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# TEMPLE HILLS

## COMMUNITY ASSOCIATION

Summer-Fall 2007  
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P. O. Box 4913  
Laguna Beach  
California 92652  
www.thca.info

## Mayor Toni Iseman to Address our Annual Meeting

THCA is incorporated as a non-profit, and it is necessary to meet formally once a year. We begin at 5 p.m. and keep the meeting to one hour. We usually have a steering committee report, a financial report, and a few other matters that we deal with briefly. Most of the meeting will be devoted to Mayor Toni Iseman who will identify her concerns and answer questions and dialogue with neighbors. This year we are particularly concerned with hillside development and finding ways to preserve open space, slowing down traffic on Temple Hills and side streets, and other issues. Our dinner and party will follow. ♪

## Emergency Procedures

Joe Baker and I are trying to get the neighbors on Coast View to share information that would be beneficial during an emergency, such as special needs, gas and water shut offs, etc., things that your neighbor needs to know. There are guidelines spelled out in the Neighborhood Watch Program already in place in Laguna. The info is available at [cwalloch@lagunabeachcity.net](mailto:cwalloch@lagunabeachcity.net). I will bring the handout to the party. See you then. — Doug Kinn ♪

## Betty Swenson Remembered

Our dear friend and longtime activist Betty Swenson has passed away. She was a committed supporter of Temple Hills and Honorary Member of THCA who spent many dedicated years as our treasurer and who stood up for Laguna as we have known it and always want it to be. Betty was with us at our October 2006 annual meeting and party, and we were able not only to enjoy her stimulating presence but also to be spurred on by her example and support of good causes. May her goodwill and spirit carry on with all of us in Temple Hills. We are thinking of you too, Verna. You have our thoughts and support. ♪

Caio!!



Arrivederci!  
A Presto!



### “Sera Italiano”

#### Temple Hills Annual Party & Meeting

Please join us for an evening never to forget! Party with your neighbors and friends.

**When: Saturday, September 29, 5 p.m.**

Hosts: Mary Kate and Kirk Saunders • Phone: (949) 494-6813

Location: Villa Punto Bella Vista, 1845 Rim Rock Canyon Rd., Laguna Beach, CA 92651 USA

Come – EAT! DRINK!! Pastasciutta, Birra, Vino – Buon Appetito!

Would love it if you would bring a dessert or bottle of vino, per favore – grazie.

\$10 per person for members with current dues.

\$20 per person for guests. Guests may join and pay dues at the door.

RSVP to [Rhondasworld@cox.net](mailto:Rhondasworld@cox.net) or by phone (949) 376-9270.

It “wouda be nice” by September 20th, per favore.



**We are looking forward to our next Temple Hills Annual Meeting and Party, “Sera Italiano.” What a great opportunity to enjoy an evening with friends in the lovely setting of Mary Kate and Kirk Saunders’ enchanting new home.**

**We have sent our e-vite; however, many returned needing e-mail address updates. If you would like to be added to our e-vite list, please call Rhonda at (949) 376-9270 with your current e-mail. If you received your e-vite but noticed people missing from our list, PLEASE feel free to forward a copy. There is a place on the e-vite that says “invite more people.” Just click and it will let you invite as many people as you like. Any problems with the e-vite, please call me.**

**Hope your summer is going great. Can’t wait to  
“See you in September....”**

**Caio!!**

**Rhonda (949) 376-9270 ♪**

# Pike Subdivision off Thurston and in Park Canyon

A 13-acre parcel above Park Avenue with access from Thurston Drive has been proposed for subdivision at various times since the late 1970s. The City has rejected all proposals as inadequate. THCA identified this parcel as essential for open-space conservation, and together with the City attempted to purchase the land. Conservation buyers have expressed interest in preserving the land.

More than a year ago, the Planning Commission conducted a scoping session to consider neighborhood input to the environmental study required for the latest proposal. Several dozen neighbors appeared to express concerns. The first draft of this Environmental Impact Report (EIR) was reviewed by the Planning Commission during two meetings in July. Following are comments presented to the Commission and which are part of the public record. We excerpt major points as a means of not only informing the community but also reflecting the deep concerns and conscientious efforts of the community to be involved in the planning process. A revision of the EIR will be considered on September 19. Members of the Planning Commission may be reached at 505 Forest Avenue, Laguna Beach, CA 92651. They are Bob Chapman, Linda Dietrich, Norm Grossman, Anne Johnson, and Robert Zur Schmiede. ♻

## Concerns for the Draft EIR

By Becky Jones

*(Becky Jones is a longtime resident of Temple Hills, active for many years as a coordinator of THCA. She is a former member of the Planning Commission.)*

1. The aesthetics section should include a view analysis for individual, existing residences that will be affected by the development. Potential impacts on existing views of the ocean and canyons from individual existing residences should be analyzed. Would restrictions on height and/ or location of building envelopes for the proposed new homes help mitigate these effects? If so, such restrictions should be considered in the discussion of alternatives. Such analysis should consider limiting construction to one-story only.

2. Building envelopes as depicted on the proposed lots should reflect the R/HP zone requirements that link lot coverage to the steepness of the slope and be drawn to scale. Are the sizes of the new homes as proposed consistent with R/HP steepness/ open-space calculations? Also, the location of building envelopes should maintain sufficient distance from the drainage course that the drainage course will not be impacted by any required fuel modification. Any restrictions required to meet these two standards—R/HP requirements and drainage course restrictions—should be noted in the text and depicted in the plot plan.

3. The alternatives section contains analysis of only the numbers of houses to be constructed; it should also consider the size of the lots and houses to be constructed to determine if impacts would be lessened with smaller houses and/or smaller lots. This analysis is especially important given the slope issues 1 and the proximity to the drainage course associated with the three lots as proposed.

4. A reference is made that the parking to be constructed as part of the development will be for the three proposed houses. Is the cul-de-sac to be gated? If it is, what impact will this have on the fire safety for the remainder of the street since it is this cul-de-sac that will provide turnaround room for the fire engines? Also, would gating be consistent with City policies?

5. Given the inadequate width of Thurston Drive and that any proposed corrections will widen the street only to the absolute minimum necessary requiring no parking along these most narrow portions, the issue of enforcement becomes especially important. Thurston Drive is a private road, and, in the past, when requested by Thurston Drive residents to enforce parking issues, Laguna Police have refused to act based on the private status of the street. How will the required no-parking bans be enforced if the street remains only 20 feet wide in sections and if Thurston remains a private street? Such enforcement is a matter of safety rather than convenience.

6. The existing "road" into the property cited by the EIR was illegally graded, and the applicant is in violation of previous City direction to restore the road area to its natural undisturbed state. These facts should be noted. [In an addendum and in response to a request for information about slides in the area, Becky identified many sites on Donna Drive, Canyon View, Buena Vista, Park Avenue, and Temple Hills Drive.]

In addition to potential slope issues, I am seriously concerned that the EIR has interpreted the R/HP zone's call for minimizing grading incorrectly. Quoting from the EIR, the R/HP zone requires that "development proposals should minimize grading of hillside areas by encouraging designs which follow the natural grade while maintaining a building mass and scale that is sensitive to topography." The document goes on to conclude that 2,200 cubic yards of earth cut and 90 cubic yards of earth fill minimizes grading since "this is the minimum amount of grading needed" to extend Thurston Drive and build the new cul-de-sac. This interpretation is a misreading of the code. The provision was meant to encourage designs that minimize grading; clearly the design of the road extension and cul-de-sac does not minimize grading. It may very well be that no design that services the lots as proposed would meet the intent of the R/HP policy, and, if this is the case, this conclusion should be stated. Such a conclusion would be clear evidence of design issues with the proposed design. Again, the intent of the policy is to influence the kind of design proposed for an R/HP site, not to evaluate whether a proposed design is efficiently undertaken. The interpretation of this policy in the EIR severely undercuts the intent of the code provision.

Also, I am concerned with the EIR's interpretation of Open Space Policy 14L. This policy should apply on an individual site level as well as the overall planning level. The intent of the policy is to protect as much open space as possible, in as large a chunk as possible; thus, the proposed lots should be laid out in such a way as to maximize

the undisturbed portions of the property by locating any proposed houses close to already existing development rather than spread out across the property. Again, the proposal for 1770 Thurston does not meet the intent of the policy and the EIR should so state. To do less is again to undercut the intent of the policy. ♻

## Disagreements with Conclusions of the EIR

By John Monahan and Barbara Metzger

*(Analysis prepared for the Village Laguna Board. Metzger is a former member of the Planning Commission.)*

We have found the draft EIR for the proposed project at 1770 Thurston Drive thorough and informative, especially in its clear identification of the areas of controversy associated with the project and its many significant and unmitigated environmental impacts. We have very few comments on its specific contents, but we have a serious disagreement with its conclusions.

First, our comments on specific assertions in the draft:

In the summary (p. 1-6), it is said that "compliance with City Fire Department requirements reduces any potential impact to less than significant levels," but elsewhere in the document it is recognized that fire safety would be substantially compromised by the substandard width of the access road (Thurston Drive), the increased length of the road, and the occurrence of parking there.

On p. 3.4-7, writing of seismic effects, it is asserted that "no faults are known to transect the project site," but the fault map shows the project directly on a fault, and on p. 3.4-5, a newly identified blind thrust fault is identified "essentially underlying the project site." We wonder if this apparent inconsistency would affect the determination of "no seismic impact."

On p. 3.3-10 it is suggested that because the project is surrounded by residential development, it is not located within any established native resident or migratory wildlife corridor and therefore "less than significant impacts would occur to existing wildlife corridors." This assertion seems to conflict with the reports of neighbors who often see groups of deer there.

The assessment of the project in terms of the design criteria for the Residential/Hillside Protection zone, in which the project is located (p. 3.6-1-5), makes a number of questionable assumptions about mass and scale, building size, and grading:

First, the suggestion that home sizes of 8,000 square feet will "blend with their surroundings while minimizing their prominence to public view" is surprising given the zone's emphasis on low-intensity residential development and the fact that the sizes of existing houses average 1,800 square feet (p. 2-5).

Second, the proposal of houses 25 feet high and the export of 2,110 cubic yards of earth are inconsistent with the zoning code's concern to "minimize grading by encouraging designs that follow the natural grade

while maintaining a building mass and scale that is sensitive to topography.”

Finally, the suggestion (under Alternatives, p. 4-4) that limiting the density of the site to one unit would allow “potentially an even larger (than 4,000–8,000-square-foot) house” to be built under the R/HP zoning requirements overlooks the zoning code’s clear statement that “larger lots shall not necessarily enable the development of correspondingly larger homes.”

The view analysis takes only one point of view. It’s unclear where the photographer was standing to take the photograph of figure 3.1-5, and certainly photographs from homes behind the project and from the opposite hillside would be relevant to the assessment of view impacts. In addition, the hillside itself is part of a view. The Scenic Highways Element of the General Plan states (5E) that “natural vistas of the hillsides and ocean are very important to the quality of Laguna’s scenic corridors and should be preserved to the greatest extent possible... Hillside subdivision plans should consider the view of the development as it relates to the hillside and to surrounding hillsides.”

Under “Project History” (p. 1-1), it is explained that “in the event the parcel map is approved by the City, such approval shall reflect that three parcels constitute legal building sites.” We would like to know what is expected to happen in the event the parcel map is not approved by the City. Given that the proposed project’s many violations of City policies and ordinances are matters of fact, we feel that the City should be ready and willing to enforce those policies and ordinances. The reasons for the settlement agreement and what it means should be more thoroughly discussed. ♻️

## General Observations

By Ron Chilcote

*(Prepared for the THCA Steering Committee. Chilcote resides on San Remo Drive.)*

First, in the THCA Specific Plan years ago and in the deliberations of the Open Space Committee, the Pike property was identified as desired eventually for conservation and open space. The land is an essential part of Park Canyon, and its steep terrain complements and is contiguous to the Betty Heckel Greenbelt Preserve, which years ago was purchased and given to the City by the Laguna Greenbelt on behalf of Heckel who worked hard to keep our beautiful hillsides in open space.

Second, in its reviews of past proposals for this property, the City Council has determined that any subdivision would result in clustering homes close to Thurston Drive and not spreading them out into an area that should be retained as open space. The parcel designated for open space is on steep and unbuildable hillside, whereas the parcels identified for subdivision extend far out into the property in a way that undermines any possibility of retaining as open space land that holds precious wildlife.

Third, it is our understanding that a careful calculation of the hillside density and possible lots results in less than three homes, and therefore consideration should be given to one or two homes. In the tentative agreement between the City and Pike years ago, it was determined that Pike would be permitted to process an application for up to three homes, but there was no assurance of approval. A rough sketch accompanied the statement showing the position of homes somewhat in a configuration as the present EIR. THCA objected to the inclusion of that sketch and reminded everyone through its newsletter that no decision had been made, no behind-the-scenes deals struck, and that the interests and concerns of Temple Hills residents to the west along Thurston and Palm Drives, to the south along Temple Hills, and to the east along San Remo, Donna Drive, and upper Temple Hills must be taken into account. This is particularly important because the property has been listed for sale and potential purchasers have been told that the land has already been approved for subdivision. The developer was also approached about possible purchase by a conservation buyer and told that the land’s value could not be discounted because approval by the City was assured. The association approached one council person who indicated that a decision had already been determined. Another council person refused to attend a community meeting, claiming that she was restricted by a court decision on the property. Clearly, these are misunderstandings, and we assume that all council persons will be open and willing to take into account the substantial community input coming their way.

Fourth, in addition to not clustering homes close to Thurston Drive, the project proposes homes of 8000 square feet, two levels, and most likely considerable development of large lots, thereby reducing or eliminating the long sought open space and protection of a rather steep hillside property and its extensive wildlife. This relates to the “mansionization” of homes throughout Laguna, but in particular is entirely incompatible with neighborhood character. ♻️

## Legal Questions

By Dwight Griffith

*(Dwight Griffith is an attorney residing on Thurston Drive. Comments below are excerpted from a nine-page analysis to the City.)*

First, the non-conformance of extending Thurston Drive as a cul-de-sac to a length beyond 750 feet, this report conveniently avoids any discussion of the resulting problems. There exists today a host of safety issues that should be deemed significant enough to the interests of this City so as to warrant a prohibition of the creation or extension of a dead-end street beyond 750 feet. It should be remembered that the disastrous 1993 fire was literally turned back upon the slopes directly below Thurston Drive. Then and now, the terminus of Thurston Drive gives strategic access to the southern steep flank of the hillside rising from Park Avenue below.

With the current private nature of the street, it would appear that there are very limited means by which meaningful mitigation could be accomplished. The measure suggested by the EIR, the imposition of parking restrictions, will not, in any effective, practical sense assure that emergency vehicle access will be maintained. Unfortunately, alternatives do not seem to be developed or explored by the EIR. Instead, there is proposed the wholly unrealistic and inadequate measure of enforcing parking restrictions on private property. Recognizing this reality, the EIR must be found wholly deficient in failing to offer any meaningful proposed measure of mitigation for this most serious safety issue.

The City needs to carefully consider the unknown consequences of altering the existing historical drainage within what is obviously a natural hillside bowl. With recent events in the Blue Bird Canyon locale and Flamingo Drive, ignoring the significance of moving massive amounts of top soil and eliminating natural watershed must be viewed as an irresponsible act that could later be claimed as the underlying, proximate cause of what might be a disastrous landslide. Based on our personal knowledge of the geology underlying our own house a few short years ago, we carried out the construction of a significant addition to our existing home that entailed the design and emplacement of a new foundation for that addition. When excavating our hillside, we learned from our own geologist that large sectors of the Thurston Drive hillside are made up of ancient landslides situated on top of sandstone.

When the strategic location on Thurston Drive relative to the existing slope and wildfire risk is considered, all of these issues — the extension of the cul-de-sac, the disturbance of the existing watershed and topography, the retaining wall and artificial loading of the hillside — must be soberly considered when determining the adequacy of the described mitigation measures and the willingness of the City to assume the risk of subsequently approving this project. It would be ironic, indeed, if the measures of mitigation upon which a variance were to be granted brought about the very emergency that would test the inadequate access provided by this roadway.

In order to provide reasonable municipal services to the project, existing waterlines will need to be replaced, an additional waterline will need to be laid to service a new fire hydrant, and the 50-year-old sewer line will need to be realigned, and, in our opinion, likely improved. In addition, it should be recalled that when the City evaluated the possibility of accepting a dedication of Thurston Drive, it was determined that the existing gas line was believed to be situated dangerously close to the surface of the roadway.

When all issues are taken together, it is clear that the draft EIR has materially failed to assess the fundamental difficulties of developing the site as situated at the end of an existing, substandard roadway. With the recent history of wildfire and landslide bringing about calamitous results for many hundreds of Laguna Beach citizens, any draft EIR that fails to provide a comprehensive analysis of all of the consequences of a given proposal and that fails to provide every possible measure to reasonably mitigate those consequences cannot be viewed as complying with the minimum requirements of law. ♻️

## Pike Subdivision Geological Issues

By Bruce Shaw

*(Shaw recently visited his family's home on Temple Hills.)*

I have both personal and professional interests in the project. I am quite familiar with the hillside below our home that I grew up in. After graduating from LBHS, I earned a Ph.D. degree in physics. I have been a research geophysicist for the last 14 years at Columbia University at the Lamont Doherty Earth Observatory. My research specialty is the physics of earthquakes, which involves a wide array of earth-slipping phenomena. I serve on a Federal Advisory Committee to the U.S. Geological Survey, the National Earthquake Prediction Evaluation Council.

My scientific concerns around this project involve potential slope instabilities, given the steep slopes, history of slides on this ridge, the ridge to the north, and the ridge to the south, as well as the proximity to near-field active faults. I would like to see thorough geological and geotechnical studies done to address these serious concerns, and want to be convinced that the project's impacts on hazards and risks to the neighborhood are understood, and not significantly increased. ♻

## Environmental Issues

By Tim Black

*(Black is an attorney residing on San Remo Drive.)*

The draft Environmental Impact Report fails to sufficiently address the environmental devastation that will be visited upon the now thriving habitat of wildlife, which currently calls the property home.

The draft EIR does not reflect an accurate appreciation for the families of deer, hawks, owls, coyotes, and an occasional bobcat that live on the property in question. My family's home directly overlooks the proposed site of the development, and our son and daughter, ages 9 and 8, have all but named the various deer that we see on the hillside, often many times per week. In addition to the deer, which I saw just yesterday, we see coyotes and any number of birds of prey, including hawks and eagles, who use the property as a home and hunting ground. The area is replete with smaller wildlife as well, which provide food sources for the birds of prey and coyotes. The area is also home to multiple families of wild rabbits, so much so that our children refer to a part of the area as "The Bunnywalk."

The draft EIR appears to propose "solutions" to the project's wholesale displacement of these families of wildlife, which are not solutions at all; they are only attempts to make the eviction process be accomplished by biologist instead of by bulldozer.

In addition to the wildlife, the plants and vegetation will be severely impacted by the project and its proposed grading of the land on a massive scale.

The proposed subdivision will permanently remove one of the last remaining homes for wildlife in Laguna Beach. ♻

## THCA Membership

Since taking over the membership function for THCA, I have had the exciting and challenging role of learning a new program, "Filemaker Pro," and keeping track of the Temple Hills mailing list. I also try to keep track of those who advertise within our newsletter, City officials, and people who own property within the district but live elsewhere, as well as other neighborhood associations in the City. This list is used to send you the Temple Hills Community Association Newsletter that includes news within our district and in the City as well as of our annual meeting and forthcoming party.

If you are aware of a new resident in your neighborhood, please inform me (497-2218) so that I may include them as quickly as possible. Once a year, I try to update my list by checking each parcel with the county assessor's new list. I also keep track of all donations to THCA.

Since our new treasurer, Fritz Knaus, moved to Atlanta to pursue an exciting new job, I have also been filling in as treasurer. Please let me know if you are aware of someone in our community interested in this position. It does not require much time during the course of a year and would be a much-welcomed addition to our steering committee.

— Fran Chilcote ♻

Membership in the Temple Hills Community Association is Laguna's best bargain! Annual dues are \$20 per household (any lesser or greater amount is appreciated). Please send your check with your name, address and phone number to THCA, P. O. Box 4913, Laguna Beach, CA 92652.

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