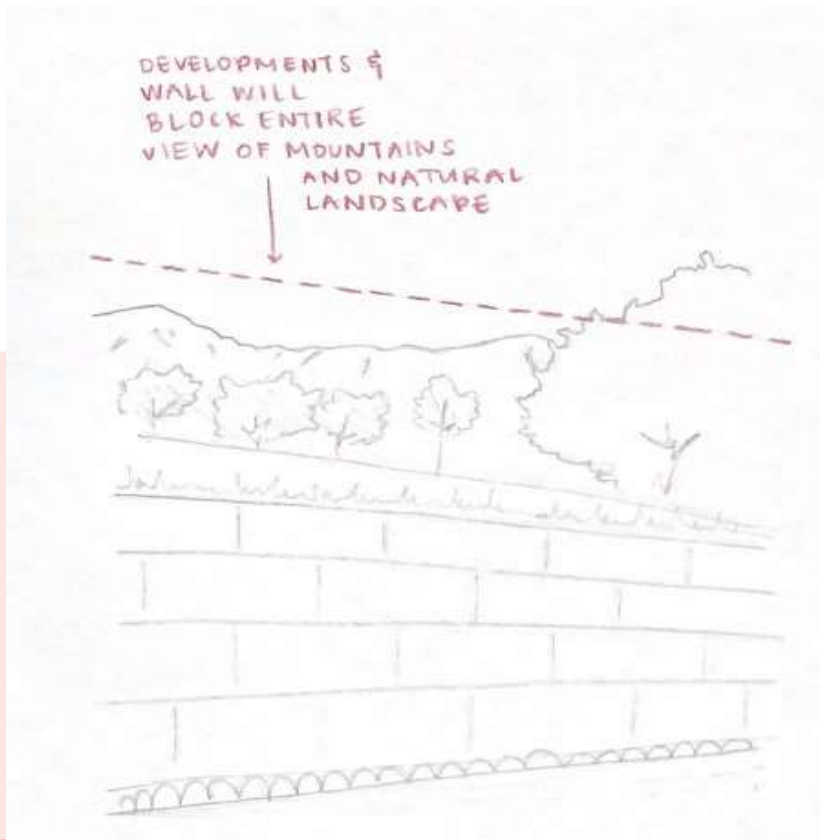


The Shore Family

View Blockage

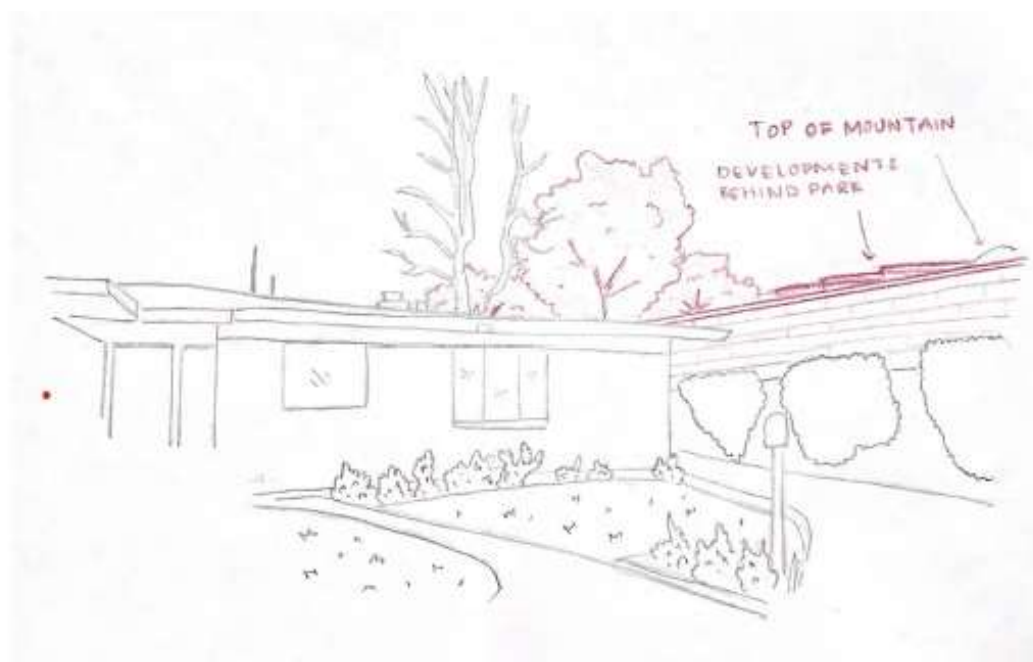


Sierra Madre Code of Ordinances: Chapter 17.20.010 - Purpose.

In order to maintain the historical, architectural and ecological integrity and quality of the existing single-family residential areas within the city, the following purpose is set forth: ...

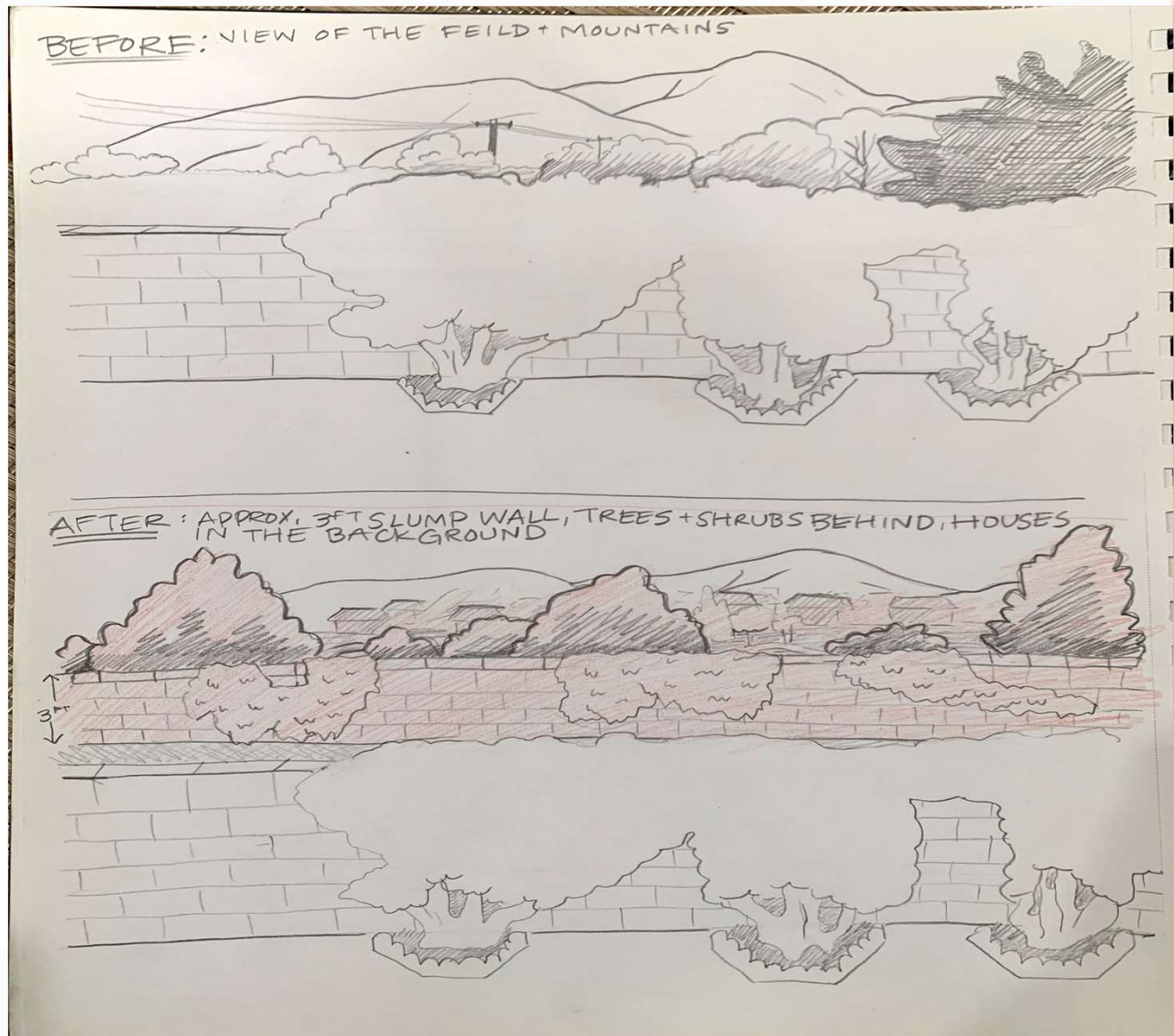
E. To promote consideration of one another's valley and mountain views:

1. Designs should consider, to the extent reasonably practicable, the neighbors' existing view,



View Blockage

Proposed minimum 3 foot tall slump wall and trees will fully block existing view and lower property value. Developer is proposing a wall of up to 8 feet tall.



Development must be configured to preserve the view and property value of 501 Crestvale Drive

The Shore Family



Clare Lin

From: Barbara Vellturo [REDACTED]
Sent: Thursday, May 5, 2022 3:06 PM
To: PlanningCommission; Public Comment; Kelly Kriebs
Subject: Comment for Planning Commission May 5, 2021
Attachments: To the Planning Commission - Consistency Analysis.doc

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Please add this Comment to the Public Record

To the Commissioners,

As you know, the law requires that you can not adopt a **proposed Specific Plan** unless you find the Plan consistent with our General Plan, Ordinances, and Plans.

It is the proposed plan that must be consistent and NOT the Plan IF it is adopted.

Some of you have been involved in creating those values, objectives policies etc as well as many of the ordinances. You are all familiar with how those policies have been interpreted and applied to other Citizens of Sierra Madre.

Attached are all the INCONSISTENCIES of the project with our General Plan

Thank you for your usual careful consideration

Barbara Vellturo
Protect Sierra Madre

From: **Barbara Velturo** [REDACTED]

Date: Wed, Apr 27, 2022 at 3:59 PM

Subject: Sierra Madre Sunnyside Terrace Subdivision NOP-DEIR Comment

To: Toan Duong <TDUONG@dpw.lacounty.gov>, Jose Suarez <JSUAREZ@dpw.lacounty.gov>, Jose Cruz <JoCruz@dpw.lacounty.gov>, Long Thang <LTHANG@dpw.lacounty.gov>, Jason Rietze <JRietze@dpw.lacounty.gov>, Dayna Rothman <DROTHMAN@dpw.lacounty.gov>

Toan Duong [<mailto:TDUONG@dpw.lacounty.gov>];

Jose Suarez [JSUAREZ@dpw.lacounty.gov]; Jose Cruz <JoCruz@dpw.lacounty.gov>;

Long Thang <LTHANG@dpw.lacounty.gov>; Jason Rietze <JRietze@dpw.lacounty.gov>

Dayna Rothman <DROTHMAN@dpw.lacounty.gov>

TO RELEVANT LOS ANGELES COUNTY AGENCIES

We are members of Protect Sierra Madre - Stop the Housing Project, and Preserve Sierra Madre, two preservationist groups opposed to the planned overdevelopment of the "Meadows at Bailey Canyon" Project. You had submitted a comment on the NOP for that housing development, then entitled Sunnyside Terrace.

Los Angeles County has many interests in the area to be impacted by the Housing Development. Los Angeles County Flood Control District owns the Bailey Canyon Debris Basin and part of Bailey Canyon Wilderness Park (a portion of which is leased to the City of Sierra Madre). The County's access road to maintain the Drainage Basin is almost directly across from the planned two way exit of traffic from the proposed Meadows project. The County also has drainage easements and pipes within the boundaries of the project itself.

Both the DEIR and the Final EIR for the project failed to respond to - or even acknowledge - ANY of the concerns or requirements of the County's comments.

In the Final DEIR, once again, the Developer has ignored the recognized interests of the County by adding a NEW impactful change to the project, in the adjacent Bailey Canyon Wilderness Park (owned by LA County Flood Control District) without studies or notice to any agency. The changes in this "new" project include acquiring 9 feet of land in Bailey Canyon Wilderness Park for a 6 foot sidewalk, removing or impacting more than a dozen of the large trees edging the entrance to the Park, and grading the slope from the parking lot to the street. It would likely require relocating the County's storm drain which

is on the corner of Carter/Oak Crest/Lima and possibly take a portion of the County's access road.

Dudek's in-house Arborist submitted the only "report" done for the new project which inaccurately said that the impacted trees were part of a Sierra Madre City Park and that the City's tree ordinance applied to determine the mitigation. The trees and the land to be "acquired" belongs to the County, as the City and the Developer are well aware. Any impacts or mitigations on a Los Angeles County Public Park must be as required by their regulations, not by those of the City of Sierra Madre.

NO other study was done on the many impacts of the project, nor was the County or any other agency given notice of the project.

None of the Comments submitted to the NOP by the County were addressed or even acknowledged in the DEIR or the FEIR, nor was LA County Flood Control District named as a responsible permitting agency as requested.

As a permitting agency, the County had expressed several concerns in their comment to the NOP (Notice of Preparation) of the DEIR. Among those was the requirement that: "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.

Neither of these impacts was studied or even mentioned in the DEIR or in the FEIR - nor were any mitigations proposed.

The County included additional issues as follows, to be addressed for the project to be permitted and that might identify hazards requiring significant mitigation measures such as "flood and debris control facilities" which must be known before the DEIR is certified:

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. 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.

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 and said that:

"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."

Despite receiving these requirements as comments to the NOP, the DEIR included no study of potential flood or flood control requirements, impacts or mitigation, nor any statement that these things might be required. Although the County identified the project site as potentially threatened by a debris slide after any wildfire and the parcel above the Retreat Center is identified as a "landslide area" on a Seismic Hazard map, the DEIR concluded that since the "project site" itself was not in a seismic hazard zone, or a landslide zone, there was no potential for landslide—ignoring the probability that a landslide in the hills directly above the project would impact it.

The impacts and mitigations in comments 1,2, and 4 could only be included in the final EIR, as the county requested, if the plans and studies referenced were completed and impacts and mitigations included in the DEIR released for review. They were not.

The failure to address the comments submitted to the NOP at any point in the Environmental Review - as well as the significant impacts in the newly inserted "Offsite Improvement" project would all require revision and recirculation of the EIR.

The Developer informed the Planning Commission and City Council that, in discussions with LA County about its acquisition of 9 acres of Bailey Canyon Wilderness Park, he was told to obtain the approval of the project before continuing discussions with the County. If the project is approved with the inclusion of this planned widening, it is important that the County has had access to environmental impact studies of this newly presented project in order to determine whether to allow an easement or a lease.

Our attorney has submitted a letter to the Planning Commission (attached) asking that they require the FEIR to be revised and recirculated to correct this and several other deficiencies. The developer's attorney, as expected, has responded that the widening of

the road, impacts to trees and drainage and the grading of a portion of the Wilderness park land is of minor impact.

We feel that our Planning Commission does respond to information and concerns and is able to require corrections of the serious deficiencies in the FEIR as our attorney stated. They would be likely to accept the opinion that the newly added information must be studied and mitigations presented to the owner of the land they propose to use for the project.

The Final EIR can be accessed from the City of Sierra Madre website at

<https://www.cityofsierramadre.com/cms/one.aspx?pagelId=16548213>

Attached are copies of The Comment submitted by the County to the NOP and our attorney's letter addressing deficiencies in the EIR

If you need any further information, please do not hesitate to contact me.

Barbara Vellturo

Steering Committee

Protect Sierra Madre -

Stop the Housing Project

To the Planning Commission

One of the many items you are being asked to approve is the SPECIFIC PLAN FOR THE MEADOWS DEVELOPMENT.

There is ONE most important criteria that the commission must consider when deciding whether to adopt the Specific Plan before you.

State law requires:

65454.

No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

(Added by Stats. 1984, Ch. 1009, Sec. 18.)

You are all very familiar with the values and goals of Sierra Madre's General Plan and have been instrumental in developing those "shared values" of the community. We are relying on you to protect and preserve those for future generations.

Much of the SPECIFIC PLAN for the "Meadows at Bailey Canyon" is INCONSISTENT WITH SIERRA MADRE'S GENERAL PLAN, ZONING ORDINANCES AND PLANS.

From the General Plan Introduction

The City of Sierra Madre General Plan is a long-range policy document which lays out the framework for all future growth and development within the City. The General Plan is the blueprint that sets the basis for future policy decisions, inthat it organizes the desires of the Sierra Madre community with respect to the physical, cultural, economic, and environmental character of the City.

Most importantly, the Sierra Madre General Plan is a community-based document that reflects the community values and character as expressed in its goals and policies, while also serving as a technical document which provides information about the City. ***The General Plan shall be used as a guide by the City's decision makers to achieve the community's vision and preserve the history, character and shared values of the community for future generations.***

All those regulations have been carefully crafted and refined over decades, by Sierra Madre's volunteer and elected officials, citizens and hired consultants, to PROTECT the unique character of our VILLAGE OF THE FOOTHILLS. As knowledge has evolved of climate change and the increasing man made dangers of FIRE, DROUGHT and AIR POLLUTION, Sierra Madre has consistently acted to those protections, to keep our vision of our beautiful small town's character.

Because the General Plan is so critically important in guiding all future development decisions in a City, State law requires that a Specific Plan MAY NOT BE ADOPTED Unless it is Consistent with the General Plan. pursuant to §65454

The developers of the Meadows at Bailey Canyon hope to build by use of a SPECIFIC PLAN, which not only evades the VALUES, VISION and POLICIES of our GENERAL PLAN, our ORDINANCES and our CITY PLANS, but which eliminates the oversight of our Planning Commission which is intended to enforce and protect those values.

The following sections will show many critical inconsistencies with several parts of the Sierra Madre General Plan, the Sierra Madre Ordinances and the Sierra Madre Community Forest Plan. Some inconsistencies are readily apparent – some are inconsistent because the Developer failed to do the studies or present the evidence by which the City could ascertain consistency.

Luckily, the law does not allow a developer to so easily replace our City's values with its own. And it is up to Sierra Madre's Planning Commission and City Council to protect those values on behalf of the citizens of this town.

The SPECIFIC PLAN for the "Meadows of Bailey Canyon" is INCONSISTENT with the SIERRA MADRE GENERAL PLAN with regard to the Land Use Section of the General Plan

State law requires that Specific Plans must demonstrate consistency with the goals, objectives, policies and programs of a jurisdiction's General Plan. IF THEY DO NOT, THEY CAN NOT BE ADOPTED.

The proposed Meadows development is inconsistent with these GENERAL PLAN LAND USE GOALS, the policies which further define those goals and the Implementation measures to put those policies into effect. Those Goals and Policies establish what is valuable to the Citizens of Sierra Madre. They must be enforced and protected.

City of Sierra Madre 2015 General Plan – Land Use Goals

2. Preserve and enhance the diversity in the character of residential neighborhoods ensuring that new development is compatible in its design and scale with older established development in the surrounding neighborhood without attempting to replicate or mass produce a style of Development.
3. Ensure that development is done in harmony with its neighborhood, and preserves and protects privacy and mountain views of neighboring properties.

4. Ensure that development is done to maximize water conservation practices to reduce and minimize the impact on the City's local water supply and the ability to serve its water customers.
5. Institute conservation measures so that the demand for water matches the City's local supply.
8. Preserve existing and provide additional constructed and natural open space.
9. Preserve the hillside areas in order to protect the environment and mountain views, obtain a balance between developed areas and the hillside wilderness, and establish the role of the hillside as an entry point into wildland areas.

THE SPECIFIC PLAN IS NOT CONSISTENT WITH THE LAND USE GOALS AND POLICIES OF THE GENERAL PLAN WITH REGARD TO THE CHARACTER OF NEW DEVELOPMENT.

GOALS OF THE SIERRA MADRE GENERAL PLAN

2. Preserve and enhance the diversity in the character of residential neighborhoods ensuring that new development is compatible in its design and scale with older established development in the surrounding neighborhood without attempting to replicate or mass produce a style of Development.
3. Ensure that development is done in harmony with its neighborhood, and preserves and protects privacy and mountain views of neighboring properties,
1. Most building projects in Sierra Madre (except for this "Meadows" project which evades all our protective regulations by use of a Specific Plan) would be required by our Planning Application process to SHOW how their planned house or development fits into the neighborhood. A Sierra Madre Planning application requires a: "Neighborhood Analysis - a tabulated list of properties within a 300 foot radius of the project site comparing lot size and building data as presented by the Los Angeles County Assessor" "The analysis should calculate the median and average values for lot size and identify where the proposed project falls within the properties."

The Meadows Development has not done any such "Neighborhood Analysis" and we do not know if, under the Specific Plan, that analysis will be required, as their Specific Plan negates many of Sierra Madre's planning requirements.

But, unless that analysis IS done, and unless the results show that the project falls close to the median or average values of the surrounding properties, the project can NOT claim to be "consistent" with Sierra Madre General Plan, Ordinances, or our City's Values. The neighborhood surrounding the proposed development has a specific character, lot size and house size. That, and not some oversized house on an oversized lot in another part of town, is what must be compatible in design and scale.

2. The project's Specific Plan shows larger house sizes than is allowed in single family residential zones. Our General Plan requires adherence to those zoning requirements. The project can NOT claim to be "consistent" with Sierra Madre General Plan, Ordinances, the surrounding neighborhood or our City's Values when it varies from those requirements.

3. The project's Specific Plan shows greater lot coverage than is allowed in Single family residential zones. Our General Plan requires adherence to those zoning requirements. The project can NOT claim to be "consistent" with Sierra Madre General Plan, Ordinances, the surrounding neighborhood or our City's Values when it varies from those requirements.

4. The project's Specific Plan shows greater setbacks than is allowed in Single family residential zones. Our General Plan requires adherence to those zoning requirements. The project can NOT claim to be "consistent" with Sierra Madre General Plan, Ordinances. the surrounding neighborhood or our City's Values when it varies from those requirements.

5. An aerial map of homes adjacent to the Parcel to be developed shows that only 5 homes of 59 in the neighborhoods to the west and south of the project are two story homes and 54 are single story homes. (Map below) We do not know if ANY homes in this proposed development will be one story, and doubt that they will even come close to the prevailing percentage of single story homes in the neighborhood, let alone conforming to the house and lot size that our planning application would require analyzed.



At the Developer's presentation to the city Council and the residents, in March 2021, a Council Member asked how many of the "Meadows" houses would be one story. The response was that it hadn't been decided, but would be in the Specific Plan. It is not! The Specific Plan makes no mention at all about how many houses, IF ANY, will be single story. At a Planning Commission meeting, Planning Director Gonzalez stated that there were only 4 designs to review. ALL 4 designs previously shown were two story houses. And none of those previously presented designs appear in the Specific Plan – the designs of the houses to be built, along with their sizes are not shown.

The Developer has used a “Stock” response as part of its “Consistency Analysis” – ostensibly intended to cover any Goals and Policies which require the project to be consistent with its surrounding neighborhood.

Table 1. Consistency with City of Sierra Madre’s General Plan Goals and Policies

Master Responses:

Response 1: The Specific Plan includes development regulations and design guidelines and standards for the project site created to be compatible with the surrounding neighborhood. The development will be designed in a manner that is sensitive to viewpoints through building design, site layout and building heights. The design guidelines and standards in Chapter 5 promote the high-quality standards that the City and the community value. In addition, multiple measures are in place that will provide buffers, additional setbacks for lots west of North Sunnyside Avenue and landscaping, as well as a Grading and Landscape buffer along the northern boundary of the Plan area, to ensure compatibility with existing structures in the adjacent neighborhood and Retreat Center. See Section 3.8.5, Good Neighborhood Plan for additional details. See Section 3.8.5, Good Neighborhood Plan for additional compatibility details in regard to the site’s compatibility with surrounding uses.

Those statements of “fact” unless supported by sufficient evidence are inadequate. In any case where the language merely states that the project would be consistent with itself—not the policy, it fails to establish consistency with the policy. It states the development would be “regulated” by its own design guidelines which are, in fact, inconsistent with this policy. No facts are presented to support the erroneous conclusion of consistency because it can’t be done. The developer must address the inconsistency of the project with this policy, with facts.

Unless the developer shows the locations and numbers of ALL one and two story homes, and the lot sizes and house sizes for each of the 42 lots, they can NOT claim that their project is "consistent" with Sierra Madre General Plan, the surrounding neighborhood or our City's Values. The statement that something is so, without evidence, is invalid.

6. The orientation of the homes, as show on previous Site Plans, is NOT CONSISTENT with any other neighborhood in the city. The houses on the west side will all face east and the interior homes will all face north. There will be no homes facing each other. Each row of houses will sit on top of a pad, at the top of a slope, with houses only on one side of the street. This will eliminate the community/neighborhood aspect of homes looking out onto the same street, that the entire city has and is a configuration not seen in any part of Sierra Madre. The project can NOT claim to be "consistent" with the General Plan, surrounding neighborhood or our City's Values.

A local architect had these comments that the design of the development did NOT at all fit into our City’s standards and character. “It is also separated by making itself a separate enclave, rather than fitting in. This is due to two factors: One is the road layout. It definitely has a message of being separate. For instance, why isn’t Carter improved and continued west to Sunnyside as a starting point in the layout?

Two is that nowhere in Sierra Madre do we have these “Orange County-like” butcher the natural land forms to make these “line 'em-up” flat building pads. Completely un-natural looking, with useless steep slopes that result from doing this. These pads are for the purpose of setting cookie cutter house designs down quickly and cheaply to maximize speed and profit. They have nothing to do with urban form or even trying to fit into our town. This configuration does not exist anywhere in Sierra Madre. It is alien and unnatural.

7. The developer has shown no plans, no elevations nor any other studies to support its claim that no views will be impacted by the project. Simply SAYING that it will not is insufficient evidence. Unless they produce evidence to support their unsubstantiated comment, they can NOT claim that the project is "consistent" with Sierra Madre General Plan, the surrounding neighborhood or our City's Values.

8. The developer has shown no maps or plans that would support their claim that the project is “consistent” with the General Plan requirements attached. They have not shown how many of

each lot size and their locations, or the size of the homes on each lot. We can analyze the size of the lots and the homes in the surrounding neighborhoods, but still can't know whether their project is consistent with our General Plan without knowing the developments lot sizes and house sizes.

Simply referring to "Design Standards" in a Specific Plan, which also includes the right to "amend" that plan, does not provide a true representation of what will be built and if it will complement the character of existing development. **Stating** that their development regulations and design standards make the development "compatible with the surrounding neighborhood" and "sensitive to viewpoints" does NOT show to any reasonable person that those things are so, especially when those neighborhood properties were built with more restrictions than will apply under the Specific Plan. The Specific plan sets zoning standards which, if applied, would automatically make the development NOT COMPATIBLE with the neighborhood and inconsistent with our General Plan, which requires that compatibility. Again, their "consistency" statement simply states the development would be "regulated" by its own design guidelines which are, in fact, inconsistent with our policies. No facts are presented to support the erroneous conclusion of consistency because it can't be done. The developer must address the inconsistency of the project with this policy, with facts.

Below are the Policies in the General Plan pertaining to developments. The Developers Specific Plan MUST demonstrate consistency with our CURRENT General Plan. It may not claim that consistency based on its own regulations or an "Amended" or future General Plan which incorporates those regulations

The developer has not proven Consistency with any of these policies or implementation measures. The Specific Plan's stated Home Sizes, Lot Coverage and Setbacks alone make the development inconsistent with the zoning Ordinances that the General Plan policies intended to "maintain" and "protect".

- Policy L4.1: Ensure that the expansion of existing uses is reflective of and complements the overall pattern of development, without changing the character of existing development.
- Policy L6.2: Ensure that any new or expanded structures in residential neighborhoods do not unreasonably obstruct significant mountain or basin views.
- Policy L7.1: Maintain maximum lot coverage and floor area ratios which allow for adequate buffering from neighboring properties, usable private yard area, air circulation and light.
- Policy L7.3: Limit the height of new buildings to reflect the height patterns on the street and within the Sierra Madre community.
- Policy L7.4: Encourage new residential development to be compatible with existing structures

including the following: a. Maintenance of front, side, and rear yard setbacks.

- Policy L10.4: Maintain development standards and minimum lot sizes which result in development with dimensions, quality, and aesthetics consistent with existing developments.
- Policy L15.1: In subdividing larger parcels, determine development density based on a calculation that uses slope as one of the primary factors, which means that the steeper the slope, the larger the minimum lot size.
- Policy L15.2: Ensure that development in the hillside areas be located in those areas resulting in the least environmental impact.
- Policy L15.3: Require that all access into hillside areas be designed for minimum disturbance to the natural features.
- Policy L15.5: Consider the impact of development on wildlife.
- Policy L16.1: Minimize the amount of grading and removal of natural vegetation.
- Policy L17.2: Require that all development be designed to reflect the contours of the existing landform using techniques such as split pads, detached secondary structures (such as garages), and avoiding the use of excessive cantilevers.
- Policy L17.3: Require that all development preserves, to the maximum extent possible, significant features of the natural topography, including swales, canyons, knolls, ridge lines, and rock outcrops.
- Policy L24.1: Require that new residential development be compatible with and complement existing structures on the block: a. Maintain existing front yard setbacks on the block;
- Policy L24.5: Encourage the retention of existing mature, specimen trees.
- Policy L37.8: Ensure that all development and new uses are compatible with adjacent uses, and yield no significant negative impacts to noise, air quality, water quality and traffic.

Measure IM-12: The City shall continue to enforce and amend the R-1 (One Family Residential) Zoning Ordinance as necessary to ensure that development is compatible in design and scale with the neighborhood.

Measure IM-59: The City shall continue to enforce the Institutional (I) Zoning Ordinance.

THE SPECIFIC PLAN IS NOT CONSISTENT WITH THE LAND USE GOALS AND POLICIES OF THE GENERAL PLAN WITH REGARD TO THE PRESERVATION OF OPEN SPACE

GOALS OF THE SIERRA MADRE GENERAL PLAN

8. Preserve existing and provide additional constructed and natural open space.
9. Preserve the hillside areas in order to protect the environment and mountain views, obtain a balance between developed areas and the hillside wilderness, and establish the role of the hillside as an entry point into wildland areas.

Our 2015 General Plan included the following Policies:

- Policy R3.2: Ensure that wildland open space, including the areas of the city designated as High Fire Hazard Severity Zone, is left in its natural state with the exception of brush abatement for public safety in order to aid the City in fighting fires.
- Policy R3.3: Ensure that natural open space within the High Fire Hazard Severity Zones remains

undeveloped so as to mitigate the flood cycles that follow wild land fires in the natural open space.

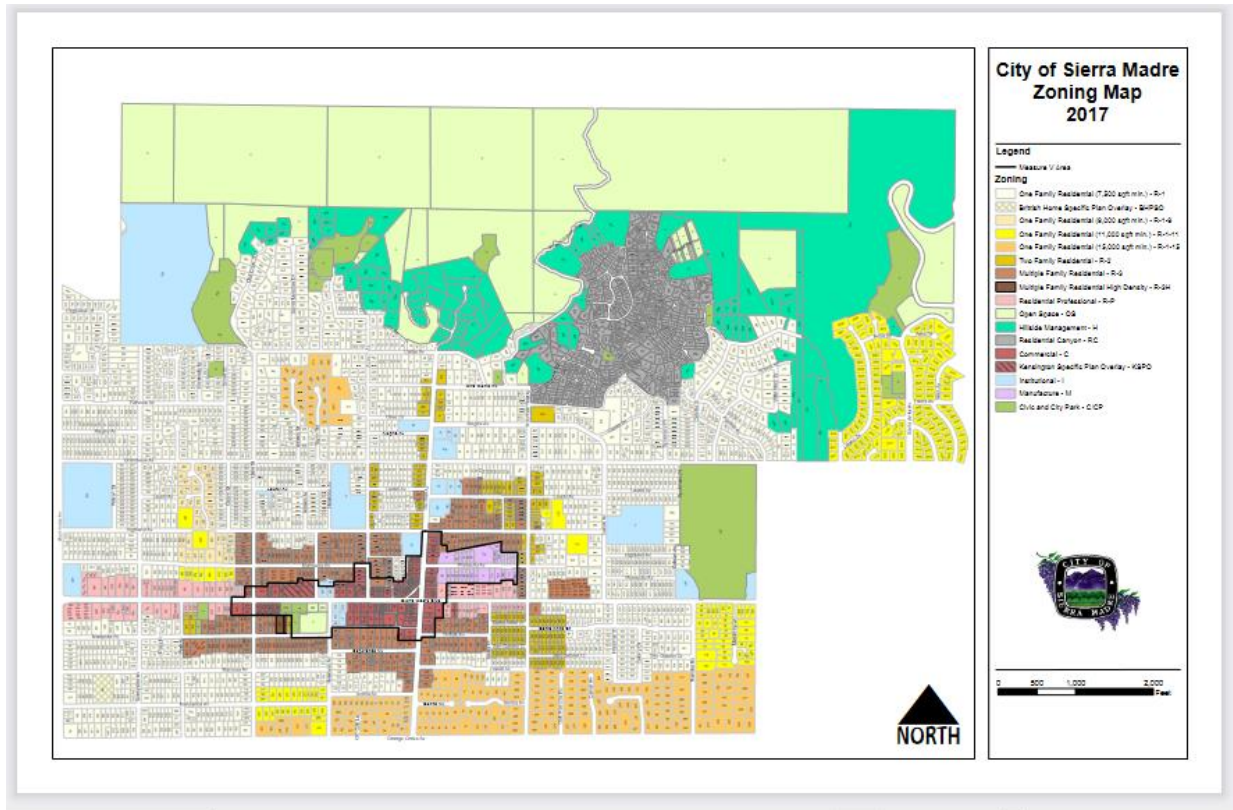
And in the Pending update to our General Plan, the City has added a new policy to its Safety Element to make their intentions clear:

Objective Hz7: Avoid expanding development into undeveloped areas in Very High Fire Severity Zones.

The planned project is in the Very High Fire Severity Zone and is part of the Wildland Urban Interface.

The Sierra Madre General Plan identifies and recognizes the value of Constructed and Natural Open Space within our Wildland Urban Interface, but states that NATURAL OPEN SPACE is the most precious because it can not be replaced once lost. The entire parcel to be developed is currently Natural Open Space, the most valuable.

All other parcels which abut the Forest wilderness area recognize the City's goal to "Preserve the hillside areas in order to protect the environment and mountain views, obtain a balance between developed areas and the hillside wilderness, and establish the role of the hillside as an entry point into wildland areas". With the exception of a small part of the Canyon Zone all those parcels are zoned either Hillside Management Zone or Open Space Zone, for the protection of Open Space and for Fire and Flood Safety. Sierra Madre Zoning Map shows the Open Space Zone in pale green and the Hillside Management Zone in a darker blue/green, and the solid green as City Parks.



The most important values to our community of that open space are its protections as a buffer against wildfires and landslides as well as an area from which our firefighters and partners can stage their attacks against any fire that threatens our City. It is a safety asset for all of Sierra Madre.

But there is a further value of that specific area as described to us by a member of a conservation group.

“Watershed Conservation Authority’s mission is to expand the open space and recreational opportunities in the San Gabriel and Lower Los Angeles Rivers Watershed area consistent with the goals of flood protection, water supply, and groundwater recharge. It is in this spirit that I want to share considerations for the Mater Dolorosa land, which is proposed as a site of a residential development.

This development will be situated on the very last large parcel of land in the Eastern San Gabriel foothills which retains a connection between the canyons and the alluvial fan. Alluvial fans have particularly high rates of infiltration. There, water can sink deep into the ground and recharge aquifers. Keeping remaining recharge areas as undeveloped as possible is a critical part of protecting our region’s watersheds. This land was ranked very in high in conservation value in our agency’s Foothills Open Space Acquisition Study due to its watershed value, adjacency to protected lands, potential for habitat restoration, and for public access.

The opportunity to optimize the recharge potential on any remaining undeveloped alluvial fan land has the potential to benefit all users of the Raymond Basin far into the future. It may also serve as a buffer to absorb flows from the mountains above in an era of climate change uncertainty. If this land is covered by houses and roads, it would be prohibitive to regain all these functions in full. Please give full consideration to an alternative scenario: to acquire the land for regional public benefit and to optimize its capacity to enhance biodiversity, aquifer recharge, as well as provide flood control.”

The Developer has shown no consistency with any Goals or Policies that seek to Preserve and Protect Open Space, in developing the land.

However, the developer in the DEIR consistency analysis claims that its development is consistent with the General Plan’s goal to Preserve existing and provide additional constructed and natural open space.

They State: “The project would comply with the City’s goal of providing additional constructed open space. The proposed project establishes open spaces zones on the project site, including the incorporation of a neighborhood park at the southern area of the project site and dedication of approximately 35 acres of protected open space to the City, north of the Mater Dolorosa Retreat Center”

That statement is entirely untrue. The intent of the Goal is to Preserve existing and “add” additional open space. The Developers plan does not “preserve” ANY existing (natural) open space, nor provide any additional open space. It plans to CONVERT less than 5 acres of the 17 from Natural Open Space (the most precious, as stated in our General Plan) to *Constructed* Open Space, for the Park and for the landscaped buffer to protect the Monastery from the sights and sounds of the development. It has provided NO additional open space of any kind. Their development is Inconsistent with the Goal of the General Plan

Though the DEIR states that the proposed “land above the retreat center is NOT part of the project site”, the developer still attempts to claim credit for that land as part of its “consistency” with the City’s goal to “Preserve existing and provide additional constructed and natural open space”. It would not be consistent with that goal, even IF that donation was part of the project.

Only 20 acres of that land is in Sierra Madre and subject to the City’s General Plan goals and policies. Those 20 acres of Sierra Madre land are already Preserved and Protected by the fact that they are zoned “Open Space” and cannot be developed for housing. That proposed donation in no way can serve to evidence any consistency with the General Plan goal –and there is no benefit to the public by the donation of any of the land proposed.

The developers have neither “**preserved existing**” nor “**provided additional**” open space.

The Developer further claims that the project is consistent with Objective L44: “The preservation of natural open space areas as crucial to the distinctive character of Sierra Madre, and as a key feature of sustainability and public safety” - based on the same referenced donation of land already preserved and protected by its zoning designation, and other land which is not IN Sierra Madre and which poses a significant liability if accepted.

These are the Goals and Policies in the General Plan pertaining to the preservation and protection of Open Space in Sierra Madre. The developer has NOT proven Consistency with any of these goals, policies or implementation measures.

Goal 8. Preserve existing and provide additional constructed and natural open space.

Goal 9. Preserve the hillside areas in order to protect the environment and mountain views, obtain a balance between developed areas and the hillside wilderness, and establish the role of the hillside as an entry point into wildland areas.

Policy L15.2: Ensure that development in the hillside areas be located in those areas resulting in the least environmental impact.

Policy L15.3: Require that all access into hillside areas be designed for minimum disturbance to the natural features.

Policy L15.5: Consider the impact of development on wildlife.

Policy L16.1: Minimize the amount of grading and removal of natural vegetation.

Policy L24.5: Encourage the retention of existing mature, specimen trees.

Policy L44.3: Establish the role of natural open space as an interface to the wilderness area.

Policy R1.1: Maintain and enforce the Hillside Management Zone Ordinance and other ordinances that seek to protect hillside areas.

Policy R3.2: Ensure that wildland open space, including the areas of the city designated as High Fire Hazard Severity Zone, is left in its natural state with the exception of brush abatement for public safety in order to aid the City in fighting fires.

Policy R3.3: Ensure that natural open space within the High Fire Hazard Severity Zones remains undeveloped so as to mitigate the flood cycles that follow wild land fires in the natural open space.

Policy R3.4: Ensure the protection of natural open space so as to maintain it as a preventative measure against flooding, and as a means of capturing stormwater runoff for groundwater recharge.

Policy R10.8: Continue to monitor construction projects with regard to grading and construction effects on trees, tree removal and replacement.

Measure IM-1: The City shall continue to enforce the Hillside Zone Ordinance and other ordinances that seek to protect the hillside areas.

Measure IM-5: The City shall amend the Open Space Ordinance to identify wildland open space as areas to remain in their natural state to mitigate flood cycles and capture stormwater runoff, except where brush abatement is necessary for fire safety

Clare Lin

From: Barbara Vellturo [REDACTED]
Sent: Thursday, May 5, 2022 3:34 PM
To: Public Comment; PlanningCommission; Kelly Kriebs
Subject: Letter Sent to the County Re Our Attorneys letter to the Planning Commission
Attachments: LA County - Comment on NOP & DEIR.pdf; LETTER SENT TO LA COUNTY RE OUR ATTORNEY'S CLAIMS.docx

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Please Include the attached Email and its attachments in Public Comments and forward to the Planning Commission members for the May 5 Meeting

The letter sent to the Planning Commission by our attorney discussed many legal deficiencies in the FEIR which you are being asked to Certify.

Not the least of these is the failure to include Agencies who would be impacted by the proposed "Off-Site Widening Project" and which had commented on the NOP and DEIR

Since the City apparently concurs with the Developer's position in this, we felt it important to notify Agencies whose interests had been disregarded. CDFW, LA County and the Gabrielino Tribe have all been ignored.

Attached letter to Los Angeles County informs them of the Project - attached is their comment letter to the DEIR which was entirely ignored in the DEIR and in The FEIR

Please consider the rights of these agencies to comment on any of the new information added to the FEIR

Barbara Vellturo
Protect Sierra Madre

From: Vincent Gonzalez
Sent: Thursday, July 30, 2020 10:36 AM
To: 'Toan Duong'
Subject: RE: Sunnyside Terrace Subdivision NOP-DEIR Comment

Received.

Vincent Gonzalez, Director | Planning & Community Preservation

City of Sierra Madre

232 W. Sierra Madre Blvd.

Sierra Madre, CA 91024

VGonzalez@cityofsierramadre.com

626-355.7135 (Office)

626.355.4239 (Direct)

Hours: Mon. -Thurs. 7:30am - 5:30pm

From: Toan Duong [mailto:TUONG@dpw.lacounty.gov]
Sent: Thursday, July 30, 2020 10:01 AM
To: Vincent Gonzalez <vgonzalez@cityofsierramadre.com>
Cc: Jose Suarez <JSUAREZ@dpw.lacounty.gov>; Jose Cruz <JoCruz@dpw.lacounty.gov>; Long Thang <LTHANG@dpw.lacounty.gov>; Jason Rietze <JRietze@dpw.lacounty.gov>
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. 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.

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



Clare Lin

From: Barbara Vellturo [REDACTED]
Sent: Thursday, May 5, 2022 3:28 PM
To: Public Comment; PlanningCommission; Kelly Kriebs
Subject: Letter Sent to the Gabrielino Tribe re our attorney's letter
Attachments: LETTER SENT TO THE GABRIELINO TRIBE RE OUR ATTORNEY'S LETTER.docx; Comment -Gabrieleno Band of Mission Indians- Kizh Nation.pdf; RE AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre.msg

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Please Include the attached Email and its attachments in Public Comments and forward to the Planning Commission members for the May 5 Meeting

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Not the least of these is the failure to include Agencies who would be impacted by the proposed "Off-Site Widening Project" and which had commented on the NOP and DEIR

Since the City apparently concurs with the Developer's position in this, we felt it important to notify Agencies whose interests had been disregarded. CDFW, LA County and the Gabrielino Tribe have all been ignored.

Attached letter to the Gabrielino Tribe informs them of the Project - attached are their comment letter to the DEIR and an email chain including the City, Dudek and the developers which were provided in response to a public records request.

Please consider the rights of these agencies to comment on any of the new information added to the FEIR

Barbara Vellturo
Protect Sierra Madre

From: Gabrieleno Administration [<mailto:admin@gabrielenoindians.org>]

Sent: Wednesday, September 22, 2021 9:20 AM

To: Vincent Gonzalez <vgonzalez@cityofsierramadre.com>

Cc: Andy Salas <chairman@gabrielenoindians.org>

Subject: AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear Vincent,

Thank you for your time during the AB52 consultation for the Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of Sierra Madre.

The information provided herein is to be kept confidential as part of AB52 which requires that any information – not just documents – submitted by a California Native American tribe during the environmental review process to not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public consistent with Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). We ask that the information be included and kept in a confidential appendix to be mentioned in the public document but not included. This confidential appendix shall be available for use to those associated to the project but no entity outside of the project.

As stated in the Public Resource Code section 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources and an area that has cultural value. We are a California Native American tribe with an ancestral connection (higher degree of connection than traditionally and culturally affiliated) to the project area as we are lineal descendants to the village(s) within and around the project area.

Since subsurface activities are planned to occur for this project that have potential to impact TCRs, we are providing tribal archive information to your agency to identify the high cultural sensitivity of the project location and to explain our concerns with specific subsurface ground disturbance activities that have impacted and destroyed our tribal cultural resources in the past. Attached are documents from historic books, screenshots of historic maps and some explanatory text that was also verbally explained in the phone consultation for your project location to explain the cultural significance of the area and the high amount of pre-historic human activity that occurred there.

This 700 North Sunnyside Ave_1938 map indicates the project location within the Gabrieleno community of Aleupkingna which is now known as the city of Sierra Madre. All of our mainland villages (sans our island villages) overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The 700 North Sunnyside Ave_1871, 700 North Sunnyside Ave_1881, 700 North Sunnyside Ave_1898, and the 700 North Sunnyside Ave_1938 maps show the many trade routes around the project area. Trade routes were heavily used by our Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more

concentrated and likely to occur in proximity to our trade routes, especially the major trade routes. Trade routes are considered a “cultural landscape”, as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

The 700 North Sunnyside Ave_1901 map indicates the hydrography or waterways that existed around the project area. All water sources were used by our Tribe for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors. These activities occurred around water, both inland and coastal, because these water areas create unique habitats and riparian corridors that provide an abundance of food and medicine resources along with aesthetically peaceful areas with running water, shade trees, and shelter. Larger water bodies were high attractants for human activity and the banks and shores of these water bodies have a higher than average potential for encountering Tribal Cultural Resources of artifacts and human remains during ground disturbing activities. Waterways are a “cultural landscape”, as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

Due to the project site being located within and around a sacred Community (Aleupkingna), adjacent to sacred water courses and major traditional trade routes, there is a high potential to impact Tribal Cultural Resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the project's ground disturbing activities and pursuant to our consultation, we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs. . . "tribal cultural resources" are defined as (1) "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. Pub Res C §21074(a). A lead agency's determination whether a resource meets the criteria for listing in the state register must be supported by substantial evidence and must consider the significance of the resource to the tribe. Pub Res C §21074(a)(2). A "cultural landscape" may qualify as a tribal cultural resource to the extent it is "geographically defined in terms of the size and scope of the landscape." Pub Res C §21074(b) Moreover, Public Resources Code (“PRC”) Section 21084.2 states 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.” A project that may have a significant effect on the environment requires appropriate mitigation. (PRC § 21082.3(b).) Through the consultation process, AB 52 authorized California Native American tribes to assist lead agencies in identifying, interpreting, and determining the significance of TCRs. (See AB 52, Legislative Digest.) Unless the environmental document includes protective measures agreed on during the consultation process, "if substantial evidence demonstrates" the project "will cause" a significant effect to a TCR, the agency must "consider" feasible mitigation measures "pursuant to" Pub Res C §21084.3(b).

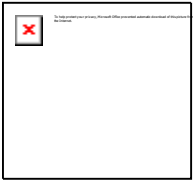
As well, Consultation is not deemed concluded for purposes of CEQA until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource, or when a party concludes, after a reasonable effort, that mutual agreement cannot be reached. (PRC §21080.3.2(b).) Any mitigation measures agreed on during the consultation process must be recommended by lead agency staff for inclusion in the environmental document and the mitigation monitoring and reporting program for the project pursuant to section 21082.3(a) of the PRC. Moreover, now that consultation has begun, as the lead agency, you may certify an EIR or adopt a mitigated negative declaration for the subject project (which may have a significant impact on a tribal cultural resource) only after consultation has concluded. (PRC §21082.3(d).)

As part of the consultation, we have requested any and all information that the lead agency may possess or has access to attain regarding the history of the subsurface soils that will be impacted as part this project’s ground disturbance activities. The key information we are requesting is information about whether the “original” soils of the project location have been “removed” and “replaced” by new soils (e.g. engineered, cleaned, imported) or have the original soils just

been excavated, placed onsite and then “backfilled” into the same location. If documents exist about the original soils having been removed from the project’s footprint and all new construction will be within soils that do not contain the original soils, our concerns for ground disturbance activities are reduced. In the absence of documentation or if it is known the original soils are still present within the project footprint, protective measures shall be created and implemented.

Please find attached the proposed mitigation measures for the subject project. Once you have reviewed them, please provide written notification to the Tribe stating whether and to what extent you will include and require the proposed mitigations for TCR for the subject project so that we may conclude our consultation, and if you do not agree with the mitigations as proposed, so that we may continue our consultation discussions in an effort to reach an agreement.

Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.”



GABRIELEÑO BAND OF MISSION INDIANS – KIZH NATION



Mitigation Measures Proposed to Reduce Adverse Project Impacts to Tribal Cultural Resources

Subject: The Meadows at Baily Canyon located at 700 N Sunnyside Ave in the City of Sierra Madre

The Gabrieleño Band of Mission Indians - Kizh Nation (the “Tribe” or “Kizh”) formally requested consultation with the lead agency for the subject development project pursuant to local, state and/or federal law. We have evaluated the location of the subject project and determined that it is located within the boundaries of our Tribe’s cultural and ancestral territory. Moreover, based upon historical maps, oral history, relevant data from the project area, historical literature, pertinent studies and/or reports (shared and/or discussed during consultation), we determined that there is a substantial likelihood that our Tribe’s cultural resources, artifacts, ancestral human remains, and/or grave goods are present at the project site. To reduce the harm the project will bring to existing tribal cultural resources (“TCR”) (including artifacts, human remains, grave goods, and places of cultural, ceremonial, and/or historical significance), we find the proposed the mitigation measures (below) to be necessary to adequately reduce the adverse project impacts, during each and every ground-disturbing project activity, and regardless of the phase of project development or construction, or what permits have or have not been issued. Those distinctions are of no consequence to the Kizh or our TCRs—ground disturbance is ground disturbance.

The Kizh are the direct lineal descendants of the project location, which is located within the geographic boundaries of the Tribe’s ancestral territory (as well as cultural, traditional, and historical territory). As the ancestrally affiliated Tribe with the project location, the Kizh possess Tribal archives, documented historical information, first-hand information and inventories of discovered artifacts, human remains, and burial goods in the vicinity of the project location, as well as the expertise of its Tribal Elders and Tribal members, which is derived from their unique personal knowledge, experiences, oral tradition, religious beliefs, culture, and history passed down exclusively from one generation of Kizh to the next.

The California Environmental Quality Act (“CEQA”) (among other applicable local, state and/or federal statutes and regulations) define the Kizh’s Native American tribal, ancestral, cultural, religious, and historical knowledge about the project location as “expertise” regarding the project area, and the presence of places of significance to the Tribe, as well as the likely presence of TCRs on the project site (and any off-site project locations) *This information, knowledge, and data (as well as information from other relevant sources) that the Tribe confidentially shared with you during consultation constitutes substantial evidence that supports your adoption of the proposed TCR mitigation measures.*

CEQA amendments that became effective in 2015 made TCRs a separate and independent factor for consideration. In doing so, the Legislature deemed an ancestrally affiliated tribe's expertise to be essential to protecting TCRs, and to their competent and accurate identification – information considered to be legally necessary for a lead agency's evaluation of a proposed project's impacts to TCRs, project alternatives, avoidance, and whether mitigation measures would sufficiently reduce the adverse impacts.

Accordingly, the expertise that satisfies the lead agency's environmental evaluation of the project is exclusively the Kizh's because we are the tribe that is ancestrally affiliated with the project area. Our expertise cannot be replaced or substituted by an environmental consultant (i.e., archaeologist, paleontologist, historian, etc.). It follows then that our Tribe's expertise can neither be replaced or substituted by a non-ancestrally affiliated tribe or group, nor can the mitigation measures be carried out by a non-Kizh trained representative. As explained by the Office of Planning and Research Guidelines on AB 52, a critical element to mitigating a project's impacts on TCRs is to ensure *from the ancestrally affiliated Native American Tribe's point of view*, that any discovered TCRs or human remains are treated respectfully, and protected from disturbance and/or destruction.

That said, we request that you, as the project lead agency: (1) adopt and fully enforce the proposed TCR mitigation measures, which shall apply with the first phase of project activity that involves ground-disturbing activity; (2) include the mitigation measures in the project mitigation monitoring and reporting plan ("MMRP") (as required by CEQA); (3) adopt *and* fully enforce the proposed mitigation measures as conditions of project approval ("COA"); and (4) take any/all steps necessary to correct any instance of project non-compliance, any breach of a TCR mitigation measures, and/or TCR-related COA.

The Tribe's expertise of the project area and the likely presence of cultural resources there, the Tribe has determined and thus advises you that the proposed TCR mitigation measures (set forth below) are necessary to reduce (not eliminate) the project's adverse impacts to the Tribe's TCRs to a level that may be considered "less than significant," as required by CEQA (as well as other applicable statutes and guidelines). It is the Tribe's expert opinion that project approval without the proposed TCR mitigation measures will result in significant and irreparable harm to the Kizh's cultural, religious, and historical artifacts, ancestral remains, burial goods, and/or places of ceremonial/cultural significance.

PROPOSED TRIBAL CULTURAL RESOURCES MITIGATION MEASURES FOR THE
GABRIELEÑO BAND OF MISSION INDIANS – KIZH NATION

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

- A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”) - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.
- D. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting *prior to the commencement of any ground-disturbing activities*, where at a senior member of the Tribe will inform and educate the project’s construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project’s compliance with the TCR mitigation measures.
- E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.
- F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written

confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods

- A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.
- B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.
- C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)
- D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. § 15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project

manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. § 15064.5(f).)

- F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.
- G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- A. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods:

- B. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.
- C. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- D. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.
- E. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.
- F. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of

reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.

- G. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.
- H. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

CONFIDENTIALITY: These TCR mitigation measures are the property of the Kizh and shall not be duplicated, reproduced, republished, or otherwise used for the benefit of any third party without the Kizh's prior written consent. The information the Tribe shares during consultation is the confidential information of the Kizh and is not relevant, applicable, or transferable to any other Native American tribe or group.

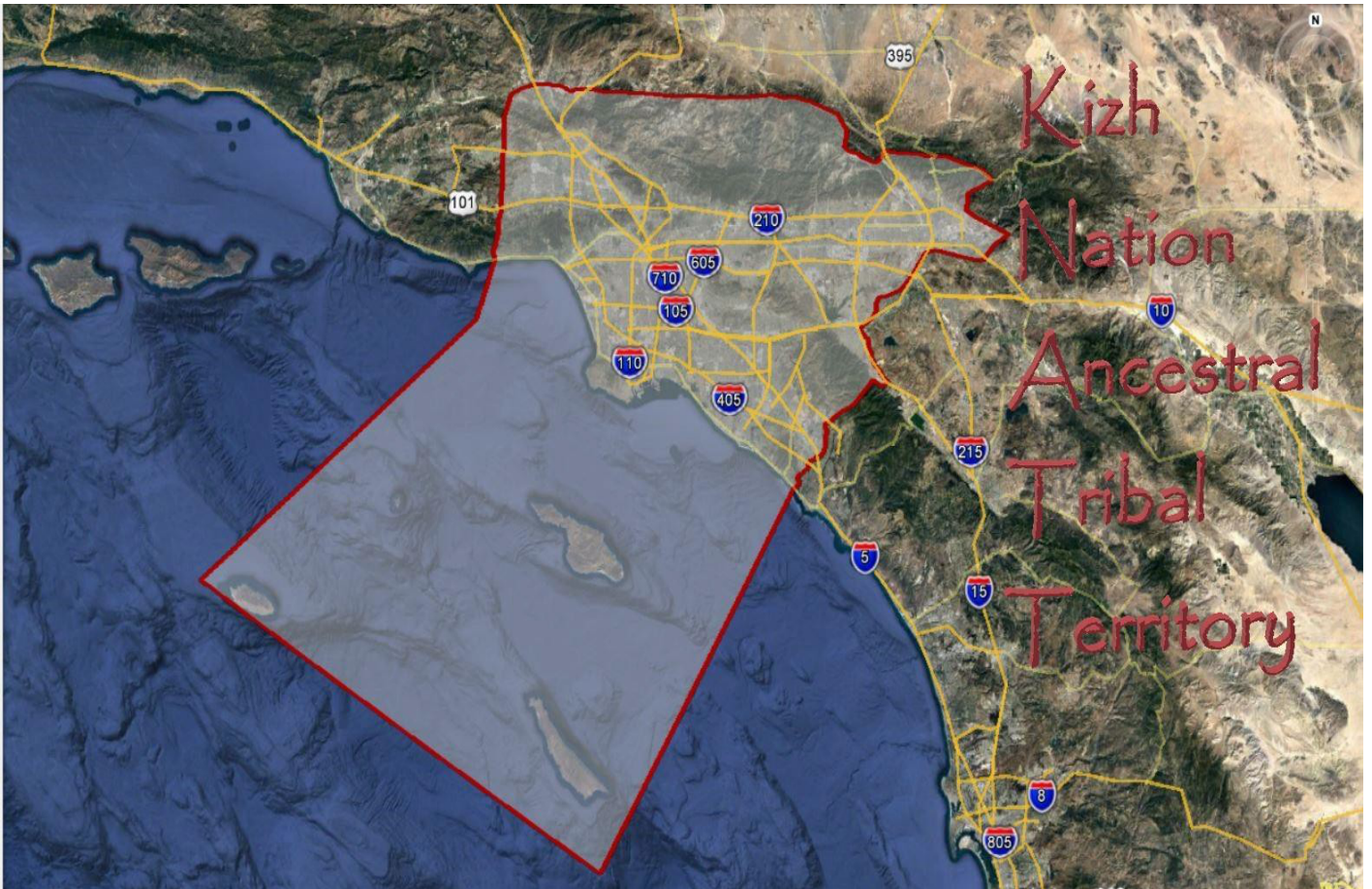
PLEASE NOTE: Consistent with AB 52/SB 18, the Tribe shared substantial evidence during the formal consultation for this project as well as subsequent communications (if any). It is the Tribe's understanding that as the lead agency for this project: (1) you agree to the proposed TCR mitigation measures enumerated above, and (2) that the proposed mitigations will be included in any environmental document adopted for the subject project. If any changes, revisions, omissions, or additions are made to the TCR mitigations set forth above, please provide written notice to the Tribe via email at admin@gabrielenoindians.org within ten (10) calendar days of our consultation. For any such notice, please include as the subject line, the name of the project, the City, and the phrase "MITIGATION NOTIFICATION."

If you have any questions, please contact our office at (626) 521-5827 or chairman@gabrielenoindians.org. Thank you in advance for your anticipated cooperation.

Consultation Date: _____

GABRIELEÑO BAND OF MISSION INDIANS – KIZH NATION – ANCESTRAL TRIBAL TERRITORY

The Kizh Nation Ancestral Tribal Territory extends along the coast from Malibu Creek in Los Angeles County, down to Aliso Creek in Orange County, and encompasses the Channel Islands of Catalina (Pimugna), San Nicolas (Haraasnga), and San Clemente (Kiinkenga). The Kizh's inland border is the San Gabriel Mountains (Hidakupa), and eastwardly our territory extends to parts of San Bernardino (Waatsngna), Orange, and Riverside counties.



South Central Coastal Information Center

California State University, Fullerton
Department of Anthropology MH-426
800 North State College Boulevard
Fullerton, CA 92834-6846
657.278.5395 / FAX 657.278.5542

sccic@fullerton.edu

California Historical Resources Information System
Orange, Los Angeles, San Bernardino, and Ventura Counties

The California Historical Resources Information System (CHRIS) provides archaeological archival research for our clients who have projects throughout the state of California. Clients who use our services need to know if their project may have an effect on these types of cultural resources. We assist in answering this question, at least in part, through the record search process.

When we report that no archaeological resources are recorded in a project area or within a specified radius around a project area; that does not mean that there is no possibility of archaeological sites being present. Surface or buried artifacts may be found during a survey of the property or ground-disturbing activities.

In some cases, the area has not yet been studied and no information that might be used to assess the archaeological sensitivity of a project area is on file in the CHRIS. Project areas that contain structures, hardscape or pavement might never have been studied prior to development and may in effect be capping or preserving a buried archaeological resource. Unfortunately, if resources aren't discovered until after ground disturbance begins, the cultural, historical, or investigative value of that resource may be irreparably damaged.

Depending on the type of project, if no relevant information is on file in the CHRIS, we may recommend that a qualified archaeological consultant be retained to survey the property or to monitor any ground-disturbing activities. This is done so that a qualified consultant can make a more reliable determination about the potential archaeological sensitivity of a property.

Other entities outside of the CHRIS have information about cultural resources that is not a part of the CHRIS Inventory. This information may indicate the presence of or sensitivity regarding places of cultural importance and / or cultural resources not represented in the CHRIS Inventory. Under both federal and state law, consultation with Native American tribes may be required for a given project. The [Native American Heritage Commission](#) (NAHC) maintains the official state list of tribal contracts. Even when it is not a legal requirement, we recommend contacting the NAHC for a list of Native American tribal contacts who may have knowledge of tribal cultural resources and areas of sensitivity in the vicinity of a project. The NAHC also maintains information regarding cultural resources and areas of tribal sensitivity, and can facilitate dialogue with Native American tribes and individuals regarding these places.

Please remember. Just because there is nothing recorded in the CHRIS Inventory for a given location, doesn't mean that nothing is there.

South Central Coastal Information Center

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sccic@fullerton.edu

California Historical Resources Information System
Orange, Los Angeles, San Bernardino, and Ventura Counties

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Please remember. Just because there is nothing recorded in the CHRIS Inventory for a given location, doesn't mean that nothing is there.



ENVIRONMENTAL RESEARCH ARCHAEOLOGISTS – A SCIENTIFIC CONSORTIUM

Mr. Andrew Salas
Tribal Chairman
Kizh Tribal Office/Kizh Resources Management
910 N. Citrus Avenue
Covina, CA 91722

August 22, 2018

Re: proper CRM monitoring of properties

Dear Chairman Salas,

You have requested my professional opinion regarding your question: "Is traditional site survey sufficient to determine if significant cultural resources are present on a property slated for development or not? First let me give my credentials on this matter. I received my B.A. , M.A., and Ph.D. at UCLA where I also taught archaeology methods and theory. I have 50 years experience in this greater Los Angeles area. I have also, since the 1970s, conducted hundreds of Cultural Resource Management (CRM) projects at all levels (small parcel on-foot site surveys, large surveys and major excavations) for the State, County , City and Federal Governments as well for corporations and private developers. The traditional on-foot archaeological "site survey" is not adequate. There have been too many cases where significant cultural remains have been found when there were no surface indications of cultural data. A major recent example is in downtown Los Angeles last December when a LADOT development was digging a trench on Commerce Street and uncovered ancient Kizh burials. I have a good deal of experience with ground penetrating radar (GPR) which may have detected those human remains prior to the construction work. But GPR is not 100% effective. Therefore, in order for a project to be in full compliance with the legal mandate (both State and Federal) a proper monitoring program is always necessary. The only exception would be if a given property has had all of its soil deposits removed and/or destroyed beyond any reasonable doubt of containing cultural resources.

Sincerely yours,

Gary Stickel, Ph.D.
Principal Consulting Archaeologist
Environmental Research Archaeologists:
a Scientific Consortium



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Assembly Bill No. 52

Section. 4. Section 21074 is added to the Public Resources Code, to read:

21074. (a) "Tribal cultural resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians.org

admin@gabrielenoindians.org

→ **Frank@NAHC Li...** Monday
To: Gabrieleno Indians [Details](#)



Chairman Salas,

In response to your inquiry about the language of the NAHC's Sacred Lands File letters, which you sent to Terrie Robinson. Sacred Lands File search letters which indicate a negative search result explicitly state that such a result does not preclude the existence of sites in the search area. Furthermore, said letters recommend that the requestor contact all tribes on the contact/consultation list.

If I can be of any further assistance please do not hesitate to contact me.

Kindest Regards,

Frank Lienert

Analyst

Native American Heritage Commission

[916-573-1033](tel:916-573-1033)

Clare Lin

From: Laura Aguilar
Sent: Tuesday, May 3, 2022 9:51 AM
To: Vincent Gonzalez; Clare Lin
Subject: FW: Unacceptable

For this week's meeting

-----Original Message-----

From: Bertha Patsavas [mailto: [REDACTED]]
Sent: Tuesday, May 3, 2022 1:53 AM
To: Public Comment <publiccomment@cityofsierramadre.com>
Subject: Unacceptable

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

This is UNACCEPTABLE111

STRUMWASSER & WOOCHELLP

ATTORNEYS AT LAW

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FREDRIC D. WOOCHELLP
ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

May 5, 2022

Sierra Madre City Planning Commission
232 W. Sierra Madre Blvd.
Sierra Madre, CA

Via email to PublicComment@CityofSierraMadre.com;
planningcommission@cityofsierramadre.com

Re: 700 North Sunnyside Avenue, Mater Dolorosa Development

Dear Members of the Sierra Madre Planning Commission,

On April 6, 2022, this firm provided a letter, on behalf of the all-volunteer Protect Sierra Madre, explaining how the public has been denied the opportunity to participate in the environmental review process for the proposed Meadows at Bailey Canyon Project to which the public is entitled by the California Environmental Quality Act (CEQA). Our 149-page letter explained how the Final Environmental Impact Report (EIR) increased the 17.30-acre footprint of the project by widening a portion of Carter Avenue outside the original project site, and how the public had no opportunity to weigh in on this substantial change, despite the fact it will indisputably require cutting down a copse of mature trees that provide support for a very steep, erosion-risky slope. Because of these changes to the disclosed scope of the project, the letter explained that recirculation of the EIR for additional public comment is required.

The letter also documented multiple factual and analytic flaws with the environmental review process to date, and walked the Commission through why the Project, despite the developer's request, does *not* qualify for a lot line adjustment and compliance with the Subdivision Map Act is required. To support these contentions, the Letter provided pages and pages of analysis, meticulous citations to the Draft and Final EIRs and their various appendices, and even pictures and exhibits.

One day later, through a letter from Manatt, Phelps, & Philips, LLP, the developer Urban West, Inc. brushed off these concerns without addressing them at all. This silence is deafening. If Developer and their counsel had a good reason why the Draft EIR made *no* mention of "improvements" to the portions of Carter Avenue that lay *beyond* the 17.30-acre parcel, despite the fact that this aspect of the project had been known to the City and Developer *as early as*

September 2020, they would have said so. If Developer and their counsel disagreed with the Letter's observations about basic factual errors in the environmental review (such as inaccurately characterizing the mature trees that would be removed as being located on City property, when there's no dispute they're on County land), they would have said why.

Nor does the response provide *any* basis to support the critical weakness of their request: the title record is clear that this property is a single legal parcel; the applicant's three parcel drawing is a fiction that has *no basis in the legal documents* that have accompanied every transfer of this property for more than a century. The applicant's silence on this issue is telling,

The EIR's errors and analytical gaps have compromised the credibility of the entire final EIR as an accurate and complete analysis of the environmental effects of the proposed Project and have precluded the public's ability to meaningfully participate in the environmental review process for the largest housing development in Sierra Madre's history. The public deserves better. Recirculation is required because the EIR fails to meaningfully disclose or discuss impacts of the project offsite, in County-owned parkland. The public and local government agencies were deprived of an opportunity to comment on this aspect of the project.

When a local government certifies an EIR under CEQA, it is required to exercise its independent judgment, based on substantial evidence in the record. The government body must be able to conclude that changes or alterations have been included in the project to mitigate the significant effects disclosed in the EIR, or that these are infeasible. The inadequate EIR here will make this finding impossible to support, particularly because the shifting project description and late disclosure of the full scope of the project frustrated public review and comment of the Draft EIR.

As our original Letter stated, the Planning Commission should proceed with great care. Approving this project on the basis of the EIR and granting the illegal lot line adjustment would be a serious legal error. Instead, this Commission should require (1) revisions to the EIR and recirculate it to allow proper public comment and input from relevant agencies who were otherwise sidelined in the process, and (2) deny the lot line adjustment and require the Developer to proceed in compliance with the Subdivision Map Act.

Yours truly,

A handwritten signature in black ink, appearing to read "Beverly Grossman Palmer". The signature is fluid and cursive, written in a professional style.

Beverly Grossman Palmer
Counsel for Protect Sierra Madre

Sierra Madre Planning Commission

May 5, 2022

Page 3

Cc: Gene Goss <ggoss@cityofsierramadre.com
Rachelle Arizmendi <rarizmendi@cityofsierramadre.com>,
Ed Garcia <egarcia@cityofsierramadre.com>,
Robert Parkhurst <rparkhurst@cityofsierramadre.com>,
Kelly Kriebs <kkriebs@cityofsierramadre.com>,
City Manager Jose Reynoso, <jreynoso@cityofsierramadre.com>
Director of Development and Planning Vincent Gonzalez
<vgonzalez@cityofsierramadre.com>,
City Attorney Aleks Giragosian <agiragosian@chwlaw.us>

Clare Lin

From: Vincent Gonzalez
Sent: Thursday, May 5, 2022 10:50 AM
To: Clare Lin
Subject: FW: May 5 Planning Commission meeting comment from Protect Sierra Madre
Attachments: 220505 Reply to NUW letter.pdf

From: Beverly Grossman Palmer [mailto: [REDACTED]]
Sent: Thursday, May 5, 2022 10:49 AM
To: Public Comment <publiccomment@cityofsierramadre.com>; PlanningCommission <PlanningCommission@cityofsierramadre.com>
Cc: Gene Goss <ggoss@cityofsierramadre.com>; Rachele Arizmendi <rarizmendi@cityofsierramadre.com>; Edward Garcia <egarcia@cityofsierramadre.com>; Robert Parkhurst <rparkhurst@cityofsierramadre.com>; Kelly Kriebs <kkriebs@cityofsierramadre.com>; Jose Reynoso <jreynoso@cityofsierramadre.com>; Vincent Gonzalez <vgonzalez@cityofsierramadre.com>; Aleks Giragosian <agiragosian@chwlaw.us>
Subject: May 5 Planning Commission meeting comment from Protect Sierra Madre

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Please see the attached public comment and distribute to the Planning Commissioners. Thank you.

Beverly Grossman Palmer
Strumwasser & Woocher LLP
10940 Wilshire Boulevard, Suite 2000
Los Angeles, CA 90024
T: 310-576-1233
F: 310-319-0156
Dir: 310-933-5930

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Clare Lin

From: Laura Aguilar
Sent: Wednesday, May 4, 2022 4:00 PM
To: Vincent Gonzalez; Clare Lin
Cc: Jose Reynoso
Subject: FW: Contact City Council 2022-05-04 03:56 PM(PST) Submission Notification

Public comment for your 5/5 meeting.

Laura

From: notification@civiclive.com [mailto:notification@civiclive.com]
Sent: Wednesday, May 4, 2022 3:56 PM
To: Laura Aguilar <laguilar@cityofsierramadre.com>
Subject: Contact City Council 2022-05-04 03:56 PM(PST) Submission Notification

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Contact City Council 2022-05-04 03:56 PM(PST) was submitted by Guest on 5/4/2022 6:56:11 PM (GMT-08:00) US/Pacific

Name	Value
Email	[REDACTED]
Message	Regarding the 5/5 Meadows meeting, my wife Diana and I (Residents for 58 years [REDACTED] Avenue) are requesting that the decision on the project be determined based on a City-wide eligible voters ballot vote. The issue of changing the current character of Sierra Madre by allowing overbuilding on the land begins the process of transforming the City to that configuration in the future. Once instigated, there is no route back. Chris and Diana Houser

To view this form submission online, please follow the link below:

<http://www.cityofsierramadre.com/form/one.aspx?objectId=18527434&contextId=17460512&returnto=submissions>

Clare Lin

From: Jennifer Sucha
Sent: Thursday, September 30, 2021 11:38 PM
To: Lynch, Jennifer; Iulia Roman; Hori, Susan
Cc: Jonathan Frankel; Carey Fernandes; Heather McDevitt
Subject: RE: AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre

Thank you, Jennifer. We will address the tribe's letter as we have the other comment letters received during the comment period, noting the points you provided below.

Regarding the modifications and additional requests the tribe is making, the modifications requested as part of their revised TCR-1 and TCR-2 shouldn't be an issue to incorporate; however, TCR-3 includes a lot of new requirements for the treatment of human remains that were not included in the DEIR, including requests such as:

"If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created" and,

*"In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location **within the footprint of the project** for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation **shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity**"*

TCR-3 is a pretty substantial diversion from what is in the TCR chapter of the DEIR, and while the content of TCR-3 may not result in any permanent disruption of construction activities, it could potentially alter the site design and hold things up. Additionally, such a large introduction of new mitigation requirements may constitute grounds for recirculation of the EIR.

On the other hand, because mitigation for human remains was included in the DEIR (the original language of which was approved/agreed upon by the tribe), inclusion of their language under TCR-3 could be interpreted as simply augmenting/bolstering an existing mitigation measure and therefore would not be considered "new mitigation" under CEQA.

Are there any additional thoughts on that? For now we'll proceed with responding to the tribe's letter but let us know if we should book a call to discuss further.

When Heather is back from the field she may also have some additional input to provide.

Best,
Jennifer

Jennifer Sucha, AICP, LEED AP ND

Senior Planner, DUDEK
O: 760.479.4856 C: 310.351.1296

From: Lynch, Jennifer <JLynch@manatt.com>
Sent: Thursday, September 30, 2021 8:43 PM
To: Iulia Roman <iroman@dudek.com>; Hori, Susan <SHori@manatt.com>

Cc: Jonathan Frankel <jfrankel@atlantissd.com>; Carey Fernandes <cfernandes@dudek.com>; Jennifer Sucha <jsucha@dudek.com>; Heather McDevitt <hmcdevitt@dudek.com>

Subject: RE: AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre

Hi Lulia,

Jonathan, Susan and I spoke about this today. Because the conclusion of AB52 consultation does not waive the tribe's right to participate in the DEIR public comment process, we would like to include the tribe's recent letter in the Final EIR, and provide RTCs just like all other letters. The RTCs should include the following:

1. The city engaged in formal AB52 consultation, which opened on X date and consultation closed on Y date.
2. At the conclusion of consultation, the city and the tribe agreed there would be no significant impacts with the incorporation of certain mitigation measures.
3. Those measures were included in the EIR.
4. This comment requests additional refinements to the previously-agreed to mitigation measures and in response to the comment, these refinements are being incorporated.

On the requested revisions – Dudek would know better than us whether the additions the tribe is asking for make any of the mitigation too onerous. Did you see anything in the proposed changes that diverge greatly from what we already had or what TCR MMs typically include? I didn't see anything in the measures that would halt construction permanently, or require any kind of redesign if remains or TCRs are unearthed, but please confirm.

Jennifer Lynch
Associate

Manatt, Phelps & Phillips, LLP
Park Tower
695 Town Center Drive, 14th Floor
Costa Mesa, CA 92626
D (714) 371-2516 **F** (714) 371-2550
JLynch@manatt.com

manatt.com

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From: Lulia Roman <iroman@dudek.com>

Sent: Wednesday, September 29, 2021 12:14 PM

To: Hori, Susan <SHori@manatt.com>; Lynch, Jennifer <JLynch@manatt.com>

Cc: Jonathan Frankel <jfrankel@atlantissd.com>; Carey Fernandes <cfernandes@dudek.com>; Jennifer Sucha <jsucha@dudek.com>; Heather McDevitt <hmcdevitt@dudek.com>

Subject: FW: AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre

[EXTERNAL] Please do not reply, click links, or open attachments unless you recognize the source of this message and know the content is safe.

Hi Susan and Jennifer,

We received additional information/requests from the Kizh Nation tribe for the Meadows EIR (see email below from the City as well as corresponding attachments) and we are hoping to get your input on how to address.

Per our review of the provided materials, the Tribe is making the following main requests:

- 1) Addition of information provided in a confidential appendix
- 2) Fairly minor revisions to existing mitigation (including new performance standards)
- 3) Additional mitigation listed on page 5 of the document titled 700 North Sunnyside Ave_Mitigation (see TCR-3).

To provide a bit of background/history, the City participated in consultation with the Kizh Nation Tribe, which included an initial call with the Tribe, where the Tribe requested a few project materials including the SLF, Geotech report, and confirmation that a CHRIS records search was prepared. The City provided this information and later also provided the mitigation measures of the Cultural Resources section of the EIR for the Tribe to review. The Tribe requested additional mitigation measures, specific to TCRs, to be incorporated in the EIR. The City provided the Tribe with a few revisions to the proposed mitigation, and the tribe agreed to these revised mitigation measures in an email sent on July 14, 2021. These revised measures have been incorporated in the Public Review Draft EIR. The City then sent a follow up email to the Tribe on July 15, 2021, concluding consultation. This communication can be found in the EIR Confidential TCR appendix, which I attached to this email.

We have discussed this internally (and with Jonathan) and below is an overview of our suggested approach on how to address this letter:

- We believe that, because the tribe has previously agreed on the mitigation measures and consultation has been concluded, we suggest that the City provides a response explaining this. Dudek can help craft this response.
- Based on the Tribe's email to Vincent, it seems as though the Tribe does not believe consultation has been concluded. Therefore, as the tribe seems to be treating this letter as an extension of the AB 52 consultation process, we are currently not including this letter in the RTCs, unless directed otherwise.
- Regarding bullet point 1, above, we can include the documentation provided by the tribe in the existing Confidential TCR appendix.

Please let us know if you would be able to review the provided documents (particularly the requested mitigation measures) to make sure there are no existing deficiencies in the EIR in terms of addressing TCRs by not including the requested MMs (in our experience, the requested mitigation is pretty uncommon for an EIR). Lastly, please let us know what you think of our approach and if you have any further guidance to provide. We are happy to get on a call as well to discuss.

Thank you in advance for your help and guidance.

Best,
Iulia

Iulia Roman

Environmental Planner



2288 Historic Decatur Road Suite 200, San Diego, CA 92106

O: 760.479.4136 C: 442.245.1936

www.dudek.com

From: Vincent Gonzalez <vgonzalez@cityofsierramadre.com>

Sent: Wednesday, September 22, 2021 9:33 AM

To: Iulia Roman <iroman@dudek.com>; Heather McDevitt <hmcdevitt@dudek.com>
Cc: Jonathan Frankel <jfrankel@atlantissd.com>; Clare Lin <clin@cityofsierramadre.com>
Subject: FW: AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre

Iulia and Heather:

Please see attached Mitigation Measures from the Kizh Nation. We concluded consultation with the Tribe on July 15, 2021, and I have now received the following email and attachment. Let me know how you want me to respond.

Thanks,
Vincent Gonzalez, Director | Planning & Community Preservation

City of Sierra Madre

232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024
VGonzalez@cityofsierramadre.com
626.355.7135 (Office)
626.355.4239 (Direct)
Hours: Mon. -Thurs. 7:30am - 5:30pm

From: Gabrieleno Administration [<mailto:admin@gabrielenoindians.org>]
Sent: Wednesday, September 22, 2021 9:20 AM
To: Vincent Gonzalez <vgonzalez@cityofsierramadre.com>
Cc: Andy Salas <chairman@gabrielenoindians.org>
Subject: AB52 Consultation-Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of SierraMadre

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear Vincent,

Thank you for your time during the AB52 consultation for the Meadows at Baily Canyon project at 700 N Sunnyside Ave in the City of Sierra Madre.

The information provided herein is to be kept confidential as part of AB52 which requires that any information – not just documents – submitted by a California Native American tribe during the environmental review process to not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public consistent with Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). We ask that the information be included and kept in a confidential appendix to be mentioned in the public document but not included. This confidential appendix shall be available for use to those associated to the project but no entity outside of the project.

As stated in the Public Resource Code section 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources and an area that has cultural value. We are a California Native American tribe with an ancestral connection (higher degree of connection than traditionally and culturally affiliated) to the project area as we are lineal descendants to the village(s) within and around the project area.

Since subsurface activities are planned to occur for this project that have potential to impact TCRs, we are providing tribal archive information to your agency to identify the high cultural sensitivity of the project location and to explain our concerns with specific subsurface ground disturbance activities that have impacted and destroyed our tribal cultural resources in the past. Attached are documents from historic books, screenshots of historic maps and some explanatory

text that was also verbally explained in the phone consultation for your project location to explain the cultural significance of the area and the high amount of pre-historic human activity that occurred there.

This 700 North Sunnyside Ave_1938 map indicates the project location within the Gabrieleno community of Aleupkingna which is now known as the city of Sierra Madre. All of our mainland villages (sans our island villages) overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The 700 North Sunnyside Ave_1871, 700 North Sunnyside Ave_1881, 700 North Sunnyside Ave_1898, and the 700 North Sunnyside Ave_1938 maps show the many trade routes around the project area. Trade routes were heavily used by our Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to our trade routes, especially the major trade routes. Trade routes are considered a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

The 700 North Sunnyside Ave_1901 map indicates the hydrography or waterways that existed around the project area. All water sources were used by our Tribe for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors. These activities occurred around water, both inland and coastal, because these water areas create unique habitats and riparian corridors that provide an abundance of food and medicine resources along with aesthetically peaceful areas with running water, shade trees, and shelter. Larger water bodies were high attractants for human activity and the banks and shores of these water bodies have a higher than average potential for encountering Tribal Cultural Resources of artifacts and human remains during ground disturbing activities. Waterways are a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

Due to the project site being located within and around a sacred Community (Aleupkingna), adjacent to sacred water courses and major traditional trade routes, there is a high potential to impact Tribal Cultural Resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the project's ground disturbing activities and pursuant to our consultation, we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs. . . "tribal cultural resources" are defined as (1) "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. Pub Res C §21074(a). A lead agency's determination whether a resource meets the criteria for listing in the state register must be supported by substantial evidence and must consider the significance of the resource to the tribe. Pub Res C §21074(a)(2). A "cultural landscape" may qualify as a tribal cultural resource to the extent it is "geographically defined in terms of the size and scope of the landscape." Pub Res C §21074(b) Moreover, Public Resources Code ("PRC") Section 21084.2 states 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." A project that may have a significant effect on the environment requires appropriate mitigation. (PRC § 21082.3(b).) Through the consultation

process, AB 52 authorized California Native American tribes to assist lead agencies in identifying, interpreting, and determining the significance of TCRs. (See AB 52, Legislative Digest.) Unless the environmental document includes protective measures agreed on during the consultation process, "if substantial evidence demonstrates" the project "will cause" a significant effect to a TCR, the agency must "consider" feasible mitigation measures "pursuant to" Pub Res C §21084.3(b).

As well, Consultation is not deemed concluded for purposes of CEQA until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource, or when a party concludes, after a reasonable effort, that mutual agreement cannot be reached. (PRC §21080.3.2(b).) Any mitigation measures agreed on during the consultation process must be recommended by lead agency staff for inclusion in the environmental document and the mitigation monitoring and reporting program for the project pursuant to section 21082.3(a) of the PRC. Moreover, now that consultation has begun, as the lead agency, you may certify an EIR or adopt a mitigated negative declaration for the subject project (which may have a significant impact on a tribal cultural resource) only after consultation has concluded. (PRC §21082.3(d).)

As part of the consultation, we have requested any and all information that the lead agency may possess or has access to attain regarding the history of the subsurface soils that will be impacted as part this project's ground disturbance activities. The key information we are requesting is information about whether the "original" soils of the project location have been "removed" and "replaced" by new soils (e.g. engineered, cleaned, imported) or have the original soils just been excavated, placed onsite and then "backfilled" into the same location. If documents exists about the original soils having been removed from the project's footprint and all new construction will be within soils that do not contain the original soils, our concerns for ground disturbance activities are reduced. In the absence of documentation or if it is known the original soils are still present within the project footprint, protective measures shall be created and implemented.

Please find attached the proposed mitigation measures for the subject project. Once you have reviewed them, please provide written notification to the Tribe stating whether and to what extent you will include and require the proposed mitigations for TCR for the subject project so that we may conclude our consultation, and if you do not agree with the mitigations as proposed, so that we may continue our consultation discussions in an effort to reach an agreement.

Admin Specialist
Gabrieleño Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived."

Clare Lin

From: Laura Aguilar
Sent: Wednesday, May 4, 2022 11:02 AM
To: Clare Lin
Subject: FW: Public Comment for May 5 Meeting: New Urban West/The Meadows at Bailey Canyon Monastery Development

For your records

From: Jessica Sarber [mailto: [REDACTED]]
Sent: Wednesday, May 4, 2022 10:55 AM
To: Public Comment <publiccomment@cityofsierramadre.com>; Vincent Gonzalez <vgonzalez@cityofsierramadre.com>
Cc: PlanningCommission <PlanningCommission@cityofsierramadre.com>; nshollenberger@cityofsierramadre.com; Chris Cimino <CCimino@cityofsierramadre.com>; [REDACTED]
Subject: Public Comment for May 5 Meeting: New Urban West/The Meadows at Bailey Canyon Monastery Development

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear Planning Commissioners and City Council Members,

My name is Jessica Shore Sarber and I am writing to advocate for preserving my mother, Queenie Shore's, property, long-time home and well-being. My family and I are neither for or against the Development at 700 N Sunnyside Avenue; there are aspects of the Development and the plan that are in question and which present a serious negative impact to my mother's property at [REDACTED] Drive as well as all the homes along the Southern border of the property.

Below are the proposed MOU and Specific Plan issues that I feel require extensive additional consideration and supports the need to delay the approvals of Resolutions 22-10 and 22-11:

1) Amending the zoning and land use should not interfere with, dismiss, or supersede existing city ordinances protecting the surrounding neighbors' mountain and valley views and noise. The current Specific Plan does not comply with the City of Sierra Madre ordinances. [REDACTED] and its immediate neighbors are subject to the major impact on blocking the mountain view and experiencing higher-than-average noise based on the construction as delineated in the current Specific Plan. The Developer's response to mitigate the noise at this location is to build an 8-foot minimum barrier at the Southern border on top of a six-foot retaining wall. This would not only place the southern homes in a hole-like environment and block all views for the duration of the construction which is estimated to be three to five years, it would not serve the purpose of mitigating noise and air pollution while digging the trenches for the underground water treatment and more specifically the storm drain water shed within a few feet of the existing retaining wall. Additionally, the existing southern border retaining walls have not been certified by an independent licensed civil engineer to determine whether it can handle the trenching and load of a storm drain water shed. MM-NOI-1 is not a reasonable solution.

2) The MOU requires that the Commissioners approve all or nothing in Phase 1. As per the Development Agreement, the Planning Commissioners and the City Council have the right to delay the approval process in order to satisfy all issues which remain in question. If the Commissioners and the Councilmembers choose to approve the items as they stand at this time and without delay, then it puts into question the agreement provisions of whether this constitutes a joint venture or partnership and whether the parties are acting in good faith and fair dealing. It is therefore imperative that the Planning Commissioners either delay the vote to ensure the proper changes are

satisfied or deny all development (option #1) since several requirements within Phase 1 have not been satisfied, a number of which are noted below:

- a. The Developer specifically stated in the March 1st meeting that the developer “will reach out to the neighbors on Crestvale and work with them”. The developer has not fulfilled this commitment; it is not clear what this means and what will satisfy the completion of this action. Until there is written or recorded proof from all the residents on Crestvale Drive that the developer has contacted them and addressed their specific concerns and needs to their satisfaction, this is not satisfied. As a matter of record, my family has only recently been in initial communication with the Developer because we reached out to the City and not as a result of the Developer reaching out to us. As has been stated in previous communications, no party involved, including the City, has directly asked my parents for their input. There are items which still have not been resolved.
- b. The conceptual drawings in the Specific Plan which show the existing homes adjacent to the proposed development do not show the adjacent neighborhoods in the same locations. To the best of our knowledge, corrected conceptual drawings have not been made available to us or the public, nor have the corrected map of the lot lines as requested by the Commissioners has not been made public. The maps and drawings available to the public therefore remain erroneous.
- c. The section of the public park with the proposed parking lot, recreation center and bathrooms violate current city ordinances and existing adjacent residents’ rights. It is the City’s responsibility to uphold the existing homes rights by NOT ADVOCATING FOR an unnecessary playground and parking lot to the detriment of the adjacent neighbors. A beautiful parkland and meandering walking path with low native plants has been proposed that will satisfy all parties directly impacted.
- d. It is unclear as to where it states the city’s cost of the public park area after this area is turned over to the city, and the ensuing responsibility. Who is responsible and how much are the forecasted maintenance costs should be addressed on behalf of the taxpayers.
- e. The attainment of the net zero water costs and the net zero water calculation estimate are out of date and grossly understated in consideration of the following situations not taken into consideration: more people can be accommodated per household per the Developer’s comment to provide multi-generational family living situations, inflation, and the current increasing drought. Due to an increase in the number of proposed persons per house (average 4), increased costs for 2022, drought conditions and the rapid rise of inflation, the Developer’s fixed dollar amount of contribution will not meet the development needs. An updated recalculation should be required to provide the most current cost analysis, or the contribution should be at least doubled to meet the current actual costs.
- f. Gas utilities is sorely out of step with most forward-thinking city planning and with current progressive measures in the State of California addressing climate change. “Encouraging electric appliances” is not enough; gas should not be included. The State is near to mandating that new housing will be banned from including this option. Even though gas is still permissible at this date, it will not be allowed soon. Excluding gas utilities will reduce the utility burden to the area, reduce the building time frame, will encourage a new homeowner to purchase cost efficient appliances and receive credits, the fire department will have one less utility to manage at an area subject to fire emergencies, and the City will be forward-thinking adopters of the quickly moving trend within California and the world. There may also be state credits or benefits as well to the City, if the City requires all electrical or solar new housing construction.

3) The Applicant and the Developer could be viewed as in violation of the Covenant of Good Faith and Fair Dealing statement “No party shall do anything which will have the effect of injuring the right of another Party to receive benefits of this agreement...” Although it is possible that the Parties in the statement refer to the Applicant, the Developer, and the City, I would offer that the City speaks on behalf of the citizens. The following past and current actions could be seen as operating in bad faith and injurious:

- a. The Applicant is currently handing out information accusing the neighborhood of discrimination, which could be construed as a character assassination of the residents along the border and of the citizens of Sierra Madre by accusing us of discrimination and trying to revoke the Mater Dolorosa clergy’s rights and work. Furthermore, the continued positioning that the residents at the Mater Dolorosa Retreat Center are good people implies that others not so good or deserving, or that being a good person is a basis for approval of the development. Finally, perpetuating falsehoods that the petition in circulation is unjust to the Mater Dolorosa may create confusion among the voting residents. The only petition being circulated that we are aware of allows a measure to be placed on the ballot; everyone will have the opportunity to become more informed and the Mater Dolorosa and Developer will have a fair chance to develop a formal and truthful rebuttal. The continued action on the part of the Applicant and the Developer of disparaging those opposed can be considered dissemination of misinformation and is not in good faith or fair dealing.
- b. The Applicant and the Developer have specifically excluded the residents of the homes on the boundary when contacting neighbors over the last 8 years. This last week, an accusatory handout was delivered to the homes on Crestvale Drive except to 501 Crestvale Drive (see attached). This could be viewed as intentional exclusion and manipulation.

c. Neither the Mater Dolorosa, the Developer, or the City have ever had a discussion with or asked for approval to place a playground, a parking lot, a 3' to 6' border slump wall, new trees and a storm drain water shed within feet from [REDACTED]. These structures and proposed plans constitute encroachment upon the easement, property owners' views and current peaceful environment. This is a direct violation of the resident's rights and the city ordinances, which also can be considered intentional exclusion and manipulation.

4) As previously stated in prior communications, we are neither for nor against the development. We are for arriving at an amenable solution to the problems of the current development plans and to preempt any detrimental impact on the surrounding homes and environment. The Passionists, and all property owners, have the right to create a better future for themselves. We expect, however, that our City Representatives ensure that no one has the right to "rob Peter to pay Paul" and overlook, diminish and dismiss others' rights, future plans, home values, and environment solely for the Passionist Clergy's retirement and the Developer's enrichment. We ask that all parties consider other feasible mitigation measures that can still be satisfied to create a workable situation:

- a. Move the water treatment storage up the hill to a location directly behind or to the east of the last planned houses on the lowest point of the housing development and not at the lowest edge of the property boundary. Moving this construction to the back side of the lowest new house will also allow for the higher natural elevation to direct the water towards the existing out flow towards Lima, as indicated is necessary, and not build up directly behind the southern border or flow into Crestvale Drive which does not have an existing drainage infrastructure that can handle this flow.
- b. Require permeable pavement throughout the development. Currently, the field acts as a sponge allowing excessive water and rain to seep down into the soil and water table. The Developer, however, confirmed that the plans call for impermeable pavement. This will redirect all rain and ground water to flow into the parkland area which can cause flooding in the park area and additional strain on the southern boundary wall. Once again and to the best of our knowledge, the southern retaining walls have not been evaluated or certified by an independent civil engineer as able to handle the load for the proposed construction. The retaining wall running from the east Crestvale residence to the Carter entrance is already leaning into the residence; additional construction, heavy equipment, and water flow might cause damage and injury to the home and the family with small children who live there.
- c. Create a pleasant parkland area with low native California plants and with a walking and or biking path, placed directly behind the proposed new homes. There is no need for a play structure or parking lot; removing these from the plan will reduce the City's Maintenance costs, maintain the adjacent neighbors' views, and mitigate issues of privacy encroachment. Also, there will be plenty of overflow parking along the east border and on the public streets of the new development. Memorial benches are a typical way to get citizens involved to support the park.
- d. Further limit removal of the existing mature trees to reduce the water usage issues and environmental impact and to adhere to the City's current ordinances and mandates.

I am a native of Sierra Madre and am honored to have a long history with such a unique and beautiful city. My sisters and I are also responsible for ensuring my mother's well-being and environment, and for preserving our family home. The information presented here is correct to the best of my knowledge. Aside from the hope that anyone in their right mind would want to protect the well-being of their family, ensuring the continued well-being of the City is also very important and personal to me. Thank you for continuing to carefully weigh the long-term impacts and for taking a stand for the best interests of the City of Sierra Madre, its citizens and those who are directly impacted by the proposed development.

Thank you,

Jessica Shore Sarber
[REDACTED]

April 30, 2022

Dear Planning Commissioners,

My name is Queenie Shore and I live at [REDACTED] right against the Monastery grounds. I own my house which is located directly at the wall between my property and the Monastery grounds. I have lived in this house since 1973, and I have been a resident of Sierra Madre since 1963. My husband and I moved to the end of Crestvale Drive from Montecito and Mountain Trail for the peace, privacy and the view.

I understand that right behind my house, there are plans to build a playground, a parking lot, and a bathroom. I also understand that the plans include a wall on top of the retaining wall and then plant trees to block my view. This goes against my view protected by the City ordinance.

I have not been approached by anyone about this playground and parking lot right next to me. This is totally unacceptable. I am a taxpayer and my rights in my own home should be totally respected. You are shamefully taking advantage of a Senior Citizen.

My daughters have my permission to speak on my behalf. We will take legal action if you proceed with a playground and a parking lot in this location.

Queenie Shore

Queenie Shore

[REDACTED]

Clare Lin

From: Vincent Gonzalez
Sent: Thursday, May 5, 2022 4:18 PM
To: Clare Lin
Subject: FW: Open Discussion

Public comment submitted.

Vincent Gonzalez, Director | Planning & Community Preservation

City of Sierra Madre

232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024
VGonzalez@cityofsierramadre.com
626.355.7135 (Office)
626.355.4239 (Direct)
Hours: Mon. -Thurs. 7:30am - 5:30pm

From: Lou Losorelli [mailto: [REDACTED]]
Sent: Thursday, May 5, 2022 4:12 PM
To: PlanningCommission <PlanningCommission@cityofsierramadre.com>
Cc: Public Comment <publiccomment@cityofsierramadre.com>; Gene Goss <ggoss@cityofsierramadre.com>; Rachelle Arizmendi <rarizmendi@cityofsierramadre.com>; Edward Garcia <egarcia@cityofsierramadre.com>; Robert Parkhurst <rparkhurst@cityofsierramadre.com>; Kelly Kriebs <kkriebs@cityofsierramadre.com>; Jose Reynoso <jreynoso@cityofsierramadre.com>; Vincent Gonzalez <vgonzalez@cityofsierramadre.com>; Aleks Giragosian <agiragosian@chwlaw.us>
Subject: Open Discussion

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

To the Members of the Planning Commission and City Council,

I note that there is a robust agenda relating to the proposed Meadows project for the Planning Commission meeting to be held tonight, May 5, 2022. As I hope you have come to understand from the voluminous comments made thus far from a vast number of the citizenry of Sierra Madre, that a proper and full evaluation of this proposed project is crucial to the future of our beloved town.

Your measured and critical analysis of each and every aspect of this proposed development is essential. Important questions about complex issues have been raised about the matters on the agenda. Many of those questions are included in a letter dated dated May 5, 2022 that you have received from counsel for Protect Sierra Madre.

Yet the City Council and its commissions are proceeding at a breakneck speed in their evaluation of this project, as demonstrated by the ambitious agenda that it has posted for tonight's meeting. The consequences of this proposed project are immense. This proposed project is without precedent and there is no denial that any action taken with respect to it will have an indelible impact on the character of Sierra Madre.

There is no necessity to proceed with any fixed deadline for completion of the evaluation of this project. Rather, the objective should be to fully vet this matter so that everyone understands and appreciates the arguments from all parties, including the citizens of Sierra Madre, whom you represent. That objective should include the opportunity of the people of Sierra Madre to engage with you in a free and open discussion of this matter, so that they are given their fair due. That opportunity for discussion has not yet been afforded to your citizenry. Why not?

Lou Losorelli

Resident of Sierra Madre

Clare Lin

From: MATTHEW BRYANT [REDACTED]
Sent: Thursday, May 5, 2022 4:46 PM
To: Public Comment; PlanningCommission
Cc: Rachelle Arizmendi; Gene Goss; Robert Parkhurst; Edward Garcia; Kelly Kriebs
Subject: Re The Meadows Project

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear Planning Commission Members:

The Meadows Project is fatally flawed. While there are many bad details in this project, the Achilles heel of the project is the ingress/egress along Carter. It just doesn't work. With Bailey Park right there and no sidewalks anywhere, it's just too much traffic and congestion. The city should feel no obligation to try to make something work that clearly doesn't work. The residents will suffer years of problems and the city has potential liability because of the dangers that are only going to be exacerbated by this project.

This project needs to be rejected and it needs to go back to the drawing board. The Meadows project amply demonstrates the kind of project that gets put forth when the goal is to maximize profit. Please don't let this Santa Monica developer succeed in doing this at the residents' expense. The overwhelming majority of residents do not want this project and I am one of them.

Thank you
Matt Bryant
[REDACTED]
Sierra Madre

Sent from my iPhone

April 30, 2022

Dear Planning Commissioners,

My name is Queenie Shore and I live at [REDACTED] right against the Monastery grounds. I own my house which is located directly at the wall between my property and the Monastery grounds. I have lived in this house since 1973, and I have been a resident of Sierra Madre since 1963. My husband and I moved to the end of Crestvale Drive from Montecito and Mountain Trail for the peace, privacy and the view.

I understand that right behind my house, there are plans to build a playground, a parking lot, and a bathroom. I also understand that the plans include a wall on top of the retaining wall and then plant trees to block my view. This goes against my view protected by the City ordinance.

I have not been approached by anyone about this playground and parking lot right next to me. This is totally unacceptable. I am a taxpayer and my rights in my own home should be totally respected. You are shamefully taking advantage of a Senior Citizen.

My daughters have my permission to speak on my behalf. We will take legal action if you proceed with a playground and a parking lot in this location.

Queenie Shore
Queenie Shore

[REDACTED]

Clare Lin

From: Laura Aguilar
Sent: Monday, May 2, 2022 9:04 AM
To: Vincent Gonzalez; Clare Lin
Cc: Jose Reynoso
Subject: FW: New Urban West/The Meadows at Bailey Canyon Monastery Development Impacts on [REDACTED]
Attachments: 5522SMPChearing.pdf

Vincent and Clare-
Please add to your public comments for May 5.
Laura

From: Blonde and Brunette Productions [REDACTED]
Sent: Monday, May 2, 2022 9:02 AM
To: PlanningCommission <PlanningCommission@cityofsierramadre.com>; nshollenberger@cityofsierramadre.com; James Carlson <jcarlson@cityofsierramadre.com>
Cc: Jessica Sarber <cybersarber@yahoo.com>; 'Natalie Peterson' <shorester@aol.com>
Subject: New Urban West/The Meadows at Bailey Canyon Monastery Development Impacts on 501 Crestvale Drive, Sierra Madre 91024

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Honorable Councilmembers and Commissioners:

Our family has additional concerns regarding view blockage and additional impacts on the property value on [REDACTED], which is at "ground zero" of the Meadows at Bailey Canyon Subdivision. We request your additional consideration of the attached regarding the concerns as to impacts on the above-referenced property directly abutting the southeast border of the proposed Meadows at Bailey Canyon Subdivision, in addition to the issues and concerns originally stated and discussed at the April 7, 2022 Planning Commission meeting.

We also request that the attached be made of record for the May 5, 2022 Planning Commission meeting.

I also request that I be allowed to present the attached as a Powerpoint visual aid at the May 5, 2022 meeting. This courtesy was been extended to community members at the March 1, 2022 meeting and has been accorded to the Applicant at previous hearings.

I can be reached at during business hours at [REDACTED]

Sincerely,

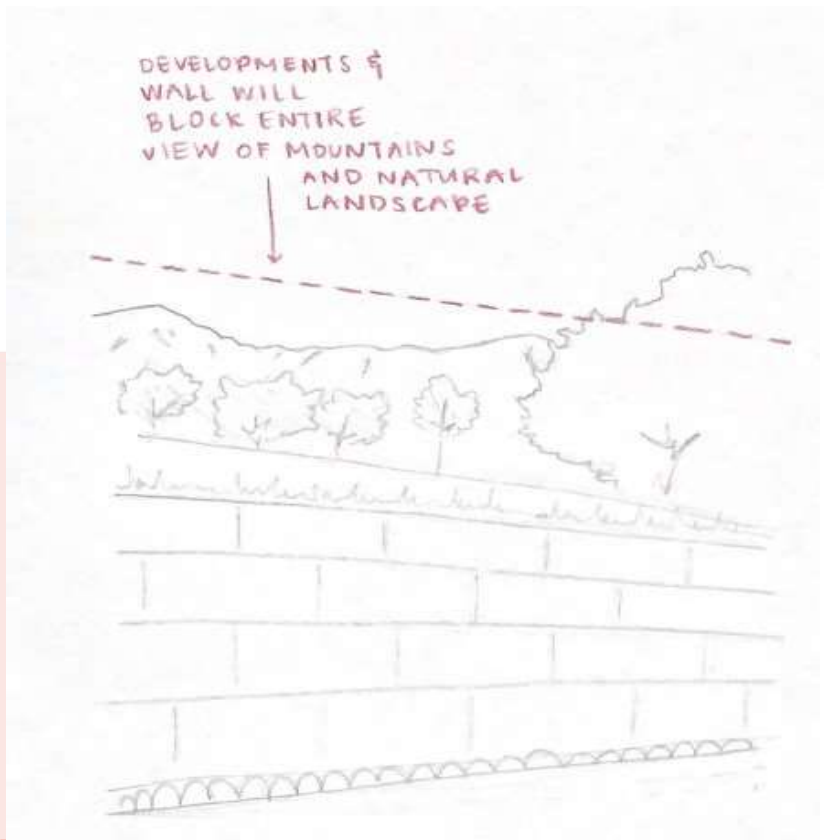
Sally Shore

on behalf of Queenie Shore, Jessica Shore Sarber and Natalie Shore Peterson



The Shore Family

View Blockage



Sierra Madre Code of Ordinances: Chapter 17.20.010 - Purpose.

In order to maintain the historical, architectural and ecological integrity and quality of the existing single-family residential areas within the city, the following purpose is set forth: ...

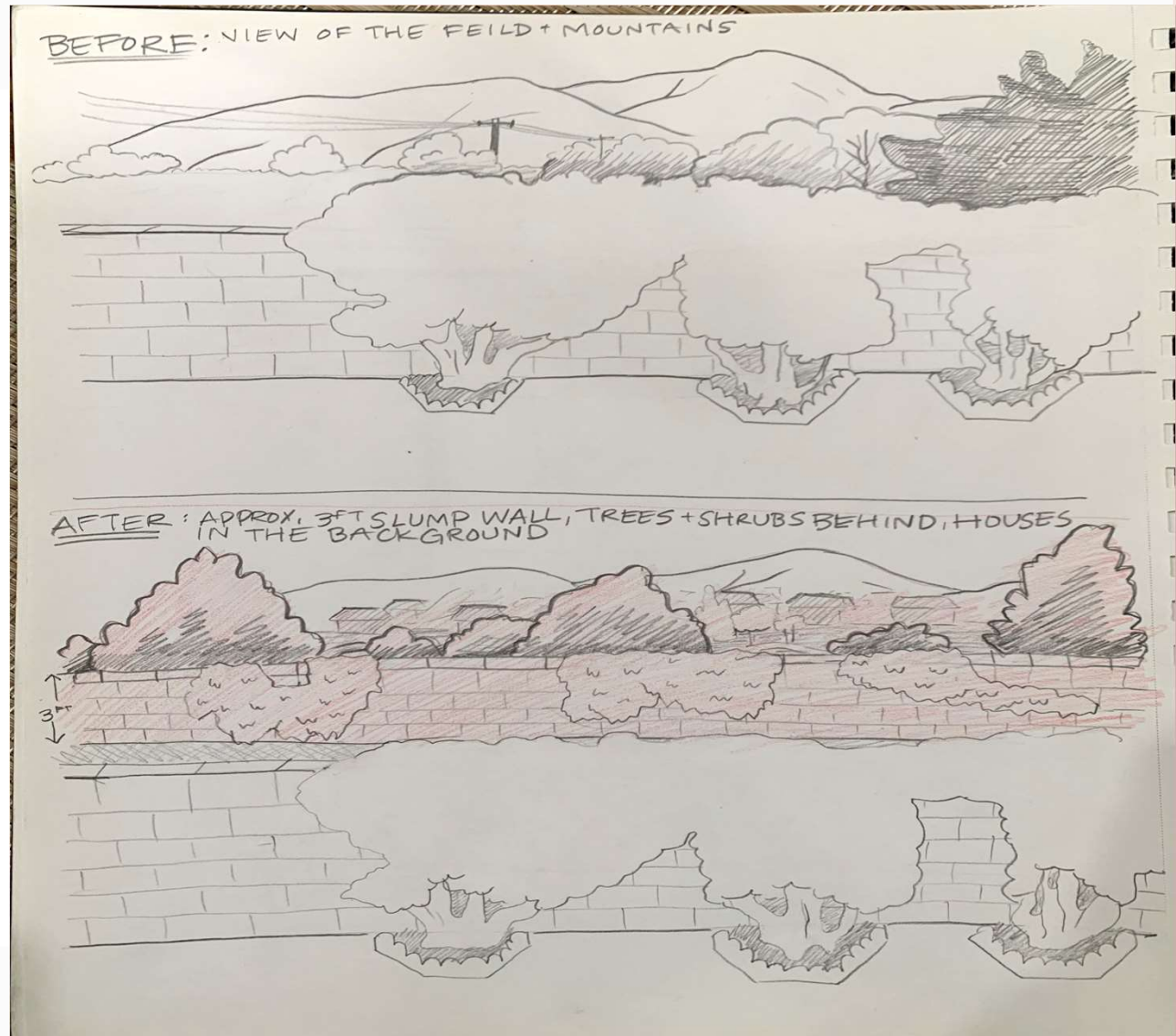
E. To promote consideration of one another's valley and mountain views:

1. Designs should consider, to the extent reasonably practicable, the neighbors' existing view,



View Blockage

Proposed minimum 3 foot tall slump wall and trees will fully block existing view and lower property value. Developer is proposing a wall of up to 8 feet tall.



Development must be configured to preserve the view and property value of [REDACTED]

The Shore Family



Clare Lin

From: Susan Neuhausen <[REDACTED]>
Sent: Thursday, May 5, 2022 4:30 PM
To: Public Comment; PlanningCommission
Subject: Re: Public comment for Planning Commission meeting on May 5, 2022

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

From: Susan Neuhausen, [REDACTED]

Please enter the following into Public Comments and send to the Planning Commissioners.

First, congratulations to Mr. Spears and his wife for 2021 Citizen of the Year. You truly have worked hard to make Sierra Madre better.

Second, I want to address the decision to close further comment on the NUW/Passionists tract housing project. Mr. Gonzalez told several residents who wanted to speak that the Planning Commission stated that there would be no more public comment, but it is not in any minutes. More importantly, the first line of all the agendas, including today's, states, "The Brown Act provides the public with an opportunity to make public comments at any public meeting." To restrict public comment on this critical project when you, the Planning Commission, has already said that there are many issues with the project is outrageous. Until now, the PC has ALWAYS been receptive to hearing from the public on ANY subject. We have appreciated that you listen to concerns of the citizens of Sierra Madre, and there seems to be undo pressure on the Planning Commission to move quickly to approve this project even though it does not adhere to the General Plan. The decision to preclude further comment on the matter is egregious in particular because the city staff has added information in response to what you, the Planning Commission, asked for—and some of that information is not accurate and should be open for comment by Sierra Madre residents. Just a quick example: Recommendation of the city: "Based upon substantial evidence presented to the Planning Commission during the public hearings conducted with regard to this Project, the Planning Commission recommends that the City Council approve the project. "Substantial evidence" of what? Do they mean information on the project? That is patently incorrect, as you all described on April 7th how the Specific Plan lacked specifics such that there is not "substantial" information.

Also, it appears that our written public comments have not been read and considered by the Planning Commission. Mr. Pevsner wrote in response to an email of Mr. Bacio on May 1, and I quote: "The Commission is still trying to process all the information we've received." He also wrote: "I'm not sure having Ms. Grossman Palmer reiterate her letter would be beneficial at this time." Ms. Grossman Palmer is raising serious issues about the lack of public comment pertaining to new information on the widening of Carter that was added to the final environmental report and the multiple factual and analytic flaws of the environmental review process to date on the widening of Carter. Equally important, she details why this project does NOT qualify for a lot line adjustment and is not compliant with the Subdivision Map Act. To ignore her remarks makes no sense and can only be detrimental to the City in the long run.

Back in 2014, regarding One Carter/Stonegate, John Hutt wrote to the City Council requesting that each member "act reasonably, vote for what you believe is in the best interests of the town, and ignore the legal threats swirling about the project...He added, "I believe that the legal consequences feared by some are vastly overblown, and that the approval or denial of the project is well within your legal discretion provided that you ground your decision in the requirements of the General Plan, Hillside Management Zone Ordinance, and Settlement Agreement." Later on he wrote: "Hold firm to the General Plan and Hillside Management Zone. Require strict compliance even in the face of saber-rattling attorneys."

Please keep his 2014 comments in mind for this proposed NUW project which DOES NOT meet the requirements of the General Plan, which is why the developer and Passionists in Illinois are asking for a Specific Plan that makes a mockery of City requirements and the General Plan. As citizens of Sierra Madre, it is our duty to comment.

Clare Lin

From: Laura Aguilar
Sent: Tuesday, May 3, 2022 9:51 AM
To: Vincent Gonzalez; Clare Lin
Subject: FW: Another Question About The Housing Project

[For this week's meeting](#)

From: Your Planet [REDACTED]
Sent: Monday, May 2, 2022 6:51 PM
To: Public Comment <publiccomment@cityofsierramadre.com>; Kelly Kriebs <kkriebs@cityofsierramadre.com>; Robert Parkhurst <rparkhurst@cityofsierramadre.com>; Edward Garcia <egarcia@cityofsierramadre.com>; Gene Goss <ggoss@cityofsierramadre.com>; William Pevsner (Planning Commission) [REDACTED] Tom Denison (Planning Commission) [REDACTED]; John Hutt (Planning Commission) [REDACTED] Bob Spears ([REDACTED]); Stop Housing Project <stophousingproject@gmail.com>; [REDACTED]
Subject: Another Question About The Housing Project

CAUTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments.

Dear City Officials,

I talked with Father Cunningham, the Director of Mater Dolorosa, the other morning. We discussed the following: The galaxy is a vortex, a single movement, in which every part of it, both human and nonhuman, is that single movement everywhere within itself. What you do to a part of it, you do to the whole of it and, therefore, you do to yourself. (See the attached picture.) Because this applies temporally (time), not just spatially (space), what you do to it, you also do to Jesus. This is a scientific fact about a very literal process with very real consequences, regardless of whether one is aware of it or not. I told Father Cunningham this and that, given that there are alternatives to the housing project and that it's, therefore, not necessary for survival, unnecessarily murdering millions of lives on the prairie questions the very foundation of the monastery itself. (In other words, by committing the very same act that he and his fellow priests have spent their entire lives mourning - the crucifixion of Jesus - the act sh/would strip their qualifications of being Passionist priests in the first place.) His response was that the Passionist monasteries need funding. ./ That choice doesn't just mean nothing...

Does Mater Dolorosa know that making false claims and claims that are likely to create a false impression as to the services offered is illegal and that they can be penalized for this? Why would the city allow so much leeway to such an organization within their boundaries by creating a Specific Plan that bypasses the General Plan's Policy R3.2, which states that, "Ensure that wildland open space, including the areas of the City designated as High Fire Hazard Severity Zone, is left in its natural state..." Because that policy is fundamental to the General Plan given its relevance to the community's safety, is not the act of overwriting it with a Specific Plan counter to the very foundation of a City Plan in general -- that it be adhered to? And, if a Plan isn't to be adhered to, what's the function of the Specific Plan that would replace the General Plan if not to be a mere front enacted by those not adhering to the latter used to mask the true character of their actions with "policy"?

I'm either missing some details about this proposed housing project, or something is blatantly inappropriate about it. As a city resident, I'd like to be informed, so if I'm missing something, may you please clarify for me why it's still being considered?

-C

April 20, 2022

VIA EMAIL

Mr. Aleks Giragosian
City Attorney
City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024

Re: Follow Up Relating to April 7, 2022 Planning Commission Public Hearing,
Action Item #1, 700 North Sunnyside Avenue (The Meadows at Bailey Canyon)

Dear Mr. Giragosian:

The law firm of Manatt, Phelps & Phillips, LLP, represents NUWI Sierra Madre, LLC the applicant for the project proposed at 700 North Sunnyside Avenue (The Meadows at Bailey Canyon). On April 7, 2022, we submitted to you a letter responding to recirculation questions raised in an April 6, 2022 comment letter submitted to the City Planning Commission by the law firm of Strumwasser & Woocher LLP on behalf of Protect Sierra Madre (“Strumwasser Letter”). In analyzing both letters, you requested additional clarification on four issues, which we provide herein.

I. CARTER AVENUE WIDENING WAS NOT PROPOSED AS PART OF THE DRAFT EIR.

While some early discussion of the offsite widening of Carter Avenue took place, the project described in the Draft EIR did not propose offsite widening improvements to Carter Avenue. This is because, based upon the modeling of traffic generated by the proposed project, and consultation with the City’s engineering and fire departments, the City determined that offsite widening of Carter Avenue was not necessary to address or avoid any existing or potential future impacts.

Omitting the widening of Carter Avenue from the original project description was determined, by the City, to not result in any potential impacts to health and safety, not result in traffic issues, and not present any pedestrian safety concerns. Neither the fire department, nor the City’s engineering department, felt that two points of access were necessary for the project, based upon the number of units proposed or the traffic volumes that would be generated. For these reasons, Carter Avenue was proposed in the Draft EIR as an improved (but not widened), one-way, egress-only access point.

Despite the fact that the Draft EIR determined that the project would not result in any impacts requiring the offsite widening of Carter Avenue, during the Draft EIR public review and comment period, community members raised concerns about pedestrian and vehicular circulation relating to Carter Avenue. In response to these Draft EIR comments, the applicant now proposes the offsite Carter Avenue improvements, between the southeastern portion of the project site boundary and Lima Street.

II. CARTER AVENUE TREE REMOVAL WAS ADEQUATELY ANALYZED IN THE FINAL EIR.

To implement the offsite widening and improvement of Carter Avenue, the applicant proposes to acquire approximately 9 feet of public right-of-way to widen Carter Avenue and add a 6-foot sidewalk. The original project site described in the Draft EIR is approximately 17.3 acres. The new offsite improvements **would add only an additional 0.10 acre of disturbance area**, increasing the disturbance area by approximately **0.58%**. (See Final EIR, Responses to Comments, p. RTC-11.)

Despite the fact that the offsite widening of Carter Avenue will increase the overall number of trees impacted by the proposed project, this increase is extremely minimal. To summarize the tree impact analysis in the Draft EIR, the Draft EIR disclosed that a total of 101 trees were inventoried, and that all 101 trees would require removal for the project. In contrast, the Final EIR discloses that, with the offsite improvements to Carter Avenue, the total number of inventoried trees increases from 101 to only 117, and the total number of trees impacted increases from 101 to only 115. Impacted trees includes both trees to be removed and trees whose impact zone will be encroached upon. (See Final EIR, Appendix C-2, pp. 7, 12.)

Updated Tree Impact Numbers

	Draft EIR	Final EIR
Total Trees Inventoried	101	117
Total Trees Impacted	101	115
<i>Total Trees Removed</i>	<i>101</i>	<i>105</i>
<i>Total Trees Encroached (but not removed)</i>	<i>0</i>	<i>10</i>

The Final EIR, which includes both the responses to comments received on the Draft EIR, as well as in-line revisions to the Draft EIR, incorporates and analyzes the additional offsite improvements to Carter Avenue in multiple locations. In regards to tree removal, specifically, this is addressed in the following locations:

- Final EIR, Responses to Comments
 - Page RTC-11 summarizes as follows: “[V]arious trees are located within the existing right-of-way, within the northern portion of the proposed improvement area. A tree inventory of these trees has been prepared and included in Appendix C2, Arborist Report, and Final EIR Section 4.4, along with potential impacts to these existing trees. As discussed in both Final EIR Appendix C2 and Final EIR Section 4.4, Biological Resources, these revisions and proposed off-site improvements do not raise new or additional environmental issues concerning the adequacy of the Draft EIR.”
 - Page RTC-7 explains that, to provide a worst-case scenario analysis, it has been conservatively assumed that, with the offsite Carter Avenue improvements, 105 trees (up from 101 trees), including the 14 trees meeting the definition of a protected tree under the City Tree Preservation and Protection Ordinance (up from 10 trees), would be removed as part of the project.
- Final EIR, Section 4.4, Revised Biological Resources Impacts Analysis
 - Page 4.4-1 discloses how the original onsite tree inventory identified a total of 101 impacted trees within the onsite biological study area, and how an additional 16 trees were inventoried in the new offsite improvement area for the Carter Avenue widening. This brings the total number of trees within the development area to 117 (up from 101).
 - Page 4.4-2 summarizes the minor changes in the findings of the Arborist Report resulting from the inclusion of the 16 additional trees in the offsite Carter Avenue improvements area, including updates to the percentages of individually mapped trees displaying different levels of health and structure.
 - Pages 4.4-13 and -14 provide the updated impacts analysis for the following threshold: “Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?” This updated analysis takes into consideration the additional number of trees affected by the offsite Carter Avenue improvements. This analysis discloses that the number of removed trees has increased from 101 to 105, and discloses that construction will encroach into the impact zone of an additional 10 trees.

Regardless, this analysis concludes that the significance of the potential impact remains the same. Just as in the Draft EIR, the analysis acknowledges that the removal of 105 trees and encroachment into the impact zone of 10 trees results in a potentially significant impact; however, with the incorporation of Mitigation Measure MM-BIO-3, these impacts would be reduced to less than significant. Thus, no new significant impact will occur, and no substantially more severe significant impact will occur.

- Final EIR, Section 4.11, Revised Land Use and Planning Impacts Analysis
 - Page 4.11-7 provides the updated impacts analysis for the following threshold: “Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?” This analysis includes consideration of the project’s consistency with the City’s Resource Management Element and determines that because the project would remove existing trees, the project is potentially inconsistent with Goal 1 of the Resource Management Element. However, with the incorporation of MM-BIO-3, the analysis determines that this potential impact would be reduced to a level of less than significant. The analysis determines that despite a relatively minor increase in the number of trees impacted resulting from the offsite Carter Avenue improvements, this significance conclusion remains correct. No new significant impact or substantially more severe significant impact would occur.
 - Page 4.11-20 analyzes the project’s consistency with General Plan Tree Preservation Goal 1, regarding the continued preservation and protection of existing trees. This analysis was updated to take into consideration the relatively minor increase in the number of trees impacted. However, the discussion concludes that the potential inconsistency with this General Plan goal is adequately addressed through the incorporation of MM-BIO-3, requiring the replacement of protected trees and the presence of an arborist onsite during the widening of Carter Avenue. No new significant impact or substantially more severe significant impact would occur.
 - P. 4.11-21 presents additional analyses of the project’s consistency with General Plan Tree Preservation Goal 1, General Plan Objective R10, General Plan Policy R10.2, and General Plan Policy R10.8. In the Draft EIR these analyses determined that the project was consistent with each of these goals, objectives, and policies. The revised analyses find that, with the offsite improvements to Carter Avenue, the project remains consistent with each of these goals, objectives, and policies. No new significant impact or substantially more severe significant impact would occur.

- P. 4.11-34 analyzes the project’s consistency with the City’s Community Forest Management Plan. In the Draft EIR, this analysis disclosed that various trees would be removed as a result of the project, and that the project would introduce new trees throughout the site, within the proposed public park, along proposed streets, and within the open space area. The analysis in the Draft EIR determined that without mitigation, impacts to the Community Forest Management Plan would be potentially significant, but that given MM-BIO-3 and the City’s Tree Preservation and Protection Ordinance, tree replacement requirements would reduce impacts to less than significant. This analysis was updated to take into account the relatively small increase in impacted and removed trees, but nonetheless the significance determination was found to be the same. No new significant impact or substantially more severe significant impact would occur.
- Final EIR, Appendix C2, Arborist Report
 - Pp. 11-12 of the updated Arborist Report discloses the very minor increase in the number of trees impacted by the proposed project, and breaks down those impacts into protected trees removed, protected trees impacted but not removed, non-protected trees removed, and non-protected trees impacted but not removed. The report concludes that 115 trees will be impacted by the proposed project (up from 101), and 105 of those impacted trees will be removed (up from 101).

III. PROJECT REVISIONS IN RESPONSE TO PUBLIC COMMENTS FULFILL CEQA’S PURPOSE.

“CEQA allows, if not encourages, public agencies to revise projects in light of new information revealed during the CEQA process.” (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1062.) As addressed in our letter dated April 7, 2022, the addition of new improvements intended to directly respond to comments raised during public review in no way indicates that the Draft EIR was fundamentally and basically inadequate, or that it requires recirculation. As we stated earlier, if anything, it demonstrates that CEQA is working exactly as intended. (See *Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (2006) 133 Cal.App.4th 890, 904-905 [finding changes made in the project in response to concerns raised in the environmental review process showed “CEQA fulfilled its purpose”].) “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during the investigation, evoking revisions of the original proposal.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) Only when a change in a project meets the definition of “significant new information” must a public agency recirculate under State CEQA Guidelines, 15088.5.

IV. ADDITIONAL RESPONSES REGARDING SPECIFIC ENVIRONMENTAL IMPACTS

The Strumwasser Letter alleges that the addition of the offsite Carter Avenue improvements have the potential to result in new significant impacts associated with ecologically sensitive areas, traffic and noise, stormwater, water infrastructure and fire. This is not so. The Final EIR fully analyzes the potential of the project to result in environmental impacts. The addition of 0.10 acres of new disturbance area, all of which is located within an existing public roadway right of way, does not change any impact determination conclusion previously reported in the Draft EIR. The Strumwasser Letter does not explain how the evidence cited in the Final EIR for each of these analyses fails to support the Final EIR's significance conclusions. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 850 [under the substantial evidence test, a challenger must describe the evidence favorable to the agency and explain why it is lacking; a failure to do so is fatal to its challenge].)

A. Ecologically Sensitive Areas

The Strumwasser Letter states that the offsite Carter Avenue improvements “would not only increase the number of trees impacted, but the location of those impacted trees merits particular scrutiny for this aspect of the Project.” However, other than general references to the *project site's* proximity to Bailey Canyon Wilderness Park, wetlands and riparian areas, and the *project site's* location “in the range of black bears, mountain lions, nesting birds... Crotch's bumble bee... multiple species of bat, and several special status reptiles” the Strumwasser Letter does not explain, in any way, why the widening of Carter Avenue (and the additional 0.10 acre of disturbance area) will result in *new* significant impacts to these resources, or *substantially more severe significant impacts* than were previously disclosed in the Draft EIR.

The Draft EIR considered the project's potential impacts on sensitive species, riparian habitats, protected wetlands, wildlife movement, local policies or ordinances protecting biological resources, and adopted habitat conservation plans. (Final EIR, p. 4.4-9 [list of thresholds of significance].) The Draft EIR determined, that with the incorporation of Mitigation Measures MM-BIO-1, MM-BIO-2, and MM-BIO-3, all impacts relating to biological resources would be less than significant. Even with the incorporation of the offsite Carter Avenue improvements, these three mitigation measures would reduce impacts to less than significant. The addition of 0.10 acre of disturbance area would not result in new impacts to Bailey Canyon Wilderness Park, would not result in new impacts to riparian areas or wetlands (there are none located within the existing right-of-way), or new impacts to bears, mountain lions, bumble bees, or any other species. The Strumwasser Letter does not point to any evidence suggesting otherwise, let alone explain why the evidence cited by and described in detail in the Final EIR (including, but not limited to, the project's Sensitive Resources Analysis [Appendix C1], site survey, site description, citations to state and federal regulations and statutes, the project's Storm Water Pollution Prevention Plan best management practices, the project's landscaping plan, the

City's General Plan, and the updated Arborist's Report) is inadequate to support a finding of less than significant impacts after the incorporation of mitigation.

B. Traffic and Noise

The Strumwasser Letter alleges that there is no support for the Final EIR's conclusion that only 16% of daily trips to and from the project would use Carter Avenue. This is incorrect. Appendix K, which is a traffic conditions analysis prepared by the traffic planning and engineering firm Fehr & Peers, explains as follows, consistent with standard industry practice:

The Project trip distribution reflects the spatial distribution of trips traveling to and from the Project site. To determine where Project trips will travel, we applied a "select zone analysis" using the Southern California Association of Governments (SCAG) travel demand model. This method predicts where trips travel to/from for the area immediately surrounding the Project.

(Final EIR, Appendix K, p. 6.) Based upon SCAG travel demand model—which, again, is consistent with standard industry practice and predicts where trips travel to/from for this specific area—the analysis determined that “performance of the study intersections, as measured by LOS, would result in no measurable difference as a result of the Project.” (Final EIR, Appendix K, p. 10.)

While the Strumwasser Letter argues, generally and without reference to substantial evidence, that “traffic increases along Carter Avenue carry significant safety and noise concerns.” However, the Strumwasser Letter does not, in any way, explain why it believes the modeling and analysis done by an esteemed transportation planning and engineering firm—which found “no measurable difference”—is in error. No new significant impacts associated with traffic or noise would occur as a result of the offsite Carter Avenue improvements, and no substantially more severe significant impacts beyond those disclosed in the Draft EIR would occur.

C. Stormwater

The Strumwasser Letter argues, without support or evidence, that “the new Carter Avenue widening... plays an outsized role in terms of stormwater.” Again, the offsite improvements increase the project's 17.3-acre development area by only an additional 0.10 acre. As discussed in the Final EIR, the City's General Plan requires that all new development appropriately design containment systems to capture stormwater runoff onsite. (Final EIR, p. 4.10-7.) It discusses how the project would be required to comply with the MS4 permit that regulates stormwater and non-stormwater discharges, and the requirements of the Basin Plan, which includes implementation of BMPs to reduce water quality impacts. (Final EIR, p. 4.10-10.) The Final EIR also discusses how final drainage plans must be approved by the City as part

of the final construction or grading plans, to ensure that stormwater retention and conveyance is designed to meet, or exceed, the City's requirements for 85th percentile in a 24-hour storm event. (Final EIR, p. 4.10-13.) A detailed description of how the project's storm drain system will connect with the existing system infrastructure in surrounding roadways is also provided. (Final EIR, p. 4.10-14.) Contrary to the statement in the Strumwasser Letter that the project will impact county storm drains, the Final EIR concludes that no potentially significant impacts associated with hydrology, water quality, or drainage would occur. (Final EIR, p. 4.10-16.) The improvement of a short segment of existing roadway, which would be designed consistent with all roadway and storm drain design requirements, does not change this determination. No new significant impacts associated with drainage would occur as a result of the offsite Carter Avenue improvements, and no substantially more severe significant impacts beyond those disclosed in the Draft EIR would occur.

D. Water Infrastructure

The Strumwasser Letter seems to imply that water infrastructure improvements associated with the project, and/or the Carter Avenue improvements, will result in "the relocation or construction of new or expanded" utility infrastructure, "the construction or relocation of which could cause significant environmental effects." However, it is unclear what significant environmental effects that the letter's author believes will occur as a result of any infrastructure improvements. The Final EIR analyzes, in detail, the project's potential impacts on biological resources, traffic, and noise, *inter alia*. The significance determinations made for each analysis remain correct, even with the incorporation of an additional 0.10-acre of disturbance area to accommodate the offsite Carter Avenue improvements.

E. Fire

Finally, the Strumwasser Letter argues that the offsite Carter Improvements are necessary for wildfire evacuation, and on that basis should have been included in the Draft EIR. However, as described above, the applicant, in consultation with the fire department and city engineers, and based upon the project's unit count and anticipated traffic generation, determined that the offsite Carter Avenue improvements were *not* necessary for public safety, traffic impacts, evacuation, pedestrian access, or any other reason. Regardless, and in response to similar comments received during the public comment period, the applicant is now proposing to include the offsite Carter Avenue improvements. The Final EIR confirms that no new significant impact will occur as a result of these improvements, therefore no recirculation of the Draft EIR is required to incorporate this minor project change.

manatt

Mr. Aleks Giragosian
April 20, 2022
Page 9

We very much appreciate the opportunity to respond on the record to these issues. Please do not hesitate to reach out to myself or the applicant's representative directly with any additional questions you may have.

Sincerely,

/s/ Jennifer J. Lynch

Jennifer J. Lynch