

COMMENTS & RESPONSES TO COMMENTS
FOR THE
MITIGATED NEGATIVE DECLARATION
& INITIAL STUDY

CITY OF LA HABRA
VISTA GRANDE PARK IMPROVEMENT PROJECT
LA HABRA CA 90631



LEAD AGENCY:

CITY OF LA HABRA
COMMUNITY DEVELOPMENT DEPT & PUBLIC WORKS DEPT.
110 EAST LA HABRA BOULEVARD
LA HABRA, CALIFORNIA 90631

REPORT PREPARED BY:

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 SOUTH HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745

JULY 24, 2019

LHAB-032

1. COMMENTS AND RESPONSES TO COMMENTS

The City circulated the Mitigated Negative Declaration and Initial Study for a 20-day review period. Comment letters to date, were received from the following agencies and entities at the conclusion of the review period:

Letter Dated July 22, 2019
Gail K. Sevens
Environmental Program Manager, South Coast Region
Department of Fish and Wildlife
3883 Ruffin Road
San Diego CA 92123

Response to Comment Letter Dated July 22, 2019

Gail K. Sevrens

Environmental Program Manager, South Coast Region

Department of Fish and Wildlife

3883 Ruffin Road

San Diego, CA 92123

Comment 1

The California Department of Fish and Game (Department) has reviewed the Mitigated Negative Declaration (MND) dated June 20, 2019, for the Vista Grande Park Improvement Program. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and Fish and Game Code (FGC) section 1600 et seq. The Department also administers the Natural Community Conservation Planning program, a California regional habitat conservation planning program.

Response 1.

The comment has been noted for the record.

Comment 2.

Vista Grande Park is comprised of 17.5 acres located on the southeast corner of Lambert Road and Idaho Street in the City of La Habra (City). The City has developed two conceptual Alternative Project Descriptions, A and B, one of which would be implemented within the existing park boundary. Improvements include the possible installment of parking areas, playgrounds, walking/running trails, restrooms, and ornamental landscaping. Currently, 14.5 acres of the park are undeveloped and Coyote Creek extends along the northern boundary of the project area. The MND includes Mitigation Measure No. 6, intended to avoid and minimize impacts to nesting birds. No biological technical report was provided with the MND.

Response 2.

Both Alternative A and Alternative B would be located entirely within the park boundaries. The comment indicates that 14.5 acres of the park is undeveloped. While the IS/MND actually indicates that the 14.5 acres is currently unimproved, this area is not native or undisturbed. The site has a long history of use as both a landfill and a park. Prior to the site's development as a park, the site was used as a local landfill. In 1948, the La Habra Sanitation District deeded site to County of Orange and in

1949, the County operated site as a refuse disposal station. In 1958, the County ceased operation, closed refuse disposal station, and capped the landfill with a three-foot soil cover. In 1962, the County sold the property to City of La Habra provided the site is used for a public park. In 1965-1985, the City developed site as Vista Grande Park, which was used primarily for Little League fields. Since the mid-1980s, the park has not been used due to subsidence (ground settlement). The former landfill cap and limits of refuse area covers virtually the entire park as is shown in Exhibit 3-6 (included in the IS/MND).

As part of the environmental analysis, the Master Environmental Assessment was consulted to document a number of issues analyzed in the IS/MND, including sensitive habitats in the City. It is important to note, which is emphasized throughout the CEQA document, that Vista Grande Park is located in the midst of an urbanized area. Residential land uses abut the park on the south and east sides and Lambert Road extends along the park's north side and Idaho Street extends along the site's west side. Multiple family-residential developments are located further north and west of these roadways. The nearest undeveloped lands are located more than three miles to the south in the Coyote Hills.

The IS/MND, in Section 3.4.2.C, acknowledges the proximity of the Coyote Creek Channel to the park. As indicated in the IS/MND, a portion of the Coyote Creek Channel extends outside of the northern boundary of Vista Grande Park. However, the segment of the Coyote Creek Channel to the west of the project site, west of Idaho Street, is classified as a *Freshwater Forested/Shrub Wetland*. As stated in this section of the IS/MND, the park is elevated with respect to the surrounding residential development and a slope exists in between the proposed project site and the Coyote Creek Channel, which is a result of the former landfill. The proposed park improvements will not physically impact the Coyote Creek Channel. The IS.MND also notes that a preschool center, a scout hut, and a City-owned water well occupy those developable properties located along the north side of Coyote Creek. Lambert Road extends along the easternmost segment of Coyote Creek.

The referenced Mitigation calls for a survey of nesting birds at such time a tree is removed. As indicated in the IS/MND, a total of 165 trees are currently located within the park boundaries. A total of 158 existing trees will remain while 7 of the existing trees will be removed. In addition, a total of 244 new trees will be planted. The existing and new tree plantings will total 402 trees.

Comment 3.

The Department has identified biological resources issues that are of concern. We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts. As noted above, a biological technical report was not provided with the MND.

Further, neither Alternative has been fully defined in the Project Description, impacts to biological resources under Alternative B are not included in the Initial Study Checklist, nor has an Alternative been selected for implementation. Because of the unclear nature of the Project Description and the lack of data provided, meaningful feedback cannot be provided to the City regarding potential impacts to biological resources.

Response 3.

The IS/MND (Section 2.3) indicated the following:

“[The] proposed Vista Grande Park improvements are conceptual in nature since the financial assistance being sought by the City will pay for subsequent planning, design, and construction. The City is considering two potential alternatives plans. These alternatives are also being reviewed by the public at five Community Meetings during the months of June and July 2019. For purposes of this Initial Study, it will be assumed that Alternative A will be implemented since it is the more intensive of the two Alternatives and presents the “worst-case scenario” in terms of environmental impacts to the surrounding residential uses.”

This section of the IS/MND also clearly described both Alternatives in Section 2.3. The discussion included both a description of the proposed improvements as well as maps illustrating each alternative. We are unclear as to IS/MND statement failed to “clearly define” the alternatives. Section 2.3 describes in detail the proposed improvements which then keyed the description of the individual improvements to the exhibits illustrating the proposed site plans. Alternative A represented the intensive views and pursuant to CEQA was assumed to provide the maximum case impact analysis. Subsequent to the circulation of the ISMND the City Council directed City staff to pursue the more passive Alternative B.

Comment 4.

For example, Coyote Creek, which is located within 100 feet or less from the nearest potential project improvement, is classified by the MND as having "riverine" and "freshwater forested/shrub wetland" habitat (page 47). The impacts analysis to biological resources in Coyote Creek states that, "[t]he proposed park improvements will not physically impact the Coyote Creek channel" (page 50). While the project may avoid direct impacts to the channel, the Department cannot verify that indirect project impacts to the biological resources associated with Coyote Creek will be insignificant, given that no assessment of what biological resources occur in the riparian habitat were included with the MND.

Response 4.

As indicated in the IS/MND, a portion of the Coyote Creek Channel extends outside of the northern boundary of Vista Grande Park. However, the segment of the Coyote Creek Channel to the west of the

project site, west of Idaho Street, is classified as a *Freshwater Forested/Shrub Wetland*. As stated in this section of the IS/MND, the park is elevated with respect to the surrounding residential development and a slope exists in between the proposed project site and the Coyote Creek Channel, which is a result of the former landfill. The proposed park improvements will not physically impact the Coyote Creek Channel. The IS.MND also notes that a preschool center, a scout hut, and a City-owned water well occupy those developable properties located along the north side of Coyote Creek. Lambert Road extends along the easternmost segment of Coyote Creek.

Comment 5.

Despite the MND's discussion of the potential occurrence of least Bell's vireo (Vireo be/Iii pusillus; CESA- and Endangered Species Act-listed endangered) being limited to, "[t]his bird species lives in a riparian habitat, with the majority of the species living in San Diego County" (page 47), according to the Department's California Natural Diversity Database (CNDDDB), this species has been observed approximately 3.25 miles from the project area (CNDDDB, 2013). The CNDDDB is a statewide inventory, managed by the Department, and is routinely updated with the location and condition of the state's rare and declining species and habitats. Although the CNDDDB is the most current and reliable tool for tracking occurrences of special status species, it contains only those records that have been reported to the Department, and is not a substitute for timely physical surveys; in other words, detection of the species nearer than 3.25 miles from the project area may not be registered in the CNDDDB if recent surveys have not been conducted. We believe that indirect impacts to wildlife (i.e., light, noise, recreational traffic, domestic pets, etc.), including vireo, could potentially occur as a result of the project.

Response 5.

Please refer to Response 2. Any athletic field or game court would be located on top of the former landfill in an area covered by gravel or grass. No native or natural vegetation would be affected by these game courts, it is also important to note that soccer fields were previously located within these areas, though their use was discontinued in the mid-1980s due to settling associated with the existing landfill. Photographs of the park site illustrate the existing land cover (refer to exhibits 2-4, 2-5 and 2-6).

Comment 6.

Additionally, Alternative A is described as potentially inclusive of large elements such as an amphitheater and two new basketball courts. Without knowing whether these elements will be included, the Department cannot ascertain as to whether these features will have direct or indirect impacts to biological resources. Similarly, without specific analysis of Alternative B's impacts (i.e. recreational impacts, light, noise, etc.)-despite the MND's anticipation that impacts from this Alternative would have a physically smaller footprint-, the Department cannot

conclude that direct and indirect impacts to biological resources will not be unique to that alternative or significant.

Response 6.

The exhibits provided for Alternative A clearly indicate the scope and extent of the aforementioned improvements. For example, the size of the amphitheater is clearly identified as well as its location near two roadways, including Idaho Street and Las Lomas Drive. All of the improvements proposed for Alternative A would be located in areas that have been disturbed.

Comment 7.

In an MND, the City is obligated to fully analyze all subsequent activities and impacts associated with the project, and Findings of Significance should only be made when those Findings are supported by substantial evidence in the record (CEQA Guidelines § 15064.7(b)). In order to be able to analyze whether the City has sufficiently brought impacts to biological resources below significant with mitigation, the Department recommends that the City should prepare a biological technical report for the project, which should incorporate following elements:

A....a figure illustrating the proposed project footprint;

B....a figure illustrating the survey area, which should extend up to 500 feet beyond the project area footprint;

C....a description of the survey methodology or protocol used for general plant and animal species, as well as sensitive or listed species. If there were variances from standard survey methodologies or protocols, please provide the background and rationale for the variances;

D....a list of observed plant and animal species, including sensitive and listed species;

E.... a description, including acreages, of the habitat types observed within the current project footprint including any off-site impacts and the permanent and temporary impacts to each of these habitat types; and,

2. fully define what will and will not be included in Alternatives A and B, and fully discuss and analyze the potential direct and indirect impacts to biological resources which would occur from either Alternative; or,

3....select one Alternative for implementation and fully discuss and analyze the potential direct or indirect impacts to biological resources which will occur from that Alternative.

Response 7.

We are going to address each of the points raised in Comment 7

A....a figure illustrating the proposed project footprint. As stated previously, exhibits have been provided in the ISMND indicating the location and extent of the improvements related to both Alternative A and Alternative B.

B....a figure illustrating the survey area, which should extend up to 500 feet beyond the project area footprint. Aerial and site photographs were provided documenting the existing site conditions and land cover were provided in the ISMND.

C....a description of the survey methodology or protocol used for general plant and animal species, as well as sensitive or listed species. If there were variances from standard survey methodologies or protocols, please provide the background and rationale for the variances. The lead agency determined that because of the history of Vista Grande Park as a former landfill dating back to the 1940's and its use as a park after that time as well as other information collected as part of the Citywide Master Environmental Assessment indicated the site has been extensively disturbed.

D....a list of observed plant and animal species, including sensitive and listed species. See the previous response.

E.... a description, including acreages, of the habitat types observed within the current project footprint including any off-site impacts and the permanent and temporary impacts to each of these habitat types. The entire property is classified as disturbed urban land. There is no natural habitat remaining within the park boundaries.

2. fully define what will and will not be included in Alternatives A and B, and fully discuss and analyze the potential direct and indirect impacts to biological resources which would occur from either Alternative.

3....select one Alternative for implementation and fully discuss and analyze the potential direct or indirect impacts to biological resources which will occur from that Alternative. The ISMND clearly identifies those improvements that are contemplated as part of the implementation of both alternative scenarios.

The ISMND includes a mitigation measure that addresses the potential impacts that may occur during construction activities, and the potential impact this construction may have on nesting avian species within the existing trees located in the park. In order to reduce any potential impact to avian species, the following mitigation measure is required:

- If clearing and/or construction activities will occur during the raptor or migratory bird nesting season (February 15–August 15), the project contractor shall retain a qualified biologist to conduct preconstruction surveys for nesting birds up to 14 days before construction activities. The qualified biologist shall survey the construction zone and a 500-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. If active nest(s) are identified during the preconstruction survey, a qualified biologist shall establish a 100-foot no-activity setback for migratory bird nests and a 250-foot setback for raptor nests. No ground disturbance should occur within the no-activity setback until the nest is deemed inactive by the qualified biologist.

Comment 8.

We appreciate the opportunity to comment on the MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)).

Response 8.

The comment has been noted for the record.

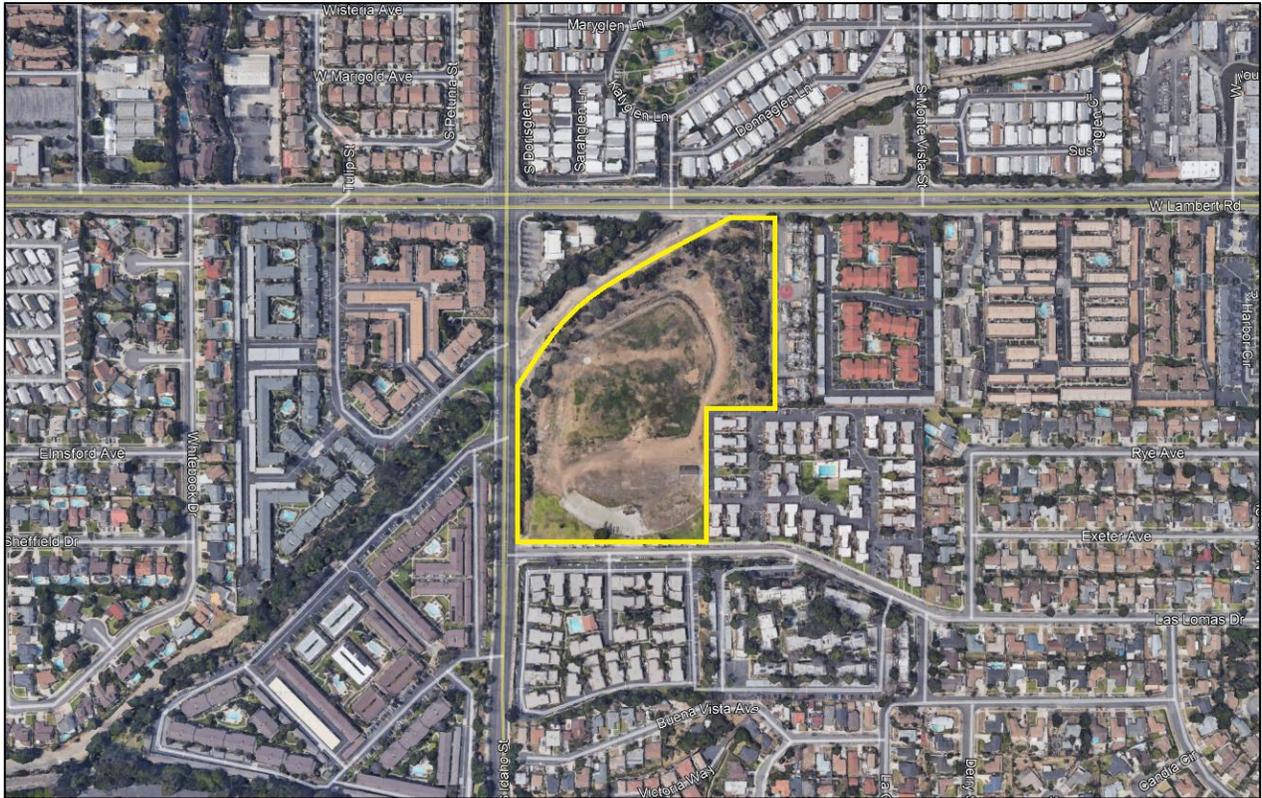


EXHIBIT 2-4
AERIAL MAP
Source: Google Earth



View of gravel parking area in the southern portion of the park, facing west.



View of turf area in the center of the park, facing northwest.

EXHIBIT 2-5
PHOTOGRAPHS OF THE PARK
Source: Blodgett Baylosis Environmental Planning



View of turf area in the center of the park, facing northeast.



View of turf area in the center of the park, facing northeast.

EXHIBIT 2-6
PHOTOGRAPHS OF THE PARK
Source: Blodgett Baylosis Environmental Planning



EXHIBIT 2-7
CONCEPTUAL SITE PLAN (ALTERNATIVE A)
Source: Troller Mayer Associates, Inc.



EXHIBIT 2-8
CONCEPTUAL SITE PLAN (ALTERNATIVE B)
Source: Troller Mayer Associates, Inc.

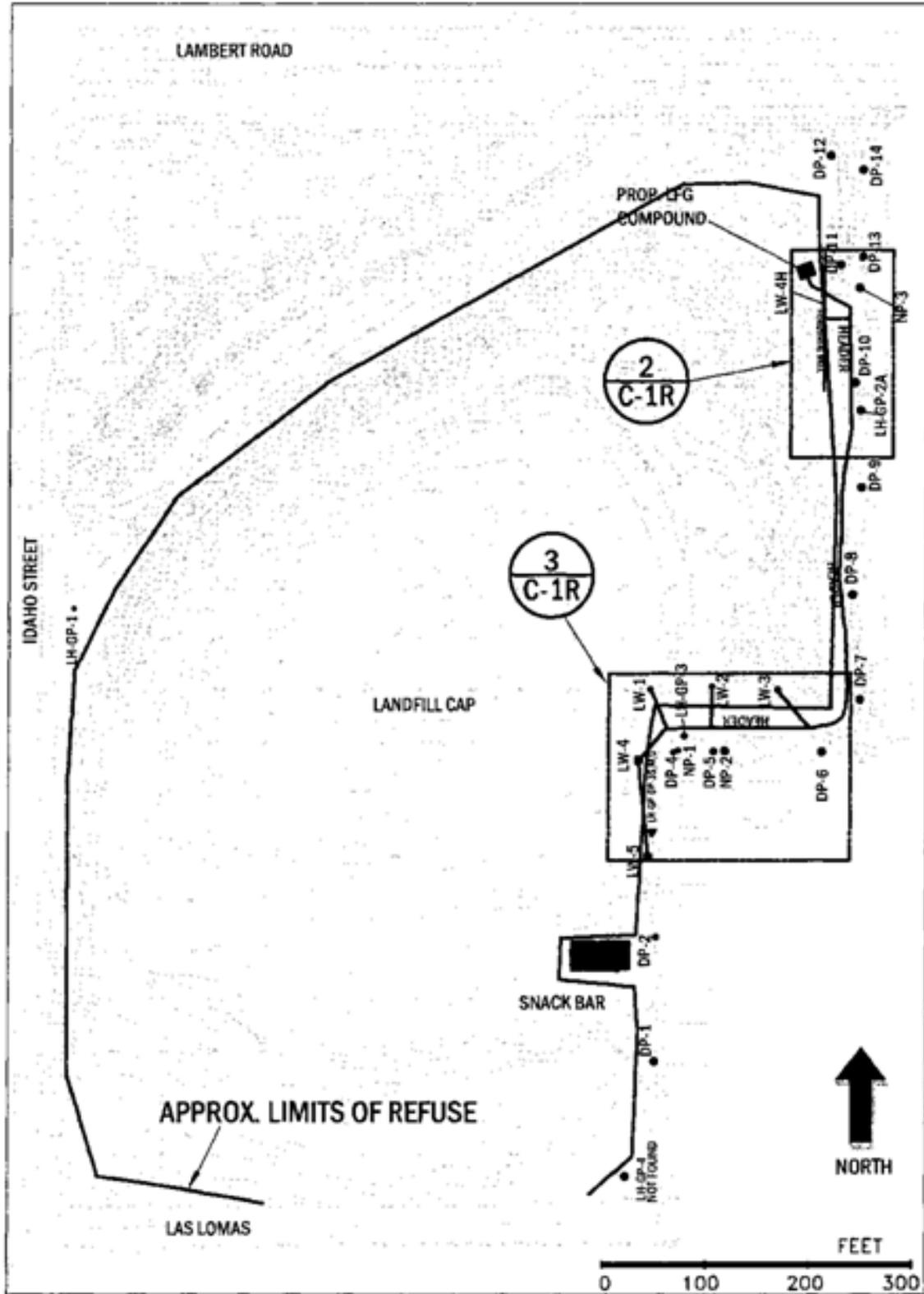


EXHIBIT 3-6
LANDFILL LOCATION
Source: GC Environmental, Inc.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 22, 2019

Mr. Chris Schaefer
City of La Habra
Community Development Department
201 E. La Habra Boulevard
La Habra, CA 91942

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Vista Grande Park Improvement Project, La Habra, CA, SCH#2019069091

Dear Mr. Schaefer:

The California Department of Fish and Game (Department) has reviewed the Mitigated Negative Declaration (MND) dated June 20, 2019, for the Vista Grande Park Improvement Program. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code (FGC) section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program, a California regional habitat conservation planning program.

Vista Grande Park is comprised of 17.5 acres located on the southeast corner of Lambert Road and Idaho Street in the City of La Habra (City). The City has developed two conceptual Alternative Project Descriptions, A and B, one of which would be implemented within the existing park boundary. Improvements include the possible installment of parking areas, playgrounds, walking/running trails, restrooms, and ornamental landscaping. Currently, 14.5 acres of the park are undeveloped and Coyote Creek extends along the northern boundary of the project area. The MND includes Mitigation Measure No. 6, intended to avoid and minimize impacts to nesting birds. No biological technical report was provided with the MND.

The Department has identified biological resources issues that are of concern. We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

As noted above, a biological technical report was not provided with the MND. Further, neither Alternative has been fully defined in the Project Description, impacts to biological resources under Alternative B are not included in the Initial Study Checklist, nor has an Alternative been selected for implementation. Because of the unclear nature of the Project Description and the lack of data provided, meaningful feedback cannot be provided to the City regarding potential impacts to biological resources.

For example, Coyote Creek, which is located within 100 feet or less from the nearest potential project improvement, is classified by the MND as having "riverine" and "freshwater forested/shrub wetland" habitat (page 47). The impacts analysis to biological resources in

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Coyote Creek states that, "[t]he proposed park improvements will not physically impact the Coyote Creek channel" (page 50). While the project may avoid direct impacts to the channel, the Department cannot verify that indirect project impacts to the biological resources associated with Coyote Creek will be insignificant, given that no assessment of what biological resources occur in the riparian habitat were included with the MND.

Despite the MND's discussion of the potential occurrence of least Bell's vireo (*Vireo bellii pusillus*; CESA- and Endangered Species Act-listed endangered) being limited to, "[t]his bird species lives in a riparian habitat, with the majority of the species living in San Diego County" (page 47), according to the Department's California Natural Diversity Database (CNDDDB), this species has been observed approximately 3.25 miles from the project area (CNDDDB, 2013). The CNDDDB is a statewide inventory, managed by the Department, and is routinely updated with the location and condition of the state's rare and declining species and habitats. Although the CNDDDB is the most current and reliable tool for tracking occurrences of special status species, it contains only those records that have been reported to the Department, and is not a substitute for timely physical surveys; in other words, detection of the species nearer than 3.25 miles from the project area may not be registered in the CNDDDB if recent surveys have not been conducted. We believe that indirect impacts to wildlife (i.e., light, noise, recreational traffic, domestic pets, etc.), including vireo, could potentially occur as a result of the project.

Additionally, Alternative A is described as *potentially* inclusive of large elements such as an amphitheater and two new basketball courts. Without knowing whether these elements will be included, the Department cannot ascertain as to whether these features will have direct or indirect impacts to biological resources. Similarly, without specific analysis of Alternative B's impacts (i.e. recreational impacts, light, noise, etc.)—despite the MND's anticipation that impacts from this Alternative would have a physically smaller footprint—the Department cannot conclude that direct and indirect impacts to biological resources will not be unique to that alternative or significant.

In an MND, the City is obligated to fully analyze all subsequent activities and impacts associated with the project, and Findings of Significance should only be made when those Findings are supported by substantial evidence in the record (CEQA Guidelines § 15064.7(b)). In order to be able to analyze whether the City has sufficiently brought impacts to biological resources below significant with mitigation, the Department recommends that the City:

1. prepare a biological technical report for the project, which should incorporate following elements:
 - a. a figure illustrating the proposed project footprint;
 - b. a figure illustrating the survey area, which should extend up to 500 feet beyond the project area footprint;
 - c. a description of the survey methodology or protocol used for general plant and animal species, as well as sensitive or listed species. If there were variances from standard survey methodologies or protocols, please provide the background and rationale for the variances;
 - d. a list of observed plant and animal species, including sensitive and listed species;

Mr. Chris Schaefer
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- e. a description, including acreages, of the habitat types observed within the current project footprint including any off-site impacts and the permanent and temporary impacts to each of these habitat types; and,
2. fully define what will and will not be included in Alternatives A and B, and fully discuss and analyze the potential direct and indirect impacts to biological resources which would occur from *either* Alternative; or,
3. select one Alternative for implementation and fully discuss and analyze the potential direct or indirect impacts to biological resources which will occur from that Alternative.

We appreciate the opportunity to comment on the MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines: §15073(e)). If you have any questions or comments regarding this letter, please contact Jennifer Turner of the Department via email at jennifer.turner@wildlife.ca.gov or (858) 467-2717.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: Christine Medak (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

References:

California Department of Fish and Wildlife. 2013. Least Bell's Vireo. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved July 17, 2019 from <http://bios.dfg.ca.gov>.