



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

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KATHRYN BARGER
SUPERVISOR, FIFTH DISTRICT

October 4, 2022

Mr. Don Henry, President
Agua Dulce Town Council
33201 Agua Dulce Canyon Road
Box Number 8
Agua Dulce, CA 91390

Dear Mr. Henry:

Thank you for your August 12, 2022 letter regarding the RTG Investments project (TR 50385) in the Agua Dulce community. As always, I appreciate the due diligence and time invested by the Town Council to ensure that the voices of your community are heard and responded to.

Accordingly, appropriate County departments, in consultation (and in conjunction) with County Counsel, investigated these concerns and provided my office with their findings (enclosed) and direct responses to your letter. I have also asked both the Departments of Public Works and Regional Planning to make staff available to present to the Town Council to discuss this matter further, should there be a request for a follow up meeting or discussion.

Further, my staff has continued to reach out to the developer for this project to encourage them to open dialogue with the Town Council, provide transparent answers to questions, and to work with the community.

Thank you again for your partnership and the ongoing dialogue around this important issue. Should you have any questions, please contact Mr. Anish Saraiya, my Planning Deputy, at asaraiya@bos.lacounty.gov or at (213) 974-5555.

Sincerely,

KATHRYN BARGER
Supervisor, Fifth District

KB:aso

Enclosure

cc: DPW (Mark Pestrella)
DRP (Amy Bodek)
RTG Investments (Artavazd Stepanyan)

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MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE

REFER TO FILE: LD-0

September 26, 2022

TO: Supervisor Kathryn Barger

Attention Anish Saraiya

FROM: Mark Pestrella, PE 
Director of Public Works

Amy Bodek, AICP 
Director of Regional Planning

AGUA DULCE RESIDENTIAL DEVELOPMENT VESTING TENTATIVE TRACT MAP 50385 AGUA DULCE

As requested, Public Works and Regional Planning reviewed the inquiry contained in the Agua Dulce Town Council's letter dated August 12, 2022, regarding Vesting Tentative Tract Map 50385 in the unincorporated community of Agua Dulce.

The following addresses the specific concerns and requests provided in the letter related to the project's conditions of approval and mitigation measures.

Concern No. 1

The increased capacity of the previously downsized water system requires a Supplemental Environmental Impact Report pursuant CEQA 15162

The 1994 Final Environmental Impact Report (FEIR) includes a response to Verbal Comment 9 on page 4.2-7 that notes in part: *".... the proposed project is required to provide specific water storage and distribution facilities in accordance with the water system improvement study by the Mello-Roos project including: a 20-inch watermain on Sierra Highway to extend along Valley Sage Road..."*

A description of this water distribution system is found on page 2-10 and 2-11 of the approved 1994 planning documents. The Findings of Fact and Statement of Overriding Consideration's mitigation measures do not require the watermain size to be reduced from what is outlined in the water system improvement study.

Current requirements for the Agua Dulce Residential project are limited to needed water system improvements to provide adequate water service to Phase I, while also considering the expected future expansion to Phase II as approved in the planning documents. Recent hydraulic calculations reviewed by Public Works show that a 12-inch diameter watermain, as proposed in 2005, would not provide adequate pressure to serve the full development. The facilities include approximately 13,000 linear feet of 20-inch diameter watermain, a 0.6-million-gallon water storage tank, a pump station with two booster pumps for the Phase I development, and space for three additional booster pumps to accommodate the future pumps for Phase II of the development and all in-tract water distribution mains.

Although the developer proposed a reduced watermain, the 2007 Final Supplemental EIR (FSEIR) makes no change to the watermain size from the 20-inch diameter watermain analyzed and approved in the 1994 FEIR; therefore a Supplemental Environmental Impact Report is not required.

As for the precise location of water facilities, Public Works' recommendations on the tentative map dated November 21, 2006, which are part of the 2007 FSEIR, includes Item 4: *"In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as...Water Ordinance...."*

Concern No. 2

The water supply for the project does not exclusively come from the State Water Project and will be further impacted by the County Water Plan/Sustainability Plan

Phase I of the development will not utilize or impact local groundwater as it will utilize imported water supplied entirely from the Antelope Valley-East Kern Water Agency with District 37 as the retail water purveyor.

Projects to reduce reliance on imported water can take various forms including agency partnerships for water banking, extraction, wheeling, and emergency interconnections. Alternatives are continuously being explored to improve the water supply resiliency for the benefit of District 37. To address the current deficit between Acton's current water

demand and District 37's groundwater supplies, all new developments, including Phase II of the Agua Dulce Residential project, must secure a reliable permanent water supply from the Antelope Valley-East Kern Water Agency, the imported water wholesaler for District 37.

Concern No. 3

The 2007 Supplemental EIR changed the wastewater entitlement for the entire project

As stated in our response letter dated May 2, 2022, the 2007 approval does not invalidate the previously recorded Phase I entitlements, which recorded in 2002 and allow Phase I to proceed with private septic systems. When the wastewater reclamation facility becomes available with Phase II, the septic systems installed for Phase I will be required to be abandoned and connected to the wastewater reclamation facility. This will be enforced through existing conditions on the overall project.

Concern No. 4

The primary access to the project appears not to conform to Section 21.24.020 – Restricted residential access

Los Angeles County Fire Department has determined that based on the number of dwelling units proposed for Phase I, and the existing nearby dwelling units, the primary access which is provided via Valley Sage Road is adequate and complies with Section 21.24.020 of the County Code.

Concern No. 5

Grading on the project is restricted to the recorded area of Phase 1

The approved grading plans for Phase I show that all grading work necessary for Phase I construction are contained within the boundaries of the recorded Phase I map except for some small amounts of grading to join the existing ground that occurs along the interface between Phase I and II. This grading is identified on the approved grading plans for, and in support of, Phase I. Therefore, it does not need additional approval from the Director of Regional Planning. There are currently no plans to authorize grading for Phase II prior to the Phase II map recordation.

Public Works will provide inspections based on the approved Phase I grading plans. If grading goes beyond the approved plan limits, Public Works will cite the developer

accordingly and ensure corrective measures are taken. The County will also enforce the grading mitigation measures, which:

- prohibit grading on days when winds speeds are in excess of 25 mph;
- prohibit grading on days when Stage 1 ozone episodes occur; and
- restricts grading to only occur on:
 - Monday to Friday, 7 a.m. to 6 p.m.,
 - Saturday 8 a.m. to 5 p.m., and
 - not on Sundays or holidays.

According to the approved Vesting Tentative Tract Map 50385, the total earthwork volume for the entire project is 3,750,000 cubic yards for cut and fill on site. Phase I earthwork volume is 1,913,878 cubic yards for cut and fill, which leaves 1,836,122 cubic yards for Phase II. The reason for the higher amounts of grading needed for Phase I, which we agree is a smaller portion of the overall project, is due to the terrain involved resulting in more cut and fill earthwork. Phase II has large areas dedicated to open space where no grading will be performed as well as a less hilly terrain where the residential lots are proposed resulting in less earthwork for Phase II, even though it is a much larger area.

Concern No. 6

The failure by the developer and the County to observe and enforce the conditions of the grading easement with residents of Valley Sage Road is not merely a 'civil matter'

The grading necessary for Sunset Way, located on the easterly border of the development, is designed to be located within the Phase I recorded property and requires no additional easements. Any easements necessary for the watermain located in Valley Sage Road have been secured to the County's satisfaction and construction of the waterline by the developer has commenced.

Concern No. 7

There appears to be material inconsistencies between facts stated to Supervisor Barger by Mr. Pestrella on May 2nd and responses to public record requests from the Department of Public Works

The responses to the Public Records Requests accurately provided the original Multiple Agreement, the original bonds, and once it was finalized, a copy of the letter of credit that the developer provided to secure the performance of the grading permit. The responses also provided information on the process by which a replacement Multiple Agreement and

replacement bonds are obtained when an original developer either sells or is unable to complete its obligations under a Multiple Agreement.

Concern No. 8

How can bonds continue to exist when the principals to the 2002 Multiple Agreement no longer own the project to which the bonds relate?

As stated in our response to Public Records Requests No. 5234, the Multiple Agreement and existing bonds are still valid until they are replaced by the new developer. In Article 16 of the Multiple Agreement, the contract binds, in part, the successors. Article 15 allows the extension of the agreement at the discretion of the Director of Public Works or upon request of the subdivider. The extension was granted, and the fees were paid by the new developer on June 15, 2021.

Public Works is also following up with the developer to stress the need to execute the replacement Multiple Agreement, which we provided, and to provide the replacement bonds.

Concern No. 9

How is the construction proceeding with only draft bonds and draft agreements in place?

As stated in our response to Concern No. 8, the Multiple Agreement and the original bonds are still valid and in place for the required public infrastructure improvements related to Phase I, including Storm Drain improvements, Water System facilities, and Road improvements.

Concern No. 10

Why are such potentially significant bonds being apparently waived for the project?

Public Works has not waived the need for a Multiple Agreement or bonds for the improvements. As stated in our response to Concern No. 8, Public Works has a valid Multiple Agreement and bonds in place and is in the process of having the new developer replace the original Multiple Agreement and bonds with those in their name.

Supervisor Kathryn Barger
September 26, 2022
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Concern No. 11

The unrecorded vesting tentative tract map approved in April 2007 expires in October 2022

At the Hearing Officer public hearing on September 20, 2022, the project received approval for a sixth and final discretionary time extension, consistent with State law and County Code. This sixth and final discretionary time extension will expire on October 11, 2023. The County is restricted under State law in its ability to deny extension requests, which must be based on specific and objective health and safety reasons. As the County was unable to make the necessary findings for such a denial, the extension was approved appropriately by the Hearing Officer.

If you have any questions, please contact me or your staff may contact Art Vander Vis of Land Development Division at (626) 458-4900 or avander@pw.lacounty.gov.

JC:la-ja

AGTC Response PW-DRP Memo (Draft 09.23.22) (rev)