

# Appendix A1

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## NOP Comment Letters





## NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

### PROPOSED CONSTRUCTION OF 42 SINGLE-FAMILY RESIDENCES AND NEIGHBORHOOD PARK AT 700 NORTH SUNNYSIDE AVENUE, SIERRA MADRE, CALIFORNIA 91024

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**Date:** June 24, 2020

**To:** State Clearinghouse, Los Angeles County Clerk-Recorder, Responsible and Trustee Agencies, Interested Parties, Organizations, and Native American Heritage Commission

**Subject:** Notice of Preparation of a Draft Environmental Impact Report in Compliance with the California Environmental Quality Act

**NOP Comment Period:** End of posting period is Thursday, July 30, 2020 by 5:00 PM

**Contact:** Vincent Gonzalez  
Director of Planning & Community Preservation Department  
City of Sierra Madre  
232 West Sierra Madre Boulevard  
Sierra Madre, CA 91024  
(626) 355-7138

**NOTICE IS HEREBY GIVEN THAT** the City of Sierra Madre is the Lead Agency for this project and intends to prepare an Environmental Impact Report (EIR) to comply with the requirements of the California Environmental Quality Act (CEQA). Pursuant to the CEQA Guidelines Section 15082, after a Lead Agency decides an EIR is required, a Notice of Preparation (NOP) describing the project and its potential environmental effects shall be prepared.

**Agencies:** The City requests your agency's views on the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15082(a).

**Organizations and Interested Parties:** The City requests your comments and concerns regarding the environmental issues associated with construction and operation of the proposed project.

**Project Title:** Sunnyside Terrace

**Project Applicant:** The Congregation of the Passion, Mater Dolorosa Community

**Project Location:** A southerly 20 acres of the Site of the Congregation of the Passion, Mater Dolorosa Community, 700 N. Sunnyside Avenue, Sierra Madre, CA 91024

**Project Description:** The proposed project will develop approximately the lower 20 acres of property with a residential development of 42 detached single-family dwellings, a 3 to 3.5 acre dedicated neighborhood park, and dedication of approximately 45+/- acres of open space to the City of Sierra Madre as shown in the project vicinity and site maps included in Attachment A, Project Configuration described in Attachment B, and Street Improvement shown in Attachment C.

**Requested Actions:** The project applicant is requesting that the City take the following actions:

- **General Plan Amendment** - The property is identified as an institutional land use in the General Plan. The General Plan will be amended to include Open Space, Civic/City Park, Institutional, and One Family Residential (7,500 sq. ft. minimum) land use designations.
- **Zoning Code Amendment** – To amend the Municipal Code to define the open space parcel, Civic/City Park, Institutional, and One Family Residential (7,500 sq. ft. minimum) zoning designations.
- **Map Amendments** – Amendment to update the Land Use and Zoning Maps
- **Specific Plan** – Preparation of a Specific plan that provides zoning and development standards that allow for greater gross floor area, lot coverage, reduced parking requirements and setback standards for the new residential development parcels

**Initial Study:** Pursuant to 14 CCR §§ 15060(d), 15063(a), an Initial Study was not prepared because this project clearly requires an Environmental Impact Report.

**Probable Environmental Effects:** The City expects that the EIR would evaluate Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Noise, Population and Housing, Transportation and Traffic, Tribal Cultural Resources, and Utility Systems.

**Public Review Period:** The City has made this Notice of Preparation (NOP) available for public review and comment pursuant to Californian Code of Regulations, Title 14, Section 15082(a). The comment period for the NOP begins July 1, 2020 and ends August 1, 2020.

**Comment:** This notice commences a thirty-day review period during which the City welcomes and will consider all written comments regarding potential environmental impacts of the project and issues to be addressed in the EIR. Comment should be submitted by July 31, 2020. If you are commenting on behalf of an agency or organization, please indicate a contact person for your agency or organization. Please direct your comments to Vincent Gonzalez, Director of Planning and Community Preservation Department, City of Sierra Madre, 232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024; (626) 355-7138; [vgonzalez@cityofsierramadre.com](mailto:vgonzalez@cityofsierramadre.com).

**Document availability:** Documents related to this project are available for review during regular business hours at the City of Sierra Madre Planning and Community Preservation Department, 232 W. Sierra Madre Boulevard, and on the City of Sierra Madre Website at: <http://cityofsierramadre.com/news/Mater Dolorosa Project>

**Date:** June 24, 2020

**Signature:** 

Vincent Gonzalez

**Title:** Director of Planning and Community Preservation Department

**Telephone:** (626) 355-7138

**Reference:** California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

**DEPARTMENT OF TRANSPORTATION**  
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*Making Conservation  
a California Way of Life.*

July 6, 2020

Vincent Gonzalez  
Director of Planning & Community Preservation Department  
City of Sierra Madre  
232 West Sierra Madre Boulevard  
Sierra Madre, CA 91024

RE: Sunnyside Terrace – Notice of Preparation  
(NOP)  
SCH# 2020060534  
GTS# 07-LA-2020-03299  
Vic. LA-210 PM R30.002

Dear Vincent Gonzalez,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project will develop approximately the lower 20 acres of the property with 42 detached single-family dwellings and a 3 to 3.5 acre dedicated neighborhood park.

The nearest State facility to the proposed project is State Route 210. After reviewing the NOP, Caltrans has the following comments:

As required by SB 743, VMT is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. The City of Sierra Madre, as the lead agency, has discretion to develop and adopt its own thresholds of significance. Caltrans encourages VMT reduction thresholds that meet or exceed those recommended by the Governor's Office of Planning and Research.

Currently the project is designed in a way that induces a high number of trips per household due to being exclusively large-lot, single-family residential. The Lead Agency is encouraged to integrate transportation and land use in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use. Caltrans recommends the prioritization of nearby transit service, increasing residential density, and mixing land uses to more effectively address the significant VMT that this project will create.

Additionally, transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS# 07-LA-2020-03299.

Sincerely,

A handwritten signature in black ink that reads "Miya Edmonson". The script is cursive and fluid.

MIYA EDMONSON

IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

## NATIVE AMERICAN HERITAGE COMMISSION

7/31/2020

Governor's Office of Planning &amp; Research

Jul 03 2020

## STATE CLEARINGHOUSE

June 30, 2020

Vincent Gonzalez  
City of Sierra Madre  
232 W. Sierra Madre Boulevard  
Sierra Madre, CA 91024

**Re: 2020060534, Sunnyside Terrace Project, Los Angeles County**

Dear Mr. Gonzalez:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**



CHAIRPERSON  
**Laura Miranda**  
Luiseño

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**Reginald Pagaling**  
Chumash

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COMMISSIONER  
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Pomo

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(916) 373-3710  
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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).



- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

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## State Water Resources Control Board

Division of Drinking Water

July 6, 2020

**VIA E-MAIL**

Mr. Vincent Gonzalez  
Director of Planning and Community Preservation Department  
City of Sierra Madre  
232 West Sierra Madre Boulevard  
Sierra Madre, CA 91024

Dear Mr. Gonzalez:

**SCH NO. 2020060534: CEQA COMMENTS FOR SUNNYSIDE TERRACE PROJECT**

Thank you for the opportunity to review and comment on the CEQA Notice of Preparation (NOP) document for the project titled *Sunnyside Terrace*. The State Water Resources Control Board, Division of Drinking Water (DDW) understands that subsequent to the NOP, the City of Sierra Madre (City)/project applicant (applicant) will prepare an Environmental Impact Report (EIR) for the subject project. DDW is providing the following comments on the NOP and the upcoming EIR for the Sunnyside Terrace Project:

1. The City/applicant shall comply with applicable State statutes and regulations for potable drinking water and recycled water (e.g., Health and Safety Code, Title 17 and Title 22 of the California Code of Regulations (CCR) for the Sunnyside Terrace Project.
2. Whenever conveyances/piping for non-potable water (e.g., sewer lines, recycled water piping, others) are used, the Sunnyside Terrace Project shall comply with the State criteria for the separation of water mains and conveyances/piping for other (non-potable) fluids, Chapter 16 - California Waterworks Standards, Title 22, CCR.
3. The Sunnyside Terrace Project shall comply with the cross-connection requirements whenever and wherever applicable. Please contact the City of

Sierra Madre Utilities Services Department for these cross-connection requirements.

4. Comments provided in the foregoing shall be included/addressed in the upcoming EIR document for the Sunnyside Terrace Project.

If you have any questions, please contact Ric M. Roda, P.E., at (818) 551-2009 or me at (818) 551-2022.

Sincerely,



Dmitriy Ginzburg, P.E.  
Hollywood District Engineer  
Division of Drinking Water, SWRCB

cc: Mr. Dan Bacani  
Cross-Connection and Water Pollution Control Program  
County of Los Angeles Department of Public Health  
5050 Commerce Drive  
Baldwin Park, CA 91706

Mr. Jose Reynoso  
Utilities Services Director  
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Project Manager  
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State of California – Natural Resources Agency  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



July 31, 2020

Vincent Gonzalez  
Director of Planning and Community Preservation Department  
City of Sierra Madre  
232 West Sierra Madre Boulevard  
Sierra Madre, CA 91024  
[VGonzalez@cityofsierramadre.com](mailto:VGonzalez@cityofsierramadre.com)

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for Sunnyside Terrace, SCH #2020060534, Los Angeles County**

Dear Mr. Gonzalez:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for Sunnyside Terrace (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Vincent Gonzalez  
City of Sierra Madre  
July 31, 2020  
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**Project Location:** The Project site is located at 700 N. Sunnyside Avenue, Sierra Madre, CA 91024. The site is along the northern urban fringe of the City of Sierra Madre. It is surrounded to the west, south and southeast by residential development. Immediately east is the Bailey Canyon Wilderness Park. To the north is located the Mater Dolorosa Community.

**Project Description/Objectives:** The proposed project will develop approximately the lower 20 acres of property with a residential development of 42 detached single-family dwellings, a 3 to 3.5 acre dedicated neighborhood park, and dedication of approximately 45 acres of open space to the City of Sierra Madre.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Sierra Madre (City) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Specific Comments

- 1) Nesting Birds. Attachment B, Project Configuration and aerial photography, indicate the presence of trees and other vegetation on the Project site and within the vicinity. This vegetation may provide potential nesting habitat where Project activities may impact nesting birds. A review of California Natural Diversity Database (CNDDB) indicate occurrences of special status bird species, including least Bell's vireo (*Vireo bellii pusillus*), within 2 miles of the Project vicinity. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.
  - a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
  - b) Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

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- 2) Bumble Bee. A review of CNDDDB indicate three occurrences of Crotch bumble bee (*Bombus crotchii*) within 5 miles west of the Project vicinity. Project ground disturbing activities may result in crushing or filling of active bee colonies, causing the death or injury of adults, eggs, and larvae. The Project may remove bee habitat by eliminating vegetation that may support essential foraging habitat. Impacts to Crotch's bumble bee could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to hibernating bees, as well as temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of bees could result in the incidental loss of breeding success or otherwise lead to nest abandonment.
  - a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch bumble bee. On June 12, 2019, the California Fish and Game Commission accepted a petition to list the crotch bumble bee as endangered under the California Endangered Species Act ("CESA"), determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process.
  - b) CDFW recommends, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the City must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 et seq.).
- 3) California Endangered Species Act (CESA). A review of CNDDDB indicates several occurrences within 2 miles of the Project vicinity of least Bell's vireo a CESA-listed species. Project related activities may adversely impact potential habitat for this species. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 4) Bat Species. A review of CNDDDB indicates occurrences of several bat species within the



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Project vicinity. These species include, pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), hoary bat (*Lasiurus cinereus*), the pallid and the western mastiff are both California species of special concern. Despite the high diversity and sensitivity of bats in Southern California, numerous bat species are known to roost in trees and structures throughout Los Angeles county. Project activities may have the potential to adversely impact bat populations within the vicinity.

Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations § 251.1). A DEIR should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The CEQA document shall describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4[a][1]).

- 5) Landscaping. Attachment B, Project Configuration indicate the potential for landscaping, as the future development will be residential and park space. Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. CDFW recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.
- 6) Tree Removal: Attachment B, Project Configuration as well as aerial photography indicate the presence of trees in areas of the Project site that will be developed for housing. Habitat loss is one of the leading causes of native biodiversity loss. To compensate for any loss of trees, CDFW recommends replacing all non-native trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees. CDFW recommends replacing native trees at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings.
  - a) Due to tree removal, Project activities have the potential to result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks, alders, sycamore, and other trees in California which support a high biological diversity including special status species. To reduce impacts to less than significant the final environmental document should describe an infectious tree disease management plan and how it will be implemented in order to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), see <http://www.thousandcankers.com/>; Polyphagous Shot Hole Borer (*Euwallacea* spp.), see <http://eskalenlab.ucr.edu/avocado.html>; and goldspotted oak borer (*Agilus auroguttatus*), see <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

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- 7) Fuel Modification. According to the County of Los Angeles Fire Hazard Severity Zones Map, the Project site is within Hazard Class 3, which indicates a very high fire hazard area. This may indicate that Project activities may include fuel modification within around the Project boundary. The DEIR should include information as to how the Project or adjacent land may be affected by fuel modification requirements. Fuel modification should not adversely impact resources in areas adjacent or mitigation lands. A discussion of any fuel modification requirements for this Project should be included in the DEIR to allow CDFW to assess potential impacts to biological resources. CDFW recommends all fuel modification requirements be met on the Project, and not in mitigation lands or habitat adjacent to the Project. Habitat being subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer) should be considered an impact to these vegetation communities and mitigated accordingly. CDFW also recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.
- 8) Human-Wildlife Interface. Due to the location of the Project site just in the foothills of the San Gabriel mountains and at the edge of the black bear (*Ursus americanus*) and mountain lion range (*Puma concolor*), CDFW recommends the City require the use of bear-proof trash cans for this and all new developments in the foothills. Bears or mountain lions spotted in residential, suburban or urban areas should be reported to the South Coast Regional Office (858) 467-4201 or [AskR5@wildlife.ca.gov](mailto:AskR5@wildlife.ca.gov) during normal business hours. After-hours or weekend sightings should be reported first to local police or sheriff officers, who often can respond and secure a scene quickly and then contact CDFW as needed.
- a) CDFW considers improper storage of human food and garbage to be the primary cause of bear conflicts with humans. This requirement is necessary for the local waste management agency to provide each house these special cans. These trash cans require the use of special trucks and must be specifically contracted. The City should require this development, and all individual houses, use bear-proof trash cans.
  - b) Human interactions are one of the main drivers of mortality of mountain lion and increasing development and human presence in this area could increase the need for public safety removal and/or vehicle strikes of mountain lions. The mountain lion is a specially protected mammal in the State of California (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission (Commission) accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened CESA. Therefore, any new development project should analyze the potential for mountain lion that are known to occur in the San Gabriel Mountains and their foothills and may be impacted by development and human activity in the Project area.
- 9) Biological Baseline Assessment. Attachment B, Project Configuration as well as aerial photography indicate the majority of the Project site is open space. Undisturbed land may provide suitable habitat for special status or regionally and locally unique species. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts, as referred

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in Specific Comment 6 and General Comment 3. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The DEIR should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>);
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;
- e) A review CNDDDB indicate the occurrence of several special status reptile species within the Project vicinity, these include the southern California legless lizard (*Anniella stebbinsi*) and coast horned lizard (*Phrynosoma blainvillii*). The DEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate

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time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,

- f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

10) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to undeveloped land and open space just north of the Project site, it is essential to understand how these open spaces and the biological diversity within them may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DEIR:

- a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 *et. seq.*). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
- b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
- c) A discussion on Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- d) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
- e) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

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11) Wetland Resources. A review of the United States Geological Society (USGS) The National Map indicates the presence of forest/shrub wetlands, located east of the Project site. Given its proximity to the Project site, CDFW is concerned Project activities that may generate dust, noise, or light, for example, may indirectly impact the habitat values of the wetland.

In addition, recent aerial photography indicates a change in the appearance of the southeast corner of the Project site. A depression that may exist on the landscape could be an indication of vernal pools on site. Fish and Game Code states that "wetlands" means lands which may be covered periodically or permanently with shallow water and which include swamps, mudflats, fens, and vernal pools. (Fish & Game Code §2785).

CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<https://fgc.ca.gov/About/Policies/Miscellaneous>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, Project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a) Please see Specific Comment 10 regarding indirect and cumulative impacts.
- b) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- c) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this state that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public



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for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

- d) There are very few vernal pools left in Los Angeles County; therefore, the loss of any vernal pool potentially on the Project site is significant to CDFW. Therefore, CDFW recommends the final environmental document include a discussion as to the local significance and distribution of vernal pools regionally. CEQA Guidelines §15125(c) require the City to include information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on analyzing resources that are or unique to the region. CDFW recommends a USFW wet and dry season protocol level survey for Branchiopods on the Project site within suitable habitat. The CEQA document should include the results of all surveys and a discussion on the presence or absence of special status species, avoidance, and mitigation measures.

## General Comments

- 1) Jurisdictional Waters. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*
  - a) CDFW's issuance of an LSA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA (<https://wildlife.ca.gov/Conservation/LSA>).
  - b) In the event the project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (FWS) wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
  - c) In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
  - d) Project-related changes in upstream and downstream drainage patterns, runoff, and

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sedimentation should be included and evaluated in the DEIR.

- e) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 2) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
  - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 3) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 4) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 5) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of

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habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

- 6) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity should obtain all appropriate state and federal permits.

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Sierra Madre in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 430-0098 or by email at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Erinn Wilson-Olgin*  
B6E58CFE24724F5...  
Erinn Wilson  
Environmental Program Manager I

ec: CDFW  
Victoria Tang – Los Alamitos  
Andrew Valand – Los Alamitos  
Felicia Silva – Los Alamitos  
Karen Drewe – Los Alamitos  
Susan Howell – San Diego  
CEQA Program Coordinator – Sacramento

State Clearinghouse

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**From:** Toan Duong <TDUONG@dpw.lacounty.gov>  
**Sent:** Thursday, July 30, 2020 10:01 AM  
**To:** Vincent Gonzalez  
**Cc:** Jose Suarez; Jose Cruz; Long Thang; Jason Rietze  
**Subject:** Sunnyside Terrace Subdivision NOP-DEIR Comment

**SUNNYSIDE TERRACE SUBDIVISION  
NOTICE OF PREPARATION (NOP) OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
CITY OF SIERRA MADRE  
ENVIRONMENTAL PLAN (RPPL2020003918)**

Thank you for the opportunity to review the NOP of a DEIR for the subject project. The project proposes to subdivide approximately 20 acres of property into 42 detached single-family dwellings, 3.5 acres neighborhood park, and 45 acres of open space in the City of Sierra Madre.

The Los Angeles County Flood Control District (LACFCD) has reviewed the NOP and offers the following comments for your consideration:

1. Project components affecting the LACFCD's facilities or right of way will require a flood permit, storm drain plans approval, and hydrology study approval from the LACFCD through EPIC-LA at [epicla.lacounty.gov](http://epicla.lacounty.gov). The LACFCD should be disclosed and included as a responsible permitting agency in the DEIR.
2. The hillsides above the proposed housing project are highly erosive and subject to severe burn from wildfires. Debris flows can result afterwards due to storm water run-off. Flood and debris control facilities may be required to protect the proposed housing project.
3. If the City of Sierra Madre intends to transfer any of the proposed flood and debris control facilities to the LACFCD for operation and maintenance, the facilities shall be designed and built to meet the Los Angeles County Public Works Department's design standards in addition to any other city's requirements.
4. A portion of the proposed housing development appears to be on top of existing LACFCD's storm drains. The LACFCD does not normally allow housing to be constructed over existing LACFCD's facilities. It is suggested that conceptual plans be submitted through EPIC-LA as soon as possible for consultation.
5. All environmental impacts and mitigations for the construction and long term maintenance of the flood and debris control facilities required by local, state and federal entities should be included in the DEIR. All mitigations shall be met prior to the LACFCD's acceptance of any proposed facilities to be transferred.
6. The DEIR should address the project impacts to the operation and maintenance of Bailey Debris Basin and include all required mitigations including, but not limited to the following:

- 6.1. Potential complaints from current and future residents about the impact from work at the basin such as cleanout activities and trucking.
- 6.2. Increases in traffic affecting operation efficiency during basin cleanout.

We request the opportunity to review the DEIR and future environmental documents when they are available. For questions regarding the above comments, please contact Jason Rietze of Public Works, Stormwater Planning Division at (626) 300-3248 or [jrietze@pw.lacounty.gov](mailto:jrietze@pw.lacounty.gov).

If you have any other questions or require additional information, please contact the undersigned.

Sincerely,

*Tean Duong*

Civil Engineer  
Los Angeles County Public Works  
Office: (626) 458-4921

