities Builders, Inc. ("Pacific Communities") regarding its Pacific Heights project (the "Project") referenced above. For almost four months, we have been working with you, Mr. Alexanian, Ms. Keane from the County Counsel's office, and several members of the Department of Regional Planning (the "Planning Department") to resolve all outstanding issues associated with the Project. Our collective goal has been to reach agreement on the Project's design, environmental impacts, and community benefits prior to the Regional Planning Commission's (the "Planning Commission") consideration of the Final Environmental Impact Report (the "Final EIR") and the Project itself on August 19, 2009.

We have made substantial progress. On August 6, 2009, however, the Planning Department staff ("Staff") issued a report (the "Staff Report") that identifies more unresolved issues. The Planning Commission requested on April 8, 2009 that Staff and Pacific Communities resolve all outstanding issues before presenting the Project to the Planning Commission. Both parties should honor the Planning Commission's request.

Accordingly, the following discussion and supporting attachments (1) demonstrate that the Staff's remaining issues can and should be resolved, (2) identify factual inaccuracies in the Staff Report, (3) clarify ambiguous Staff analysis, and (4) offer an alternative recommendation for the Planning Commission's consideration. For convenience, we have organized our comments below based on the organization of the Staff Report.

Mr. Jon Sanabria  
August 11, 2009  
Page 2

I. PROJECT BACKGROUND.

At this time, we have no substantive comments on this section. We would, however, like to remind the County that Pacific Communities has pursued Project approval for more than 10 years. During that time, Pacific Communities has revised the Project over and over again to accommodate the County's numerous and multi-departmental requests.

II. APRIL 8, 2009 PUBLIC HEARING.

At this time, we have no substantive comments on this section. Again, however, we would like to point out that the project changes listed in this section reduce the Project's overall impacts and were implemented in response to County requests. For example, Pacific Communities reduced the number of dwelling units and substantially reduced grading quantities to address the Planning Commission's concerns. Similarly, Pacific Communities implemented extensive remedial grading measures (which consequently impacted 17 additional oak trees) as mandated by the County's geotechnical department. Likewise, Pacific Communities relocated and fully mitigated impacts associated with the Project's water tank and redesigned the Project's internal streets to respect certain Planning Department and Planning Commission requests. In short, Pacific Communities has in good faith implemented all of the County's reasonable requests.

III. AFTER APRIL 8, 2009 PUBLIC HEARING.

A. OPEN SPACE.

The Staff Report raises two points here.

First, the Staff Report indicates that Pacific Communities has met with the San Gabriel Mountains Conservancy (the "Conservancy") to discuss open space dedication. This is true and the Conservancy has expressed in writing a strong interest in receiving the open space donation. See Attachment 1: Conservancy Letter of Interest.

In the past, we have recognized that Staff and the Planning Commission were concerned by the fact that there was not a formal agreement in place with a conservation entity. However, this concern has already been addressed. Mitigation Measure "M-B-1" in the Final EIR expressly requires Pacific Communities to establish an irrevocable conservation easement **before** recordation of a final map. Thus, Pacific Communities cannot develop with Project without such an agreement in place.

Second, the Staff Report discusses mitigation for an offsite library project. We want to clarify that this "mitigation requirement" is completely unrelated to the Project. Pacific Communities voluntarily offered the County Department of Parks and Recreation a 10-acre parcel to help mitigate a public library project. Staff has determined that "State requirements"

Mr. Jon Sanabria  
August 11, 2009  
Page 3

prohibit use of the subject parcel, but has not supported that position with any evidence. The Staff Report should clarify that Pacific Communities has no duty to mitigate the library project.

B. DENSITY.

The Staff Report raises three points here.

First, the Staff Report states that Staff used the Los Angeles Countywide General Plan (the "General Plan"), the Hacienda Heights Community Plan (the "Community Plan") and the Hillside Management Ordinance (the "Zoning Code") to calculate the Project's low-density threshold as nine dwelling units. That is incorrect. Staff did not use the Zoning Code to calculate the Project's low-density threshold despite Pacific Communities' repeated requests that it do so.

For issuance of a conditional use permit ("CUP") within a non-urban hillside management area and a Significant Ecological Area ("SEA"), the Planning Commission must apply the Zoning Code to calculate residential density. Specifically, Section 22.56.215(J)1(d)ii of the Zoning Code states that "[t]he hearing officer **shall**, as a condition of approval, designate the maximum number of dwelling units permitted in a residential development as . . . a number between the low-density threshold and the maximum number of dwelling units established for such property pursuant to subsection E of the [Zoning Code]." Pursuant to the Planning Department's request, Pacific Communities submitted a letter on July 9, 2009 (the "July 9 Letter") that contained a detailed density analysis pursuant to the Zoning Code, which demonstrates that the density range for the Project is between 11 and 75 dwelling units. However, the Staff refuses to recognize the validity of that analysis and did not integrate it into the Staff Report. We request the Staff update the Staff Report and include the residential density calculations required by the Zoning Code.

Second, the Staff Report indicates that Pacific Communities will provide "additional information" to justify consistency with the Community Plan. As noted above, Pacific Communities provided that information in the July 9 Letter that is attached to the Staff Report. Also, Pacific Communities updated the Community Plan consistency analysis in the Final EIR and the County approved that analysis before releasing the Final EIR on August 4, 2009. In addition, Pacific Communities has submitted several iterations of the burden of proof documents, which also contain a Community Plan consistency analysis. No further analysis of this issue should be required. If, however, Staff still feels it needs more information, then we need Staff to precisely define which provisions of the Community Plan require additional analysis.

Third, the Staff Report states that "[s]taff 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

Mr. Jon Sanabria  
August 11, 2009  
Page 4

or amenities." To begin with, Staff did not raise this issue in the staff report for the April 8, 2009 Planning Commission hearing and in fact did not mention it until our meeting with Staff on June 25. Moreover, this statement is inconsistent with the Zoning Code and the Planning Commission's direction at the 2004 hearings. Also, 43 dwelling units (not 42) is the mid-point density under the Zoning Code.

Regarding the Zoning Code, it does not require "community benefits" in order to increase density. Instead, the Planning Commission has discretion to choose the number of permitted dwelling units as long as it is somewhere between the low-density threshold (calculated with the Zoning Code) and the maximum number of units established for the property. Here, that range is between 11 and 75 units. As we have previously pointed out, none of the Planning Commissioners suggested that the number of units be decreased below 45 units during the 2004 public hearings, and at least two Commissioners stated that the 50-unit project proposed at that time was acceptable. In addition, the County should note that the Staff's request for community benefits that do not have a roughly proportional nexus to the Project's impacts, and are not required by the Zoning Code, could be seen as an unlawful exaction.

Finally, the Planning Commission did not request additional community benefits or amenities to justify density on this Project beyond what Pacific Communities has proposed. The Planning Commission did request changes in the project design in 2004, but those were driven by environmental concerns and not community benefits. Pacific Communities did reduce the Project's dwelling units and satisfied every other Planning Commission request as demonstrated in the side-by-side tables attached as Exhibit 2 of the Staff Report. See Attachment 2: Planning Commission Comparison Tables.

Even putting the above two points aside, the Project has many community benefits, including, but not limited to (1) expansive open space dedication (89% of the site), (2) new trail heads and a permanently preserved trail system, (3) stabilization of hazardous landslide conditions, and (4) substantial reduction of stormwater flow onto adjacent residential property owners.

C. PROJECT BENEFIT AND AMENITIES.

The Staff Report raises four points here.

First, regarding pedestrian access to open space, the Staff Report states that "[t]he applicant also avoided creating a trailhead at Apple Creek Road." That is incorrect. Pacific Communities created a 20-foot-wide trail along the entire northern boundary for the Property for the exclusive purpose of pedestrian access to open space. See Attachment 3: Proposed Trails.

Also regarding trails, the Staff Report claims that a portion of the open-space trail system that doubles as a water tank access road creates "liabilities" for the Rowland Water District (the "District"). That is also incorrect. We have attached a letter signed by the District's

Mr. Jon Sanabria  
August 11, 2009  
Page 5

General Manager evidencing that the proposed trail system is acceptable to the District. See Attachment 4: District Trails Letter.

Second, the Staff Report misquotes Pacific Communities as saying the Project contains an "abundance" of community benefits and amenities. That is incorrect. As discussed above, Pacific Communities continues to hold the position the Project presents an adequate number of community benefits in relations to its environmental impact. Neither the Zoning Code nor the Planning Commission require more amenities than currently proposed.

Third, the Staff Report notes the Project's impacts on oak trees. Here, we simply remind the County that the impacts to oak trees and oak woodlands are **fully** mitigated according to all State and County requirements. In fact, Pacific Communities has voluntarily exceeded such mitigation requirements, which is a point that the Staff Report fails to recognize. Similarly, the Staff Report fails to recognize that the only reason the Project must remove more oak trees (in comparison to the previous 50-unit project design) is because the County's Department of Public Works mandated grading in the areas were the additional oak trees are located. See Attachment 5: Department of Public Works Geotechnical Requirements.

Fourth, the Staff Report questions whether residential Lot 15 will trigger the need for brush clearance in adjacent Schabarum Park. Section 317 of the County Fire Code requires brush clearance between 30-foot (minimum) and 200-foot (maximum) from any structure depending on the severity of the surrounding fire hazard. As Pacific Communities explained in the July 9 Letter, the exact amount of brush clearance for Lot 15 cannot be conclusively determined until a structure is built thereon. Mr. Richard Takata, the County's Deputy Agricultural Commissioner/Sealer of the Weed Abatement Division, confirmed this fact in his July 7, 2009 email to Pacific Communities. Moreover, it is foreseeable that the Project will not require offsite brush clearance because of the substantial distance (138 feet) between the proposed structure on Lot 15 and the property line. Therefore, it is premature for Pacific Communities to remove a valuable residential lot before the County makes a final brush clearance determination. See Attachment 6: Brush Clearance Information.

#### IV. ADDITIONAL CLARIFICATION FROM PREVIOUS STAFF REPORTS.

##### A. INCONSISTENCY BETWEEN RDEIR AND STAFF REPORT.

We appreciate that this section of the Staff report acknowledges errors contained in the previous staff report, but unfortunately its also creates new misconceptions.

For example, the Staff Report states that Mitigation Measure "M-B-6" in the Recirculated Draft Environmental Impact Report (the "RDEIR") "requires additional surveys for the gnatcatcher prior to any disturbance or clearing for construction." As a general matter, the Staff Report should reference the mitigation measures contained in the Final EIR (not the RDEIR) because those measures have been revised in response to resource agency and public

Mr. Jon Sanabria  
August 11, 2009  
Page 6

comments. In any event, additional gnatcatcher protocol surveys are not required. Mitigation Measure "M-B-6" only requires "nesting bird" surveys and adherence to certain avoidance measures if such birds are identified.

Furthermore, the Staff Report confuses the extent of the Project's impact on the Powder Canyon SEA. The important point here is to realize how much of the SEA is impacted by the Project. The total acreage of the SEA is currently 609.2 acres. The Project's residential lots, streets, and public facility lot are 12.7 acres, which is only 2.08% of the Powder Canyon SEA. If the Staff considers the Project's graded open space area as an additional impact area, then the Project impacts 35.8 acres, which represents 5.8% of the Powder Canyon SEA. Importantly, the impacted area is adjacent to existing residential areas and on the outermost fringe of the Powder Canyon SEA. Either way, the Project's impact is less than significant and the Staff Report should be revised to recognize these acreages and impact levels.

Similarly, the Staff Report confuses the Project's commitment to landscape with drought tolerant plants that are native to the Puente Hills. The Staff Report states that "[w]hile the project will comply with [the] drought tolerant landscaping ordinance, non-native and/or ornamentals are still allowed with the DTL ordinance . . . ." However, Mitigation Measure "M-B-5" in the Final EIR specifically requires that "[t]he planting pallet for landscaped areas in Zone B will include drought tolerant vegetation **native** to Puente Hills, to the extent that the use of vegetation native to Puente Hills is in compliance with the County's Drought Tolerant Landscaping Ordinance and Los Angeles County Fire Department's planting requirements for Zone B." The Staff Report should be revised accordingly.

B. PREVIOUS PLANNING COMMISSION DIRECTION.

Here, the Staff Report attempts to refresh the Planning Commission's recollection regarding what it said during the 2004 hearings for the Project. We respectfully direct the County's attention to the side-by-side comparisons tables we provided regarding the 2004 hearings. As demonstrated in those tables, Pacific Communities has complied with all of the Planning Commission's requests. The Staff Report should recognize that fact, or the Staff should inform Pacific Communities of any disagreements it may have with the analysis in the side-by-side tables.

C. OTHER STAFF REPORT CLARIFICATIONS.

In this section, the Staff Report again claims that the Zoning Code was used (and the General Plan and Community Plan) to calculate the applicable low-density threshold. As discussed in Section III.B, above, however, Staff did not calculate the Project's low-density threshold using the Zoning Code. Again, we point out that the Staff must use the Zoning Code to calculate the low-density threshold because Pacific Communities is seeking a CUP. See Zoning Code, § 22.56. We note that, from a practical standpoint, this is not a major issue because, even

Mr. Jon Sanabria  
August 11, 2009  
Page 7

using the correct Zoning Code calculation, the Project's low-density threshold only increases from 9 to 11 dwelling units and the Project still requires a CUP.

V. JULY 15, 2009 PUBLIC HEARING.

Although this section of the Staff Report is short, it is also critical. It states that on July 15, 2009 "[t]he Commission continued the public hearing to August 19, 2009 and instructed staff to continue working with the applicant to resolve outstanding issues." Despite this express direction, the Staff Report shifts the burden of issue resolution back to the Planning Commission. Surely, the Planning Commission will not appreciate this approach. Thus, we can and should collectively resolve all outstanding issues before the August 19 hearing.

VI. ENVIRONMENTAL DOCUMENTATION.

We appreciate that the County completed the Final EIR and published notice of the same. Now, it is time to certify the Final EIR. Section 15088(b) of the California Environmental Quality Act ("CEQA") Guidelines, requires that "[t]he lead agency shall provide a proposed written response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report." The County distributed the Final EIR to all commenting agencies on August 6, which is 13 days before the Planning Commission hearing on August 19. As a result, there are no more procedural hurdles to satisfy regarding the Final EIR and the Planning Commission can, if it chooses, certify the Final EIR on August 19.

Moreover, the County is allowed to bifurcate Final EIR certification and consideration of the project approvals. Accordingly, we request that the Staff (1) immediately provide a copy of the Final EIR to the Planning Commission, and (2) revise the Staff Report to include a recommendation that the Planning Commission certify the Final EIR on August 19. If Staff is unwilling to make this recommendation, we need a clear written explanation that justifies Staff's position in light of Final EIR completion.

In this same section, the Staff Report incorrectly discusses the Project's oak tree mitigation requirements. It states that "the [oak] trees must reach full maturity in order for the mitigation to be declared successful." That is incorrect and a misleading interpretation of the Project's oak tree mitigation requirements. Please refer to Mitigation Measures "M-B-1" and "M-B-2" on pages 3-1 to 3-3 of the Final EIR for the proper oak tree mitigation performance standards. With respect to time, the mitigation measures incorporate a seven-year maintenance period, which not equivalent to "fully maturity" as the Staff Report states. Please note that Pacific Communities has committed to the more onerous State oak tree maintenance standard, which is five years longer than the County requirement.

VII. ADDITIONAL CORRESPONDENCE.

We have two comments regarding this section of the Staff Report.

Mr. Jon Sanabria  
August 11, 2009  
Page 8

First, the Staff Report states that "[t]he adjoining property owner had concerns with increased traffic and grading impacts to existing hillside that the proposed subdivision would create." That is incorrect. The July 6, 2009 correspondence from Sharon G. Melone only comments on traffic and water supply. The Final EIR determined that impacts with respect to both of those issue areas were less than significant.

Second, the Staff Report states that Staff "received correspondence from the Rowland Water District (RWD) concerning the proposed trail on Lot No. 50 . . ." and that "Staff and the RWD both agreed . . . the trail could create liability issues for RWD." That is misleading and incorrect. We want to clarify that Ramon Cordova solicited this information from the District. More importantly, the Staff Report misrepresents the information that the District actually provided. On July 30, 2009, Ken Deck of the District responded by email that "I would have to investigate that because of the potential liability issue with it being specified as a public access trail," and "[w]hen we have had a request for vehicular access we do have a license agreement." The Staff Report wrongly interprets these statements and implies that the District will not allow pedestrian use of the Project's proposed trail along the water tank access road. As discussed in Section III.C, above, the District does in fact allow pedestrian use of its maintenance roads without any formal agreements.

## VIII. STAFF EVALUATION.

### A. Community Plan Consistency.

Here, the Staff Report asks the Planning Commission to determine whether the Project is consistent with the Community Plan's policy regarding "extremely low density" development in the SEA. As in the past, the Staff has isolated this phrase from the body of the Community Plan policy from which it comes. So everyone is clear, the relevant policy, in its entirety, is as follows:

"Preserve the Powder Canyon and Turnbull Canyon Significant Ecological Areas through stringent development controls. Appropriate uses include: passive recreation, regulated scientific study, and where compatible, extremely low density residential use. Recreational uses may vary from very low to medium intensity depending upon the nature of the resource. Proposals for significant development within the SEAs must be supported with a detailed ecological survey and environmental impact report of the project area. Any residential use of the land within the SEA will be subject to the granting of a conditional use permit and findings."

The Project is supported by multiple detailed ecological studies. The Final EIR determined that all biological impacts were less than significant. Pacific Communities has submitted several density calculations that prove the Project's density (0.41 dwelling units per acre) complies with all applicable density requirements, including the numeric requirements (0.3

Mr. Jon Sanabria  
August 11, 2009  
Page 9

to 1.0 dwelling units per acre) of the Community Plan. The Project requires a CUP and Pacific Communities has submitted findings that support approval of that entitlement. And, Exhibit 4 of the Staff Report contains additional analysis from Natural Resource Consultants that demonstrates how the Project is compatible with the development policies of the Community Plan. Therefore, we request that the Staff make a conclusive determination that the Project is consistent with the Community Plan before the August 19 Planning Commission hearing.

B. Project Benefits.

The Staff Report again questions whether the Project's benefits justify its proposed dwelling unit count. As we discussed in Section III.C, above, that position is not supported by the Zoning Code or the Planning Commission's prior comments.

For example, the Staff Report claims that the Planning Commission has "generally" considered an increase in dwelling units above the mid-point when community benefits are offered. This statement is disconcerting because (1) the Planning Commission has **specifically** not requested additional community benefits for this Project, (2) the Zoning Code's "mid-point" analysis only applies to projects in **urban** (not non-urban) hillside management areas, (3) the Project already offers several community benefits, and (4) the proposed 47-unit Project is well below the site's 75-unit development allowance. Thus, we respectfully request that Staff revise the Staff Report to recognize these key points.

In addition, the Staff Report infers that access to the Project's trails cannot be "guaranteed" because a small portion of the proposed trail alignment along the site's northwest boundary veers offsite. In turn, the Staff Report argues that the Project's trails should not be considered a community benefit.

That is an unreasonable conclusion for multiple reasons. To begin with, there are multiple access points into the adjacent open space. Please see the aerial photograph in Exhibit 2 of the Staff Report, where the access points are readily apparent. Also, Pacific Communities is providing a 20-foot-wide trail on the northern property line that provides access to the east and west side of the site. Next, the "existing offsite path" located west of the site that the Staff Report complains about being unavailable is a small strip of land behind an existing residential development and underneath transmission lines owned by Southern California Edison ("SCE"). It is highly unlikely that any future development on this land would preclude the existing open space and trail usage. Even if it did, the existing community, and residents of the Project, could access the open space using any one of the other access points around the Project. Therefore, we request that Staff recognize the validity of the Project's trail system (and other benefits) and advise the Planning Commission that it has done so.

Mr. Jon Sanabria  
August 11, 2009  
Page 10

IX. STAFF RECOMMENDATION.

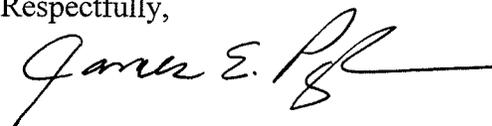
In essence, the Staff is recommending either (1) a continuance or (2) a project redesign. Disappointingly, both of these recommendations are contrary to the goal we have collectively worked so hard to accomplish over the last four months. If you recall, the August 19 hearing was targeted for the Planning Commission's certification of the Final EIR and its consideration of the project approvals. Based on the issues discussed herein, it seems clear that Staff will not be ready to provide the Planning Commission with the materials it needs for a combined certification and approval hearing.

We strongly believe, however, that the Staff should present the Final EIR to the Planning Commission for certification. Simply put, there is nothing else to do with respect to the Final EIR. In addition, we strongly believe that the time for project redesign is over. Such redesign could re-open the entire CEQA process and is not warranted in any event, especially considering that the County just published notice that the Final EIR is complete.

Accordingly, we respectfully request that Staff (1) revise the Staff Report to resolve the issues discussed herein and (2) present the Planning Commission with one consolidated recommendation to certify the Final EIR on August 19 and direct Staff to prepare findings and conditions of approvals for the project approvals at the next regularly scheduled hearing.

We look forward to further discussing this matter with you on August 11.

Respectfully,



James E. Pugh

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:1JEP2\401707115.3

cc: Mr. Wayne Rew (w/encls.)  
Ms. Julie Moore, AICP (w/encls.)  
Mr. Nelson Chung (w/encls.)  
Ms. Elsa Trujillo (w/encls.)  
Mr. Robert Philibosian, Esq. (w/encls.)

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Mr. Jon Sanabria  
August 11, 2009  
Page 11

Attachments:

Attachment 1: Conservancy Letter of Interest

Attachment 2: Planning Commission Comparison Tables

Attachment 3: Proposed Trails

Attachment 4: District Trails Letter

Attachment 5: Department of Public Works Geotechnical Requirements

Attachment 6: Brush Clearance Information



# ATTACHMENT 1





**SAN GABRIEL MOUNTAINS  
REGIONAL CONSERVANCY**

Pacific Communities Builder, Inc.  
Attention: Nelson Chung, President  
1000 Dove Street, Suite 300  
Newport Beach, CA 92660

August 10, 2009

**RE: Pacific Heights Subdivision Open Space Donation**

Dear Mr. Chung:

In response to our ongoing conversations, our review of the Pacific Heights project, and our meeting on May 1, 2009, between members of our board and your development team, I would like to confirm, in writing, The San Gabriel Mountains Regional Conservancy's (the "Conservancy") interest in being the recipient of the Pacific Heights' open space donation. Our board voted to confirm the Conservancy's interest in this open space donation on June 12, 2009.

As you are aware, from our previous experience working together in the City of Duarte, with Pacific Communities Builder's partial donation and sale of approximately 330 open space acres to the City for long term preservation; the Conservancy has experience in a number of aspects of land preservation. This experience includes grants, donations, and successes based on the Conservancy mission with focus on conservation of land, land use planning, restoration projects, as well as publication of studies, watershed management, land management, nature centers, workshops, roundtables, education, and partnerships. We feel that the combination of the types of projects that the Conservancy has been involved in, including successful management and funding of open space areas, and the technical background of our board members and volunteers make the Conservancy an ideal candidate for this open space donation.

We appreciate the opportunity to be considered as a recipient of this donation and look forward to working with Pacific Communities Builder.

Sincerely,

Ann Croissant, Ph.D.  
President/ Board of Directors  
San Gabriel Mountains Regional Conservancy  
[www.sgmrc.org](http://www.sgmrc.org)



# **ATTACHMENT 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>confirmed.</p> <ul style="list-style-type: none"> <li>• Rowland Water District confirmed that water tank is for exclusive use of the project.</li> </ul>
<p><b>Reduce Impacts on Oak Trees</b></p>	<ul style="list-style-type: none"> <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 Work's 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>
<p><b>Ensure Preservation of Open Space by Agreement with Public Conservation Entity</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>

<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 style="text-align: center;"><b>March 17, 2004 Planning Commission Recommendation<sup>1</sup></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>	<p style="text-align: center;"><b>Pacific Communities Responsive Action</b></p> <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 align="center"><b>March 17, 2004</b></p> <p align="center"><b>Planning Commission Recommendation<sup>1</sup></b></p>	<p align="center"><b>Pacific Communities Responsive Action</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>	<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> </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>	<ul style="list-style-type: none"> <li>Pacific Communities removed all buildable lots east of the detention basin.</li> </ul>

<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.



# **ATTACHMENT 3**

# Open Space Trail Access



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



# ATTACHMENT 4





# Rowland Water District

P.O. Box 8460  
3021 South Fullerton Road  
Rowland Heights, California 91748  
Telephone: (562) 697-1726  
Fax: (562) 697-6149

KEN DECK  
General Manager

MARTHA I. BRECHT  
Executive Secretary

TERRY KERGER  
Consulting Engineer

JANET MORNINGSTAR  
General Counsel

## DIRECTORS

ROBERT W. LEWIS  
President

ANTHONY J. LIMA  
Vice President

RENE RIOS

SZU-PEI LU

JOHN BELLAH

August 10, 2009

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

**RE: Pacific Heights Subdivision/Tentative Tract Map 51153**

Dear Ms. Trujillo:

The Rowland Water District (the "District") has reviewed Pacific Communities Builder's site plan for the proposed Pacific Heights Subdivision and its "Open Space Trail Access" exhibit, delineating proposed pedestrian trail access to adjacent open space areas. Based on our review of these items and my subsequent meeting with you on August 6, 2009, the District does not object to the use of the water tank maintenance road for pedestrian access to adjacent open space areas.

Similar to your project, the District owns and maintains several maintenance roads that are adjacent to or within existing open space areas. It is standard practice for the District to allow pedestrian access on these maintenance roads, which are occasionally used as trails or connection points to open space trail systems. At this time, there are no special agreements needed for this type of use. The District does, however, require a licensing agreement for vehicular use of these roads.

We understand that your project is not proposing public vehicular use of the maintenance road. Therefore, the District does not require an agreement nor does it intend to restrict pedestrian use of Pacific Communities' proposed open space trail. If the proposed use of this trail changes in the future, please contact the District to determine whether the change in use requires a formal agreement with the District.

Yours truly,

Ken Deck

GENERAL MANAGER

/rp







# **ATTACHMENT 5**



**County of Los Angeles Department of Public Works  
 GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION  
 GEOLOGIC REVIEW SHEET  
 900 So. Fremont Ave., Alhambra, CA 91803  
 TEL. (626) 458-4925**

DISTRIBUTION  
1 Geologist  
1 Soils Engineer  
1 GMED File  
1 Subdivision

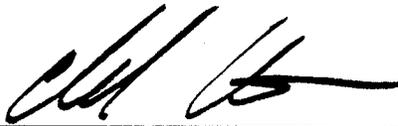
TENTATIVE TRACT MAP 51153 TENTATIVE MAP DATED 1/7/08 (Revision)  
 SUBDIVIDER Palmdale Summit / Pacific Communities LOCATION Hacienda Heights  
 ENGINEER DH Civil Engineering APN 8294-030-001  
 GEOLOGIST & SOILS ENGINEER Global Geo-Engineering

Soils Engineering Report Dated 8/16/07, 2/26/07, 12/27/06  
 Geology and Soils Engineering Report Dated 1/2/08, 10/19/06, 2/27/06, 11/7/05, 7/18/05

**TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT**

**THE FOLLOWING CONDITIONS MUST BE FULFILLED:**

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (<http://www.dpw.lacounty.gov/gmed/manual.pdf>).
2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.
3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at <http://www.dpw.lacounty.gov/gmed/manual.pdf>).
4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports\*).
5. The Soils Engineering review dated 2/21/08 is attached.

Prepared by  Reviewed by \_\_\_\_\_ Date 2/7/08  
 Charles Nestle

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION**

**SOILS ENGINEERING REVIEW SHEET**

Address: 900 S. Fremont Ave., Alhambra, CA 91803  
Telephone: (626) 458-4925  
Fax: (626) 458-4913

District Office 2.0  
Job Number GMPH  
Sheet 1 of 1

**Review No. 7**

Tentative Tract Map 51153  
Location Hacienda Heights  
Developer/Owner Pacific Communities Builder  
Engineer/Architect DH Civil Engineering  
Soils Engineer Global Geo-Engineering, Inc. (1975-04)  
Geologist Global Geo-Engineering, Inc.

**DISTRIBUTION:**

Drainage  
 Grading  
 Geo/Soils Central File  
 District Engineer  
 Geologist  
 Soils Engineer  
 Engineer/Architect

**Review of:**

Tentative Tract Map and Exhibit Dated by Regional Planning 1/7/08 (rev.)  
Site Plot Plan Dated by the Processing Center 7/25/07  
Geotechnical Report and Addenda Dated 1/2/08, 8/16/07, 2/26/07, 12/27/06, 10/19/06, 2/27/06, 11/7/05, 7/18/05  
Geotechnical Report by Consolidated Geosciences Dated 1/3/02, 12/4/01, 10/26/01, 8/24/01, 7/18/01, 2/20/01, 9/14/00, 6/20/00, 4/19/00, & 7/9/99  
Previous Review Sheet Dated 9/20/07

**ACTION:**

Tentative Map feasibility is recommended for approval, subject to conditions below.

**REMARKS:**

1. At the grading plan stage, submit two sets of grading plans to the Soils Section for verification of compliance with County codes and policies.
2. At the grading plans stage, submit all grading plan reports to the Soils Section for verification that the completed work complies with County codes and policies.

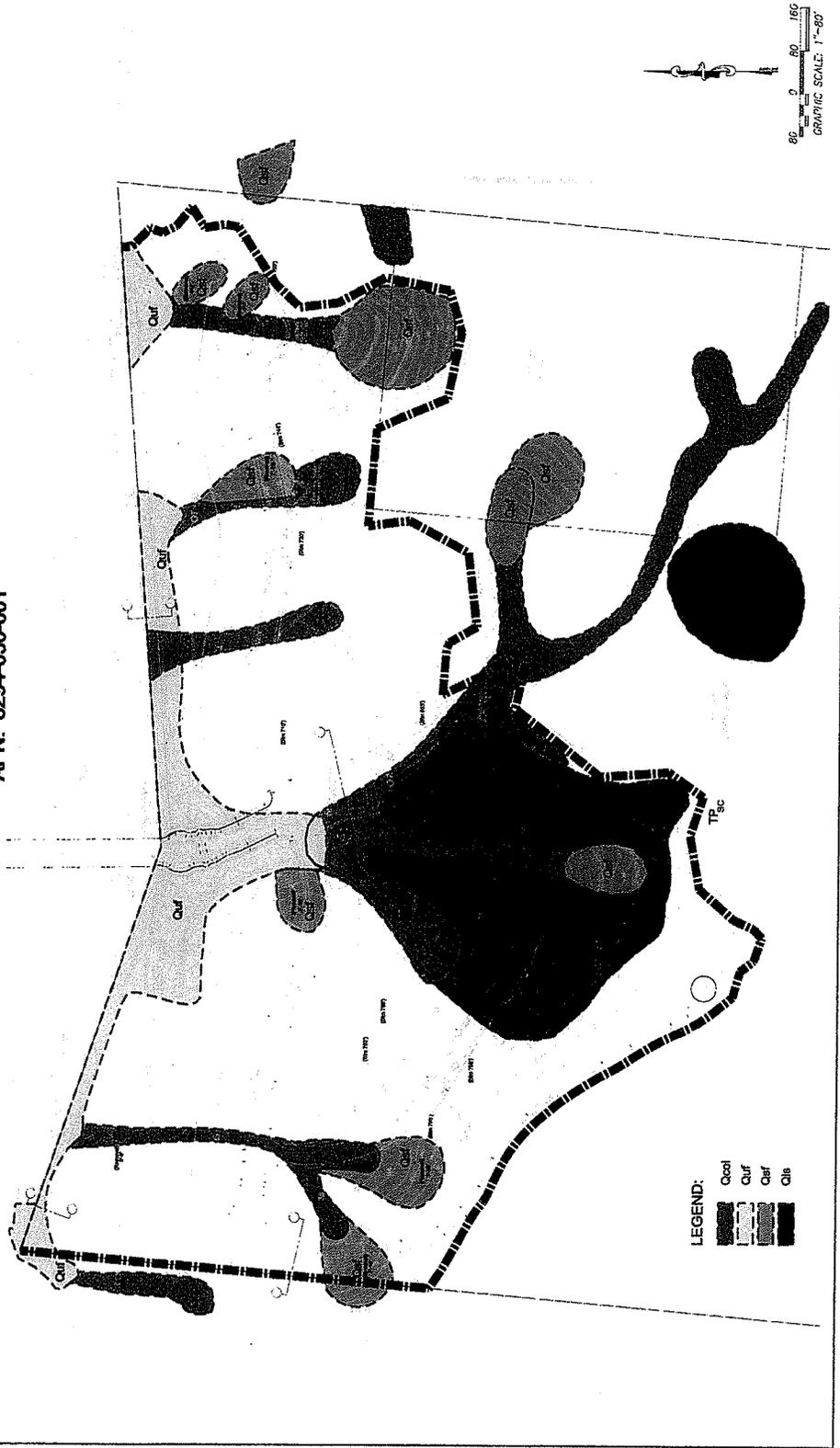


Reviewed by \_\_\_\_\_ Date 2/21/08

**NOTICE:** Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.  
P:\Yoshi\51153TentC

**GEO TECHNICAL PLAN**  
**(UNSTABLE AREAS TO BE CORRECTED)**

**EXHIBIT MAP TRACT NO. 51153**  
LOCATED IN THE UNINCORPORATED TERRITORY OF  
THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA  
APN: 8294-030-001





# **ATTACHMENT 6**

Richard Takata E-mail (Brush Clearance).txt

From: Richard Takata [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



## SECTION 317 CLEARANCE OF BRUSH AND VEGETATIVE GROWTH

### 317.1 Electrical Transmission Lines.

**317.1.1 Support clearance.** Any person owning, controlling, operating, or maintaining any electrical transmission or distribution line upon any mountainous, forest, or brush-covered lands or land covered with flammable growth, shall, at all times, maintain around and adjacent to any pole supporting a switch, fuse, transformer, lightning arrester, or line junction, or dead end, or corner poles, or towers, or other poles or towers at which power company employees are likely to work most frequently, an effective firebreak, consisting of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower, provided, however that this provision shall not be deemed to apply to lines used exclusively as telephone, telegraph, telephone, or telegraph messenger call, fire or alarm lines, or other lines classed as communication (Class C) circuits by the Public Utilities Commission of the State of California. Nor shall this provision apply to clearance around poles supporting only secondary electrical distribution lines of 750 volts or less. (Ord. 2007-0112 § 20 (part), 2007.)

**317.1.2 Line clearance.** Any person owning, controlling, operating, or maintaining any electrical transmission or distribution line upon any mountainous, or forest, or brush-covered lands, or lands covered with flammable growth shall maintain a clearance of the respective distances hereinafter in this section specified in all directions between all vegetation and all conductors carrying electrical current.

For lines operating at 2,400 volts or more, but less than 72,000 volts: a minimum of four (4) feet;

For lines operating at 72,000 volts or more, but less than 110,000 volts: a minimum of six (6) feet; and

For lines operating at 110,000 volts or more: a minimum of ten (10) feet.

In any case, such distance shall be sufficiently great to furnish the required clearance from the particular wire or conductor at any position of such wire or conductor at any temperature of 120 degrees Fahrenheit or less. Dead trees, old, decadent or rotten trees, those weakened by decay or disease and trees leaning toward the line, which may contact the line from the side or may fall on the line, shall be felled, cut, or trimmed so as to remove the hazard. (Ord. 2007-0112 § 20 (part), 2007.)

**317.1.3 Self-supporting aerial cable.** No clearing to obtain line clearance is required when self-supporting aerial cable is used except that forked trees, leaning trees, and other growth which may fall across the cable and break it, shall be removed.

**EXCEPTION:** Nothing contained in this section shall be construed to require any person to maintain any clearing on land where such person does not have the legal right to maintain such clearing, nor shall any provision of this ordinance be construed to require any person to enter upon or to damage property of another without the consent of the owner thereof. For further exceptions, see Title 14, California Code of Regulations, sections 1250-57 inclusive.

(Ord. 2007-0112 § 20 (part), 2007.)

### 317.2 Structures.

**317.2.1 Fuel modification plan in fire hazard severity zones.** A fuel modification plan, a landscape plan, and an irrigation plan prepared by a registered landscape architect, landscape designer, landscape contractor, or an individual with expertise acceptable to the forestry division of the fire department shall be submitted with any application for a subdivision of land or prior to any new construction, remodeling, modification, or reconstruction of a structure where such remodeling, modification, or reconstruction increases the square footage of the existing structure by 50 percent or more within any 12-month period and where the structure or subdivision is located within areas designated as a Very High Fire Hazard Severity Zone in Chapter 7A of the Los Angeles County Building Code and Chapter 47 of this code. Every fuel modification plan, landscape plan, and irrigation plan shall also be reviewed and approved by the forestry division of the fire department for reasonable fire safety.

After such final plan has been approved by the forestry division of the fire department, a signed copy of the Covenant and Agreement shall be recorded at the registrar-recorder/county clerk's office. (Ord. 2007-0112 § 20 (part), 2007.)

**317.2.1.1 Appeals.** Any person who disagrees with any decision related to fuel medication plans may file a written appeal with the chief of the forestry division. The chief of the forestry division will adjudicate all policy interpretations relevant to fuel modification plan requirements and serve as the final authority in the appeals

process. (Ord. 2007-0112 § 20 (part), 2007.)

**317.2.1.2 Fuel modification, landscape, and irrigation plan check fee schedule.** A plan check fee shall be payable to the fire department, upon the submission of any fuel modification plan, landscape plan, or irrigation plan for review and approval by the fire department. The amount of the plan check fee, for each such plan, shall be calculated in accordance with the following:

1. \$407.00 for barns, garages, accessory structures; or
2. \$678.00 for new residential, commercial, or industrial structures less than 2,500 square feet in total area, or additions/modifications to existing residential, commercial, or industrial structures which increase the total square footage by 50 percent or more and which addition/modification does not exceed 2,500 square feet in total area, or tract/lot splits of 4 or less lots, or
3. \$678.00 for parcel maps; or
4. \$1,356.00 for new residential, commercial, or industrial structures greater than 2,500 square feet in total area, or additions/modifications to existing residential, commercial, or industrial structures which increase the total square footage by 50 percent or more and which addition/modification exceeds 2,500 square feet in total area, or tract/lot splits of 4 or tentative tract/lot splits of 5 to 20 lots; or
5. \$1,356.00 for tract maps preliminary plan approval; or
6. \$2,711.00 for tract maps containing 5 to 20 lots, tentative tract/lot splits over 20 lots; or
7. \$4,067.00 for tract maps containing more than 20 lots - final plan approval.

Section 317.2 is applicable to all unincorporated portions of Los Angeles County, to all cities that are a part of the Consolidated Fire Protection District of Los Angeles County, and to all cities that contract with the Consolidated Fire Protection District of Los Angeles County for services and adopt section 317.2 as part of their fire code.

The fees in this Section 317.2.1.2 shall be reviewed annually by the fire department. Beginning on July 1, 2008, and thereafter on each succeeding July 1, the amount of each fee shall be adjusted as follows: calculate the percentage movement between March of the previous year and March of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, and Riverside areas, as published by the United States Government Bureau of Labor Statistics. The adjusted fee shall be rounded to the nearest dollar; provided, however, notwithstanding any of the above, no fee shall exceed the cost of providing the service for which the fee is collected. (Ord. 2008-0039 § 13, 2008: Ord. 2007-0112 § 20 (part), 2007.)

**317.2.2 Clearances.** Any person owning, leasing, controlling, operating, or maintaining any building, structure, or apiary upon or adjoining any mountainous, or forest or brush-covered land or land covered with flammable growth, and any person owning, leasing, or controlling any land adjacent to such structures, shall at all times:

1. Place or store firewood, manure, compost, and other combustible materials a minimum of 30 feet from any building, structure, or apiary.
2. Maintain around and adjacent to such building, structure, or apiary an effective fire protection or firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof, all flammable vegetation or other combustible growth. This includes ornamental plants and trees known to be flammable, including but not limited to: Acacia, Cedar, Cypress, Eucalyptus, Juniper, Pine, and Pampas Grass.

**EXCEPTIONS:** 1. Ornamental plants and trees that are individually planted, spaced, and maintained in such a manner that they do not form a means of transmitting fire from native growth to the structure.

2. Cultivated ground cover such as green grass, ivy, succulents, or similar plants provided that they are maintained in a condition that does not form a means of transmitting fire from native growth to the structure.
3. When the fire code official or commissioner finds that because of extra hazardous conditions, a firebreak of only 30 feet around such building, structure, or apiary is not sufficient to provide reasonable fire safety, the person owning, leasing, controlling, operating, or maintaining the building, structure, or apiary shall maintain around or adjacent to any building, structure, or apiary an additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth located from 30 to 100 feet from such building, structure, or apiary, as may be required by the fire code official or commissioner. Grass and other vegetation located more than 30 feet from such building structure, or apiary and less than 18 inches in height above the ground, may be maintained where necessary to stabilize the soil and prevent erosion.
4. That portion of any tree which extends within 10 feet of the outlet of any chimney shall be removed.
5. Maintain any tree adjacent to or overhanging any building, structure, or apiary free of dead wood.
6. Maintain the roof of any building, structure or apiary free of leaves, needles, or other dead vegetative growth.

(Ord. 2007-0112 § 20 (part), 2007.)

**317.2.3 Extra hazard.** The governing body finds that in many cases because of extra hazardous situations, a firebreak around buildings, structures, or apiaries of only 30 feet is not sufficient and that a firebreak of 50 feet or more may be necessary. If the fire code official or commissioner finds that because of the location of any building, structure, or apiary and because of other conditions, a 30-foot firebreak around such building, structure, or apiary as required by Section 317.2.2 is not sufficient, the fire code official or commissioner may notify all owners of property affected that they must clear all flammable vegetation and other combustible growth or reduce the amount of fuel content for a distance greater than 30 feet, but not to exceed 200 feet. (Ord. 2007-0112 § 20 (part), 2007.)