



City of Sierra Madre

Office of the City Clerk

232 W. Sierra Madre Blvd.,

Sierra Madre, CA

(626) 355-7135

**THE BROWN ACT PROVIDES THE PUBLIC WITH
AN OPPORTUNITY TO MAKE PUBLIC COMMENTS
AT ANY PUBLIC MEETING.**

**THE FOLLOWING ARE COMMENTS RECEIVED
FOR THIS MEETING**

Joseph Nosrat

Subject: FW: Public Comment Re the Meadows Tentative Tract Map

From: deb sheridan [mailto:]
Sent: Thursday, February 1, 2024 10:08 AM
To: Public Comment <publiccomment@cityofsierramadre.com>
Subject: Public Comment Re the Meadows Tentative Tract Map

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

Dear Commissioners,

For the three of you new Commissioners, congratulations on your appointment. I hope you will take your responsibility seriously, and that you realize what you decide will have ramifications for years to come.

What you will be discussing tonight is whether to certify the Tentative Tract Map that New Urban West has submitted. The major flaw in this process is that there was no mention of widening Carter Avenue in the Draft EIR which precluded notification of the aspect to the public for comment as required in Draft reports. This tract is in a high severe fire zone. How will fire trucks gain access to the property without a second entrance? One of the issues you must decide is whether there will be an adverse effect on the health or safety of the residents. Please take seriously that this property is in a high severe fire zone. Without being readily accessible to fire equipment, you are putting the residents at risk. New Urban West spokesperson Jonathan Frankel spoke before the Planning Commission and assured the Commissioners that they would pursue an easement with the County. To date this has not been granted.

In the Tentative Tract Map Application form on page 9, New Urban West included 24 tree removals from Bailey Canyon Park. Yet there is no reference to Bailey Canyon in the Tentative Tract Map.

What about runoff from the property, especially after the grading is done? New Urban West has already refused to meet with the residents who are already impacted by this runoff.

Is this the only meeting we residents are allowed before the Planning Commission, or are there a total of five? This is unclear.

Thank you Commissioners.

Deb Sheridan
Valle Vista Drive

Caroline Chiappetti
Bryce Gee
Dale Larson
Julia Michel †
Beverly Grossman Palmer
Salvador Pérez
Michael J. Strumwasser

Senior Counsel:
Andrea Sheridan Ordín
Fredric D. Woocher

† Also admitted to practice
in Washington

February 1, 2024

Sierra Madre Planning Commission
City Hall Council Chambers
232 W. Sierra Madre Boulevard,
Sierra Madre, CA 91024

VIA EMAIL to PublicComment@CityofSierraMadre.com;
planningcommission@cityofsierramadre.com

Re: February 1, Item 6: 700 N. Sunnyside Avenue, Tentative Tract Map 22-10

Dear Members of the Sierra Madre Planning Commission:

This firm writes on behalf of Protect Sierra Madre, an unincorporated association of citizens who are concerned about the impacts of the proposed tract of housing development at 700 Sunnyside Avenue. There are several reasons that the Tentative Tract Map cannot be approved by the Planning Commission.

State Minimum Fire Safe Regulations: Failure to Consult CAL FIRE and Incorporate Conditions in Applicable Regulations to Tentative Tract Map

Since July 1, 2021, California law requires that all development in areas designated as Very High Fire Hazard Severity Zones (VHFHSZ) are subject to the state minimum wildfire protection standards. Those regulations require that “future design and construction of structures, subdivisions and developments in . . . the VHFHSZ shall provide for basic emergency access . . . as specified” in the regulations. (Cal. Code Regs., tit. 14, § 1270.02(b).) For reference, a copy of the approval Statement Minimum Fire Safe Regulations is attached as Exhibit 1. The regulations expressly apply to “all tentative and parcel maps” (id. § 1270.03 (a)(3)) as well as “permitting or approval of new parcels” (id., 1270.03(c)(1)). Under the regulations, local government must provide the Director of CAL FIRE with “notice of applications for [inter alia] tentative parcel maps, tentative maps . . . within . . . the VHFHSZ.” (Id., § 1270.04(a).) The Director or designee may make recommendations on the maps and the local government “shall ensure that the applicable sections of [the regulations] become a condition of approval of any applicable construction or development permit or map.” (Id., § 1270.04(b)-(c).)

It is beyond dispute that the project location is in the VHFHSZ. Yet there is no evidence that the City has met its preliminary obligations under the State Minimum Fire Safe Regulations in its review of the tentative tract map, which is indisputably covered under the regulatory requirements. The proposed conditions for the Tentative Tract Map reflect no compliance with the State Minimum Fire Safe Regulation. There is no discussion in the staff report that the City has presented the proposed tentative tract map to CAL FIRE, nor do the proposed conditions discuss any of the “applicable sections” of the regulations and make compliance a condition of approval. In addition to the ingress and egress requirements discussed below, the regulations address water supply for wildfire emergency, build and parcel siting and setbacks, fuel breaks, and greenbelts and parks, all of which bear on the tentative tract map.

As one example, the regulations require that local governments determine the “need and location for Fuel Breaks” in consultation with CAL FIRE, whenever the local government engages in

“the permitting or approval of three (3) or more new parcels.” (Cal Code. Regs., tit. 14, § 1276.03(a)(1).) The regulations define “Fuel Break” as “[a] strategically located area where the volume and arrangement of vegetation has been managed to limit fire intensity, fire severity, rate of spread, crown fire potential, and/or ember production.” (Id., § 1270.01(n).) Fuel breaks may be required at certain locations, including directly adjacent to defensible space, directly adjacent to roads, and in greenbelts or similar locations. (Id., § 1276.03(d).) Fuel breaks must be “completed prior to the commencement of any permitted construction.” (Id., § 1276.03(e).) The phrase “fuel break” appears nowhere in the agenda packet for the current Planning Commission hearing.

Similarly, the conditions for the tract map do not address the provision of emergency water, either prior to construction (Cal. Code Regs., tit. 14, § 1275.02(a)) or whether emergency water is adequately provided by the required hydrants (Id., § 1275.02(b)). Nor do the conditions incorporate the detailed requirements for fire hydrants in the regulations. (Id., § 1275.03.) Specific building setback requirements are imposed by the regulations, which the project does not satisfy, but there is no discussion of which mechanisms are being imposed to “reduce structure-to-structure ignition,” as necessary for reduced setbacks. (Id., § 1276.01(b).) There is no discussion whatsoever in the tract map report regarding wildfire prevention, as if the project were not in the VHFHSZ. But of course it is, and the state now requires that such issues be addressed at the time of the tentative tract map. Now is the time, yet the City has failed to address any.

The tentative tract map cannot be approved until the City has complied with the State Minimum Fire Safe Regulation. The regulations are clear that consultation and compliance with the regulatory conditions must be included in the tract map itself, not undertaken at a later date.

State Minimum Fire Safe Regulation: Non-Compliance with Ingress and Egress Requirements

A major concern of the State Minimum Fire Safe Regulations is ensuring adequate ingress and egress from new developments in the VHFHSZ. “Roads . . . whether public or private . . . shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with [the requirements of the regulations].” (Cal. Code Regs., tit. 14, § 1273.00.) As presented in the tentative tract map, it appears that the map does not satisfy the Ingress and Egress requirements of the regulations.

The Sunnyside Avenue entrance to the project is, as a result of Carter’s narrow width adjacent to the project, functionally a dead end road: “A road that has only one point of vehicular ingress/egress, including cul-de-sac and roads that loop back on themselves.” (Cal. Code Regs., tit. 14, § 1270.01(e).) Although the project’s internal roads connect to Carter, ultimately, Carter immediately adjacent to the project does not appear to meet the State Minimum Fire Safe Regulation requirements for access. “All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions.” (Id., § 1273.01(a).) Traffic lane is defined as “[t]he portion of a road or driveway that provides a single line of vehicle travel.” (Id., § 1270.01(ff).) Moreover, road surfaces “shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds.” (Id., § 1273.02(a).) There is no information in the record whether Carter is currently adequate for such loads, but it is an old narrow roadway not designed for regular use in the portion nearest the project site.

As the January 30, 2024 photos included in Exhibit 2 demonstrate, this portion of Carter is in poor condition and is quite narrow. The pavement is significantly degraded in portions, particularly near the

Monastery.¹ A large truck using the street had challenges passing a dumpster placed for collection by Bailey Canyon Park. It is difficult to imagine that street being safely utilized to evacuate 50 to 60 vehicles while being utilized for in-bound emergency vehicle traffic.

Indeed, the conditions on Carter, given the location in the VHFHSZ, are “likely to cause serious public health problems,” a basis for denial of the tentative tract map. There is no evidence that the project design complies with the State Minimum Fire Safe Regulations attached as Exhibit 1. The physical conditions of Carter and its narrow width would support a finding that safe ingress and egress during a fire emergency would be impossible and thus likely to be “detrimental to public health, safety, and welfare.” Without including the widening of Carter, and without compliance with the State Minimum Fire Safe Regulations, the tract map should not be approved.

Carter Avenue Widening Additionally Required Because Carter Between the Project and Lima Is Not a Official City Street and Thus the Creation of the New Public Street Must Satisfy the Municipal Code

Carter Avenue between Lima and the gate is not officially a public street. The Assessor shows this property as a parcel of land owned by the City of Sierra Madre, unlike other streets. The Assessor’s Map (Exhibit 3) shows Carter Avenue ending at Lima, and simply shows the area where Carter extends to the west as slim parcel.

For this reason, Sierra Madre Municipal Code section 16.32.035 apply to the construction of Carter west of Lima as a public road. “[T]he city’s public streets standards shall require at least thirty feet of road easement to accommodate two travel lanes, one parking lane, and a pedestrian walkway.” This provision also makes clear that street improvements are considered as part of the approval process for a tentative tract map. By failing to include any information on the Carter improvement, the tentative tract map application fails to apprise decision makers of the scope of the map, to provide information on whether the residents of this development will be able to escape their homes in the event of a fast-moving wildfire, a mudslide due to torrential rains on burned slopes above, or other hazards that exist on the urban/wildland boundary. This is not a concern to be taken lightly, brushed off, or ignored as if it is unnecessary.

Carter Avenue Offsite Improvements are Required as a Condition of Approval for the Tentative Tract Map, and Proposed Conditions Are Inadequate

The staff report notes that Section 4(i) of the Development Agreement “mandates the offsite improvement of Carter Avenue.” The Development Agreement defines “Carter Avenue Right of Way” as “the public right of way necessary for the proposed offsite improvements, as defined in Section 4(i).” However, section 4(i) does not provide any further detail on the scope of the proposed offsite improvement. Attachment F to the development agreement at least provide some detail. The conditions for the tentative tract map must be more specific than simply referring to the Development Agreement. For one, the Development Agreement could be altered. But the improvement of Carter Avenue is a necessary safety feature. The TTM must be specific enough for an evaluation to be made whether the applicant has satisfied the requirement to construct the offsite improvements, including widening Carter Avenue to permit simultaneous ingress and

¹ It appears that the applicant proposes to retain the gates at Carter, though they shall be “permanently open.” This requirement is not a condition of the tract map, and there is no analysis whether the gate entrance on Carter is adequate in width and functionality under the regulations. (Cal. Code Regs., tit 14, § 1273.09.) Such information must be also be considered and addressed in the tract map in compliance with the state regulations.

egress in two complete traffic lanes. The condition proposed simply states the applicant shall acquire the right of way and enter an improvement agreement – but that omits even the basic components of the Development Agreement to “obtain all required approvals from the County . . . for the construction of the Carter Avenue offsite improvements.” This must be required before the final map can be recorded, at a minimum.

Moreover, the Development Agreement requires that the Applicant “post security for the completion of the improvements as provided in the California Subdivision Map Act.” The Tentative Tract Map Conditions must require the posting of this security, and it does not.

Finally, the widening of Carter Avenue is a component of the off site improvements, but the off site improvements of Carter include other components for pedestrians that do not have the same life and safety impacts that the narrow width of Carter poses. The TTM should contain a separate condition requiring Carter to satisfy the State Minimum Fire Safe Regulations from the property border to the intersection with Lima, and not permit recordation of the final map until such condition is satisfied.

Tentative Tract Map Application Missing Critical Sierra Madre Municipal Code Requirements

This application should be deemed incomplete because it does not contain all the required information in Sierra Madre Municipal Code section 16.12.040, most notably as to Carter Avenue. The tentative map lacks:

“The width and approximate locations of all existing or proposed easements or rights-of-way whether for public or private roads, drainage, sewer, public utility, or flood control purposes, shown by dashed lines.” (SMMC 16.12.040 A. 5.)

The width of the existing and proposed right of way at Carter Avenue east of the project is not shown. The right of way is a part of the project and must be included in the tract map.

“The locations, widths and approximate grades of all existing and proposed highways, streets, alleys and ways, or ways within and adjacent to such tentative map.” (SMMC 16.12.040 A. 7.)

The map does not contain information about the width of Carter Avenue east of the project.

“The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses and flood control areas within and adjacent to the property involved.” (SMMC 16.12.040 A.9.)

Adjacent watercourses in Bailey Canyon Wilderness Park are not depicted on maps.

Moreover, there is no information included about the Carter Avenue off-site improvements. The Applicant has planned to conduct these improvements since it began the environmental review process. Without any detail on what the Applicant will do in this regard, and with no indicia that the Applicant can accomplish it, the City must require as much information as possible and impose all limitations to ensure that no work and irreversible degradation of the project site takes place unless Carter will be improved for safe ingress/egress.

Yours truly,



Beverly Grossman Palmer

Exhibit 1

**State of California
Office of Administrative Law**

In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 1270.08, 1276.03
Amend sections: 1270.00, 1270.01
(Renumbered to 1270.02
and Amended), 1270.02
(Renumbered to 1270.03
and Amended), 1270.03
(Renumbered to 1270.04
and Amended), 1270.04
(Renumbered to 1270.05
and Amended), 1270.05
(Renumbered to 1270.06
and Amended), 1270.06
(Renumbered to 1270.07
and Amended), 1271.00
(Renumbered to 1270.01
and Amended), 1273.00,
1273.01, 1273.02, 1273.03,
1273.04, 1273.05, 1273.06,
1273.07, 1273.08, 1273.09,
1274.00, 1274.01, 1274.02,
1274.03, 1274.04, 1275.00,
1275.01, 1275.02, 1275.03,
1275.04, 1276.00, 1276.01,
1276.02, 1276.03
(Renumbered to 1276.05
and Amended), 1276.04

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0819-02

OAL Matter Type: Regular (S)

This action adopts, amends, and repeals regulations to implement minimum fire safety standards related to defensible space applicable to the perimeters and access to all residential, commercial, and industrial building construction and to land in a State Responsibility Area (SRA) and Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ), particularly with respect to fuel breaks, greenbelts near communities, and preservation of undeveloped ridgelines.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2023.

Date: January 31, 2023



Digitally signed by Mark
Storm
Date: 2023.01.31 14:08:55
-08'00'

Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Edith Hannigan, Executive
Officer

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2021-0413-05	REGULATORY ACTION NUMBER 2022-0819-02S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JAN 31 2023

2:57 PM

OFFICE OF ADMIN. LAW
2022 AUG 19 PM 1:26

AGENCY WITH RULEMAKING AUTHORITY
Board of Forestry and Fire Protection

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2021, 17-Z	PUBLICATION DATE 4/23/2021	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) State Minimum Fire Safe Regulations, 2021		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT §§ 1270.08, 1276.05 SEE ATTACHMENT	
		AMEND see attachment	
TITLE(S) 14		REPEAL §§ 1271.00	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Rereadoption (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> File & Print	
		<input type="checkbox"/> Other (Specify) _____	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
		<input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs title 1, §44 and Gov. Code §11347.1) January 3-19, 2022 and May 10-27, 2022			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State	
		<input type="checkbox"/> §100 Changes Without Regulatory Effect	
		<input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission	
<input type="checkbox"/> Other (Specify) _____		<input checked="" type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Edith Hannigan		TELEPHONE NUMBER (916) 862-0120	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) edith.hannigan@bof.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY DESIGNATOR OR DESIGNEE 	DATE 8/19/2022
TYPED NAME AND TITLE OF SIGNATORY Edith Hannigan, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 31 2023

Office of Administrative Law

2022-0819-02S BOFFP
Form 400 Attachment B.2.

ADOPT

1270.08, 1276.03

AMEND

1270.00, 1270.01 (Renumbered to 1270.02 and Amended), 1270.02 (Renumbered to 1270.03 and Amended), 1270.03 (Renumbered to 1270.04 and Amended), 1270.04 (Renumbered to 1270.05 and Amended), 1270.05 (Renumbered to 1270.06 and Amended), 1270.06 (Renumbered to 1270.07 and Amended), 1271.00 (Renumbered to 1270.01 and Amended), 1273.00, 1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09, 1274.00, 1274.01, 1274.02, 1274.03, 1274.04, 1275.00, 1275.01, 1275.02, 1275.03, 1275.04, 1276.00, 1276.01, 1276.02, 1276.03 (Renumbered to 1276.05 and Amended), 1276.04

REPEAL

1 Title 14 of the California Code of Regulations (14 CCR),

2 Division 1.5, Chapter 7

3 Subchapter 2, Articles 1-5

4 "DRAFT State Minimum Fire Safe Regulations, 2021"

5
6
7 Subchapter 2. ~~SRA/VHFHSZ~~ State Minimum Fire Safe Regulations

8 Article 1. Administration

9 § 1270.00. Title.

10 ~~These regulations~~ Subchapter 2 shall be known as the "~~SRA/VHFHSZ~~
11 State Minimum Fire Safe Regulations," and shall constitute the
12 ~~basic minimum~~ wildfire protection standards of the California
13 Board of Forestry and Fire Protection.

14 Note: Authority cited: Section 4290, Public Resources Code.

15 Reference: Sections 4102, 4126, 4127 and 4290, Public Resources
16 Code.

17
18 § 1270.01. Definitions ~~Purpose~~

19 The following definitions are applicable to Subchapter 2.

20 (a) Agriculture: Land used for agricultural purposes as defined
21 in a Local Jurisdiction's zoning ordinances.

22 (b) Board: California Board of Forestry and Fire Protection.

23 (c) Building: Any Structure used or intended for supporting or
24 sheltering any use or Occupancy, except those classified as
25 Utility and Miscellaneous Group U.

26 (d) CAL FIRE: California Department of Forestry and Fire

1 Protection.

2 (e) Dead-end Road: A Road that has only one point of vehicular
3 ingress/egress, including cul-de-sacs and Roads that loop back
4 on themselves

5 (f) Defensible Space: The area within the perimeter of a
6 parcel, Development, neighborhood or community where basic
7 wildland fire protection practices and measures are implemented,
8 providing the key point of defense from an approaching Wildfire
9 or defense against encroaching Wildfires or escaping Structure
10 fires. The perimeter as used in this regulation is the area
11 encompassing the parcel or parcels proposed for construction
12 and/or Development, excluding the physical Structure itself. The
13 area is characterized by the establishment and maintenance of
14 emergency vehicle access, emergency water reserves, Road names
15 and Building identification, and fuel modification measures.

16 (g) Development: As defined in section 66418.1 of the California
17 Government Code.

18 (h) Director: Director of the Department of Forestry and Fire
19 Protection or their designee.

20 (i) Driveway: A vehicular pathway that serves no more than four
21 (4) Residential Units and any number of non-commercial or non-
22 industrial Utility or Miscellaneous Group U Buildings on each
23 parcel. A Driveway shall not serve commercial or industrial uses
24 at any size or scale.

25 (j) Exception: An alternative to the specified standard
26 requested by the applicant that may be necessary due to health,

1 safety, environmental conditions, physical site limitations or
2 other limiting conditions, such as recorded historical sites,
3 that provides mitigation of the problem.

4 (k) Fire Apparatus: A vehicle designed to be used under
5 emergency conditions to transport personnel and equipment or to
6 support emergency response, including but not limited to the
7 suppression of fires.

8 (l) Fire Authority: A fire department, agency, division,
9 district, or other governmental body responsible for regulating
10 and/or enforcing minimum fire safety standards in the Local
11 Jurisdiction.

12 (m) Fire Hydrant: A valved connection on a water supply or
13 storage system for the purpose of providing water for fire
14 protection and suppression operations.

15 (n) Fuel Break: A strategically located area where the volume
16 and arrangement of vegetation has been managed to limit fire
17 intensity, fire severity, rate of spread, crown fire potential,
18 and/or ember production.

19 (o) Greenbelts: open space, parks, wildlands, other areas, or a
20 combination thereof, as designated by Local Jurisdictions, which
21 are in, surround, or are adjacent to a city or urbanized area,
22 that may function as Fuel Breaks and where Building construction
23 is restricted or prohibited.

24 (p) Greenways: Linear open spaces or corridors that link parks
25 and neighborhoods within a community through natural or manmade
26 trails and paths.

1 (q) Hammerhead/T: A "T" shaped, three-point Turnaround space
2 for Fire Apparatus on a Road or Driveway, being no narrower than
3 the Road or Driveway that serves it.

4 (r) Hazardous Land Use: A land use that presents a significantly
5 elevated potential for the ignition, prolonged duration, or
6 increased intensity of a Wildfire due to the presence of
7 flammable materials, liquids, or gasses, or other features that
8 initiate or sustain combustion. Such uses are determined by the
9 Local Jurisdiction and may include, but are not limited to,
10 power-generation and distribution facilities; wood processing or
11 storage sites; flammable gas or liquids processing or storage
12 sites; or shooting ranges.

13 (s) Local Jurisdiction: Any county, city/county agency or
14 department, or any locally authorized district that approves or
15 has the authority to regulate Development.

16 (t) Municipal-Type Water System: A system having water pipes
17 servicing Fire Hydrants and designed to furnish, over and above
18 domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi
19 (138 kPa) residual pressure for a two (2) hour duration.

20 (u) Occupancy: The purpose for which a Building, or part
21 thereof, is used or intended to be used.

22 (v) One-way Road: A Road that provides a minimum of one Traffic
23 Lane width designed for traffic flow in one direction only.

24 (w) Residential Unit: Any Building or portion thereof which
25 contains living facilities including provisions for sleeping,
26 eating, cooking and/or sanitation, for one or more persons.

1 Manufactured homes, mobile homes, and factory-built housing are
2 considered Residential Units.

3 (x) Ridgeline: The line of intersection of two opposing slope
4 aspects running parallel to the long axis of the highest
5 elevation of land; or an area of higher ground separating two
6 adjacent streams or watersheds.

7 (y) Road: A public or private vehicular pathway to more than
8 four (4) Residential Units, or to any industrial or commercial
9 Occupancy.

10 (z) Road or Driveway Structures: Bridges, culverts, and other
11 appurtenant Structures which supplement the Traffic Lane or
12 Shoulders.

13 (aa) Same Practical Effect: As used in this subchapter, means an
14 Exception or alternative with the capability of applying
15 accepted wildland fire suppression strategies and tactics, and
16 provisions for fire fighter safety, including:

17 (1) access for emergency wildland fire equipment,

18 (2) safe civilian evacuation,

19 (3) signing that avoids delays in emergency equipment
20 response,

21 (4) available and accessible water to effectively attack
22 Wildfire or defend a Structure from Wildfire, and

23 (5) fuel modification sufficient for civilian and fire
24 fighter safety.

25 (bb) Shoulder: A vehicular pathway adjacent to the Traffic Lane.

26 (cc) State Responsibility Area (SRA): As defined in Public

1 Resources Code sections 4126-4127; and the California Code of
2 Regulations, title 14, division 1.5, chapter 7, article 1,
3 sections 1220-1220.5.

4 (dd) Strategic Ridgeline: a Ridgeline identified pursuant to §
5 1276.02(a) that may support fire suppression activities or where
6 the preservation of the Ridgeline as an Undeveloped Ridgeline
7 would reduce fire risk and improve fire protection.

8 (ee) Structure: That which is built or constructed or any piece
9 of work artificially built up or composed of parts joined
10 together in some definite manner.

11 (ff) Traffic Lane: The portion of a Road or Driveway that
12 provides a single line of vehicle travel.

13 (gg) Turnaround: An area which allows for a safe opposite
14 change of direction for Fire Apparatus at the end of a Road or
15 Driveway.

16 (hh) Turnout: A widening in a Road or Driveway to allow vehicles
17 to pass.

18 (ii) Undeveloped Ridgeline: A Ridgeline with no Buildings.

19 (jj) Utility and Miscellaneous Group U: A Structure of an
20 accessory character or a miscellaneous Structure not classified
21 in any specific Occupancy permitted, constructed, equipped, and
22 maintained to conform to the requirements of Title 24,
23 California Building Standards Code.

24 (kk) Vertical Clearance: The minimum specified height of a
25 bridge, overhead projection, or vegetation clearance above the
26 Road or Driveway.

1 (ll) Vertical Curve: A curve at a high or low point of a Road
2 that provides a gradual transition between two Road grades or
3 slopes.

4 (mm) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in
5 Government Code section 51177(i).

6 (nn) Wildfire: Has the same meaning as "forest fire" in Public
7 Resources Code Section 4103.

8 ~~(a) These regulations have been prepared and adopted for the~~
9 ~~purpose of establishing minimum Wildfire protection standards in~~
10 ~~conjunction with building, construction and development in the~~
11 ~~State Responsibility Area (SRA) and, after July 1, 2021, the Very~~
12 ~~High Fire Hazard Severity Zones as defined in Government Code S~~
13 ~~51177(i) (VHFHSZ).~~

14 ~~(b) The future design and construction of structures,~~
15 ~~subdivisions and developments in the SRA and, after July 1,~~
16 ~~2021, the VHFHSZ shall provide for basic emergency access and~~
17 ~~perimeter wildfire protection measures as specified in the~~
18 ~~following articles.~~

19 ~~(c) These measures shall provide for emergency access; signing~~
20 ~~and building numbering; private water supply reserves for~~
21 ~~emergency fire use; and vegetation modification. The fire~~
22 ~~protection standards which follow shall specify the minimums for~~
23 ~~such measures.~~

24 Note: Authority cited: Section 4290, Public Resources Code.

25 Reference: Sections 4290 and 4291, Public Resources Code.

1 § 1270.02. Purpose.—Scope

2 (a) Subchapter 2 has been prepared and adopted for the purpose
3 of establishing state minimum Wildfire protection standards in
4 conjunction with Building, construction, and Development in the
5 State Responsibility Area (SRA) and, after July 1, 2021, the Very
6 High Fire Hazard Severity Zones, as defined in Government Code §
7 51177(i) (VHFHSZ).

8 (b) The future design and construction of Structures,
9 subdivisions and Developments in the SRA and, after July 1,
10 2021, the VHFHSZ shall provide for basic emergency access and
11 perimeter Wildfire protection measures as specified in the
12 following articles.

13 (c) These standards shall provide for emergency access; signing
14 and Building numbering; private water supply reserves for
15 emergency fire use; vegetation modification, Fuel Breaks,
16 Greenbelts, and measures to preserve Undeveloped Ridgelines.
17 Subchapter 2 specifies the minimums for such measures.

18
19 ~~(a) These regulations shall apply to:~~

20 ~~(1) the perimeters and access to all residential, commercial,~~
21 ~~and industrial building construction within the SRA approved~~
22 ~~after January 1, 1991, and those approved after July 1, 2021~~
23 ~~within the VHFHSZ, except as set forth below in subsection (b.);~~

24 ~~(2) the siting of newly installed commercial modulars,~~
25 ~~manufactured homes, mobilehomes, and factory built housing, as~~
26 ~~defined in Health and Safety Code sections 18001.8, 18007,~~

1 ~~18008, and 19971;~~

2 ~~(3) all tentative and parcel maps or other Developments approved~~
3 ~~after January 1, 1991; and~~

4 ~~(4) applications for building permits on a parcel approved in a~~
5 ~~pre 1991 parcel or tentative map to the extent that conditions~~
6 ~~relating to the perimeters and access to the buildings were not~~
7 ~~imposed as part of the approval of the parcel or tentative map.~~

8 ~~(b) These regulations do not apply where an application for a~~
9 ~~building permit is filed after January 1, 1991 for building~~
10 ~~construction on a parcel that was formed from a parcel map or~~
11 ~~tentative map (if the final map for the tentative map is~~
12 ~~approved within the time prescribed by the local ordinance)~~
13 ~~approved prior to January 1, 1991, to the extent that conditions~~
14 ~~relating to the perimeters and access to the buildings were~~
15 ~~imposed by the parcel map or final tentative map approved prior~~
16 ~~to January 1, 1991.~~

17
18 ~~(c) Affected activities include, but are not limited to:~~

19 ~~(1) permitting or approval of new parcels, excluding lot line~~
20 ~~adjustments as specified in Government Code (GC) section~~
21 ~~66412(d);~~

22 ~~(2) application for a building permit for new construction not~~
23 ~~relating to an existing structure;~~

24 ~~(3) application for a use permit;~~

25 ~~(4) Road construction, including construction of a road that~~
26 ~~does not currently exist, or extension of an existing road.~~

1 ~~(f) EXEMPTION: Roads used solely for agricultural, mining, or~~
2 ~~the management and harvesting of wood products.~~

3 Note: Authority cited: Section 4290, Public Resources Code.

4 Reference: Sections 4290 and 4291, Public Resources Code.

5
6 § 1270.03. Scope. Provisions for Application of The Regulations

7 (a) Subchapter 2 shall apply to:

8 (1) the perimeters and access to all residential,
9 commercial, and industrial Building construction within the SRA
10 approved after January 1, 1991, and those approved after July 1,
11 2021 within the VHFHSZ, except as set forth below in subsection

12 (b).

13 (2) the siting of newly installed commercial modulars,
14 manufactured homes, mobilehomes, and factory-built housing, as
15 defined in Health and Safety Code sections 18001.8, 18007,
16 18008, and 19971;

17 (3) all tentative and parcel maps or other Developments
18 approved after January 1, 1991; and

19 (4) applications for Building permits on a parcel approved
20 in a pre-1991 parcel or tentative map to the extent that
21 conditions relating to the perimeters and access to the
22 Buildings were not imposed as part of the approval of the parcel
23 or tentative map.

24 (b) Subchapter 2 does not apply where an application for a
25 Building permit is filed after January 1, 1991 for Building
26 construction on a parcel that was formed from a parcel map or

1 tentative map (if the final map for the tentative map is
2 approved within the time prescribed by the local ordinance)
3 approved prior to January 1, 1991, to the extent that conditions
4 relating to the perimeters and access to the Buildings were
5 imposed by the parcel map or final tentative map approved prior
6 to January 1, 1991.

7 (c) Affected activities include, but are not limited to:

8 (1) permitting or approval of new parcels, excluding lot
9 line adjustments as specified in Government Code (GC) section
10 66412(d);

11 (2) application for a Building permit for new construction
12 not relating to an existing Structure;

13 (3) application for a use permit;

14 (4) Road construction including construction of a Road that
15 does not currently exist, or extension of an existing Road.

16 (d) The standards in Subchapter 2 applicable to Roads shall not
17 apply to Roads used solely for Agriculture; mining; or the
18 management of timberland or harvesting of forest products.

19 ~~This Subchapter shall be applied as follows:~~

20 ~~(a) the local jurisdictions shall provide the Director of~~
21 ~~the California Department of Forestry and Fire Protection (CAL~~
22 ~~FIRE) or their designee with notice of applications for building~~
23 ~~permits, tentative parcel maps, tentative maps, and installation~~
24 ~~or use permits for construction or development within the SRA.~~

25 ~~(b) the Director or their designee may review and make fire~~
26 ~~protection recommendations on applicable construction or~~

1 ~~development permits or maps provided by the Local Jurisdiction.~~

2 ~~(c) the local jurisdiction shall ensure that the applicable~~
3 ~~sections of this subchapter become a condition of approval of~~
4 ~~any applicable construction or development permit or map.~~

5 Note: Authority cited: Section 4290, Public Resources Code.

6 Reference: Sections 4290 and 4291, Public Resources Code.

7
8 § 1270.0304 Provisions for Application of these Regulations

9 This Subchapter shall be applied as follows:

10 (a) the Local Jurisdictions shall provide the Director of
11 the California Department of Forestry and Fire Protection (CAL
12 FIRE) or their designee with notice of applications for
13 Building permits, tentative parcel maps, tentative maps, and
14 installation or use permits for construction or Development
15 within the SRA, or if after July, 1 2021, the VHFHSZ.

16 (b) the Director or their designee may review and make fire
17 protection recommendations on applicable construction or
18 development permits or maps provided by the Local Jurisdiction.

19 (c) the Local Jurisdiction shall ensure that the
20 applicable sections of this Subchapter become a condition of
21 approval of any applicable construction or Development permit
22 or map.

23 Note: Authority cited: Section 4290, Public Resources Code.

24 Reference: Sections 4290 and 4291, Public Resources Code.

1 § 1270.0405. Local Regulations Ordinances.

2 (a) Subchapter 2 shall serve as the minimum Wildfire protection
3 standards applied in SRA and VHFHSZ. However, Subchapter 2 does
4 not supersede local regulations which equal or exceed the
5 standards of this Subchapter. ~~Nothing contained in these~~
6 ~~regulations shall be considered as abrogating the provisions of~~
7 ~~any ordinance, rule, or regulation of any state or local~~
8 ~~jurisdiction provided that such ordinance, rule, regulation or~~
9 ~~general plan element is equal to or more stringent than these~~
10 ~~minimum standards.~~

11 (b) A local regulation equals or exceeds a minimum standard of
12 this Subchapter only if, at a minimum, the local regulation also
13 fully complies with the corresponding minimum standard in this
14 Subchapter. ~~The Board may certify local ordinances as equaling~~
15 ~~or exceeding these regulations when they provide the same~~
16 ~~practical effect.~~

17 (c) A Local Jurisdiction shall not apply exemptions to
18 Subchapter 2 that are not enumerated in Subchapter 2. Exceptions
19 requested and approved in conformance with § 1270.07 (Exceptions
20 to Standards) may be granted on a case-by-case basis. ~~Counties~~
21 ~~may submit their local ordinances for certification via email to~~
22 ~~the Board.~~

23 (d) ~~The Board's certification of local ordinances pursuant to~~
24 ~~this section is rendered invalid when previously certified~~
25 ~~ordinances are subsequently amended by local jurisdictions~~
26 ~~without Board re-certification of the amended ordinances. The~~

1 ~~Board's regulations supersede the amended local ordinance(s)~~
2 ~~when the amended local ordinance(s) are not re-certified by the~~
3 ~~Board. Amendments made by local jurisdictions to previously~~
4 ~~certified ordinances shall be submitted for re-certification.~~

5 (d) Notwithstanding a local regulation that equals or exceeds
6 the State Minimum Fire Safe Regulations, Building construction
7 shall comply with the State Minimum Fire Safe Regulations.

8 Note: Authority cited: Section 4290, Public Resources Code.

9 Reference: Sections 4290 and 4291, Public Resources Code.

10
11 § 1270.056. Inspections.

12 Inspections shall conform to the following requirements:

13 (a) Inspections in the SRA shall be made by:

14 (1) the Director, or

15 (2) Local Jurisdictions that have assumed state fire
16 protection responsibility on SRA lands, or

17 (3) Local Jurisdictions where the inspection duties have
18 been formally delegated by ~~CAL FIRE~~ the Director to the Local
19 Jurisdictions, pursuant to subsection (b).

20 (b) The Director may delegate inspection authority to a Local
21 Jurisdiction subject to all of the following criteria:

22 (1) The Local Jurisdiction represents that they have
23 appropriate resources to perform the delegated inspection
24 authority.

25 (2) The Local Jurisdiction acknowledges that CAL FIRE's
26 authority under subsection (d) shall not be waived or

1 restricted.

2 (3) The Local Jurisdiction consents to the delegation of
3 inspection authority.

4 (4) The Director may revoke the delegation at any time.

5 (5) The delegation of inspection authority, and any
6 subsequent revocation of the delegation, shall be documented in
7 writing, and retained on file at the CAL FIRE Unit headquarters
8 that administers SRA fire protection in the area.

9 ~~Inspections made under 14 CCR § 1270.05(a)(2) or 14 CCR §~~
10 ~~1270.05(a)(3) shall occur only when these regulations are~~
11 ~~incorporated into local ordinance in one of the following~~
12 ~~manners:~~

13 ~~(1) these regulations have been incorporated verbatim or by~~
14 ~~reference into that jurisdiction's permitting or approval~~
15 ~~process for the activities described in 14 CCR § 1270.02; or~~

16 ~~(2) the local ordinances have been certified pursuant to 14 CCR~~
17 ~~§ 1270.04;~~

18 (c) Inspections in the VHFHSZ shall be made by the Local
19 Jurisdiction. Nothing in this section abrogates CAL FIRE's
20 authority to inspect and enforce state forest and fire laws even
21 when the inspection duties have been delegated pursuant to this
22 section.

23 (d) Nothing in this section abrogates CAL FIRE's authority to
24 inspect and enforce state forest and fire laws in the SRA even
25 when the inspection duties have been delegated pursuant to this
26 section. Reports of violations shall be provided to the CAL FIRE

1 ~~Unit headquarters that administers SRA fire protection in the~~
2 ~~Local Jurisdiction.~~

3 (e) Reports of violations within the SRA shall be provided to
4 the CAL FIRE Unit headquarters that administers SRA fire
5 protection in the Local Jurisdiction. When inspections are
6 conducted, they shall occur prior to: the issuance of the use
7 permit or certificate of occupancy; the recordation of the
8 parcel map or final map; the filing of a notice of completion;
9 or the final inspection of any project or building permit.

10 (f) When inspections are conducted, they shall occur prior to:
11 the issuance of the use permit or certificate of Occupancy; the
12 recordation of the parcel map or final map; the filing of a
13 notice of completion; or the final inspection of any project or
14 Building permit.

15
16 Note: Authority cited: Section 4111, 4119 and 4290, Public
17 Resources Code. Reference: Sections 4102, 4119, 4125, 4290 and
18 4291, Public Resources Code.

19
20 § 1270.067. Exceptions to Standards.

21 (a) Upon request by the applicant, an e~~Exceptions~~ to standards
22 within this s~~Subchapter~~ or ~~to Local Jurisdiction certified~~
23 ~~ordinances~~ may be allowed by the inspection Inspection entity in
24 accordance with listed in 14 CCR § 1270.056 (Inspections) where
25 the Exceptions provide the ~~same practical effect~~ Same Practical
26 Effect as these regulations towards providing Defensible Space.

1 Exceptions granted by the ~~inspection entity~~ Local Jurisdiction
2 listed in 14 CCR § 1270.056, shall be made on a case-by-case
3 basis only. ~~Exceptions granted~~ Exceptions granted by the
4 ~~inspection entity~~ Local Jurisdiction listed in 14 CCR § 1270.05
5 listed in 14 CCR § 1270.06 shall be forwarded to the
6 appropriate CAL FIRE unit headquarters ~~Unit Office~~ that
7 administers SRA fire protection in that Local Jurisdiction, or
8 the county in which the Local Jurisdiction is located and shall
9 be retained on file at the Unit Office.

10 (b) Requests for an eException shall be made in writing to the
11 ~~inspection entity~~ Local Jurisdiction listed in 14 CCR §
12 1270.0506—by the applicant or the applicant's authorized
13 representative.

14 At a minimum, the request shall state the specific
15 section(s) for which an eException is requested; material facts
16 supporting the contention of the applicant; the details of the
17 Exception proposed; and a map showing the proposed location and
18 siting of the eException. Local Jjurisdictions listed in §
19 1270.0506 (Inspections) may establish additional procedures or
20 requirements for eException requests.

21 (c) Where an Exception is not granted by the inspection entity,
22 the applicant may appeal such denial to the Local Jurisdiction.
23 The Local Jurisdiction may establish or utilize an appeal
24 process consistent with existing local building or planning
25 department appeal processes.

26 (d) Before the Local JJurisdiction makes a determination on an

1 appeal, the inspector shall be consulted and shall provide to
2 that Local Jurisdiction ~~local jurisdiction~~ documentation
3 outlining the effects of the requested Exception on ~~w~~Wildfire
4 protection.

5 (e) If an appeal is granted, the Local ~~l~~Jurisdiction shall make
6 findings that the decision meets the intent of providing
7 Defensible Space consistent with these regulations. Such
8 findings shall include a statement of reasons for the decision.
9 A written copy of these findings shall be provided to the CAL
10 FIRE Unit headquarters that administers SRA fire protection in
11 that ~~local~~ Local ~~l~~Jurisdiction.

12 Note: Authority cited: Section 4290, Public Resources Code.
13 Reference: Sections 4290 and 4291, Public Resources Code.

14
15 ~~§ 1270.08. Distance Measurements Requests for Exceptions.~~

16 All specified or referenced distances are measured along the
17 ground, unless otherwise stated.

18 Note: Authority cited: Section 4290, Public Resources Code.
19 Reference: Sections 4290 and 4291, Public Resources Code.

20
21 ~~§ 1271.00. Definitions.~~

22 ~~Agriculture: Land used for agricultural purposes as defined in a~~
23 ~~Local Jurisdiction's zoning ordinances.~~

24 ~~Building: Any Structure used or intended for supporting or~~
25 ~~sheltering any use or Occupancy, except Utility and~~

26 ~~Miscellaneous Group U Buildings.~~

1 ~~CAL FIRE: California Department of Forestry and Fire Protection.~~

2 ~~Dead-end Road: A Road that has only one point of vehicular~~
3 ~~ingress/egress, including cul-de-sacs and looped Roads.~~

4 ~~Defensible space: The area within the perimeter of a parcel,~~
5 ~~Development, neighborhood or community where basic wildland fire~~
6 ~~protection practices and measures are implemented, providing the~~
7 ~~key point of defense from an approaching Wildfire or defense~~
8 ~~against encroaching Wildfires or escaping structure fires. The~~
9 ~~perimeter as used in this regulation is the area encompassing~~
10 ~~the parcel or parcels proposed for construction and/or~~
11 ~~Development, excluding the physical structure itself. The area~~
12 ~~is characterized by the establishment and maintenance of~~
13 ~~emergency vehicle access, emergency water reserves, road names~~
14 ~~and building identification, and fuel modification measures.~~

15 ~~Development: As defined in section 66418.1 of the California~~
16 ~~Government Code.~~

17 ~~Director: Director of the Department of Forestry and Fire~~
18 ~~Protection or their designee.~~

19 ~~Driveway: A vehicular access that serves up to two (2) parcels~~
20 ~~with no more than two (2) Residential Units and any number of~~
21 ~~non-commercial or industrial Buildings on each parcel.~~

22 ~~Distance Measurements: All specified or referenced distances are~~
23 ~~measured along the ground, unless otherwise stated.~~

24 ~~EXCEPTION: An alternative to the specified standard requested by~~
25 ~~the applicant that may be necessary due to health, safety,~~
26 ~~environmental conditions, physical site limitations or other~~

1 ~~limiting conditions, such as recorded historical sites, that~~
2 ~~provides mitigation of the problem.~~

3 ~~Fire valve: see hydrant.~~

4 ~~Fuel modification area: An area where the volume of flammable~~
5 ~~vegetation has been reduced, providing reduced fire intensity~~
6 ~~and duration.~~

7 ~~Greenbelts: A facility or land use, designed for a use other~~
8 ~~than fire protection, which will slow or resist the spread of a~~
9 ~~Wildfire. Includes parking lots, irrigated or landscaped areas,~~
10 ~~golf courses, parks, playgrounds, maintained vineyards, orchards~~
11 ~~or annual crops that do not cure in the field.~~

12 ~~Hammerhead/T: A road or driveway that provides a "T" shaped,~~
13 ~~three-point turnaround space for emergency equipment, being no~~
14 ~~narrower than the Road that serves it.~~

15 ~~Hydrant: A valved connection on a water supply or storage~~
16 ~~system, having either one two and a half (2 1/2) inch or one~~
17 ~~four and a half (4 1/2) inch outlet, with male American National~~
18 ~~Fire Hose Screw Threads (NH), used to supply Fire Apparatus and~~
19 ~~hoses with water.~~

20 ~~Local Jurisdiction: Any county, city/county agency or~~
21 ~~department, or any locally authorized district that issues or~~
22 ~~approves building permits, use permits, tentative maps or~~
23 ~~tentative parcel maps, or has authority to regulate development~~
24 ~~and construction activity.~~

25 ~~Occupancy: The purpose for which a building, or part thereof, is~~
26 ~~used or intended to be used.~~

1 ~~One way road: A minimum of one traffic lane width designed for~~
2 ~~traffic flow in one direction only.~~

3 ~~Residential unit: Any Building or portion thereof which contains~~
4 ~~living facilities, including provisions for sleeping, eating,~~
5 ~~cooking and/or sanitation for one or more persons. Manufactured~~
6 ~~homes, mobilehomes, and factory-built housing are considered~~
7 ~~residential units for the purposes of mandatory measures~~
8 ~~required in 14 CCR § 1270.01(c).~~

9 ~~Road: Vehicular access to more than two (2) parcels; more than~~
10 ~~four (4) Residential Units; or access to any industrial or~~
11 ~~commercial occupancy. Includes public and private streets and~~
12 ~~lanes.~~

13 ~~Road or Driveway Structures: Bridges, culverts, and other~~
14 ~~appurtenant Structures which supplement the traffic lane or~~
15 ~~Shoulders.~~

16 ~~Same Practical Effect: As used in this subchapter, means an~~
17 ~~exception or alternative with the capability of applying~~
18 ~~accepted wildland fire suppression strategies and tactics, and~~
19 ~~provisions for fire fighter safety, including:~~

- 20 ~~(a) access for emergency wildland fire equipment,~~
21 ~~(b) safe civilian evacuation,~~
22 ~~(c) signing that avoids delays in emergency equipment response,~~
23 ~~(d) available and accessible water to effectively attack~~
24 ~~wildfire or defend a structure from wildfire, and~~
25 ~~(e) fuel modification sufficient for civilian and fire fighter~~
26 ~~safety.~~

1 ~~Shoulder: Vehicular access adjacent to the traffic lane.~~

2 ~~State Board of Forestry and Fire Protection (Board): As defined~~
3 ~~in Public Resources Code section 730.~~

4 ~~State Responsibility Area (SRA): As defined in Public Resources~~
5 ~~Code sections 4126-4127; and the California Code of Regulations,~~
6 ~~title 14, division 1.5, chapter 7, article 1, sections 1220-~~
7 ~~1220.5.~~

8 ~~Structure: That which is built or constructed, an edifice or~~
9 ~~building of any kind, or any piece of work artificially built up~~
10 ~~or composed of parts joined together in some definite manner.~~

11 ~~Subdivision: As defined in section 66424 of the Government Code.~~

12 ~~Traffic lane: The portion of a road or driveway that provides a~~
13 ~~single line of vehicle travel.~~

14 ~~Turnaround: A road or driveway, unobstructed by parking, which~~
15 ~~allows for a safe opposite change of direction for emergency~~
16 ~~equipment. Design of such area may be a hammerhead/T or terminus~~
17 ~~bulb.~~

18 ~~Turnouts: A widening in a Road or Driveway to allow vehicles to~~
19 ~~pass.~~

20 ~~Utility and Miscellaneous Group U Building: A structure of an~~
21 ~~accessory character or a miscellaneous Structure not classified~~
22 ~~in any specific Occupancy permitted, constructed, equipped, and~~
23 ~~maintained to conform to the requirements of Title 24,~~
24 ~~California Building Standards Code.~~

25 ~~Vertical clearance: The minimum specified height of a bridge or~~
26 ~~overhead projection above the road or driveway.~~

1 ~~Wildfire: As defined in Public Resources Code Section 4103 and~~
2 ~~4104.~~

3 ~~Note: Authority cited: Section 4290, Public Resources Code.~~

4 ~~Reference: Sections 4290 and 4291, Public Resources Code.~~

5
6 Article 2. ~~Emergency Access~~ Ingress and Egress

7 § 1273.00. Intent.

8 Roads, and ~~d~~Driveways, whether public or private, unless
9 exempted under 14 CCR § 1270.0203(d), shall provide for safe
10 access for emergency ~~w~~Wildfire equipment and civilian evacuation
11 concurrently, and shall provide unobstructed traffic circulation
12 during a ~~w~~Wildfire emergency consistent with 14 CCR §§ 1273.00
13 through 1273.09.

14
15 Note: Authority cited: Section 4290, Public Resources Code.

16 Reference: Sections 4290 and 4291, Public Resources Code.

17
18 § 1273.01. Width

19 (a) All Roads shall be constructed to provide a minimum of two
20 ten (10) foot traffic lanes, not including Shoulder and
21 striping. These traffic lanes shall provide for two-way traffic
22 flow to support emergency vehicle and civilian egress, unless
23 other standards are provided in this article or additional
24 requirements are mandated by ~~local jurisdictions~~ Local
25 Jurisdictions or local subdivision requirements. Vertical

1 clearances shall conform to the requirements in California
2 Vehicle Code section 35250.

3 (b) All ~~one-way roads~~ One-way Roads shall be constructed to
4 provide a minimum of one twelve (12) foot traffic lane, not
5 including ~~shoulders~~ Shoulders. The ~~local jurisdiction~~ Local
6 Jurisdiction may approve ~~one-way roads~~ One-way Roads.

7 (1) All One-way Roads shall, at both ends, connect to a Road
8 with two traffic lanes providing for travel in different
9 directions, and shall provide access to an area currently zoned
10 for no more than ten (10) ~~residential units~~ Residential Units.

11 (2) In no case shall a ~~one-way road~~ One-way Road exceed 2,640
12 feet in length. A turnout shall be placed and constructed at
13 approximately the midpoint of each ~~one-way road~~ One-way Road.

14 (c) All Driveways shall be constructed to provide a minimum of
15 one (1) ten (10) foot traffic lane, fourteen (14) feet
16 unobstructed horizontal clearance, and unobstructed vertical
17 clearance of thirteen feet, six inches (13' 6").

18 Note: Authority cited: Section 4290, Public Resources Code.

19 Reference: Sections 4290 and 4291, Public Resources Code.

20
21 § 1273.02. Road Surfaces.

22 (a) Roads shall be designed and maintained to support the
23 imposed load of ~~f~~Fire ~~a~~Apparatus weighing at least 75,000
24 pounds, and provide an aggregate base.

25 (b) ~~Driveways and road and driveway structures~~ Road and Driveway
26 Structures shall be designed and maintained to support at least

1 40,000 pounds.

2 (c) Project proponent shall provide engineering specifications
3 to support design, if requested by the Local Jurisdiction ~~local~~
4 ~~authority having jurisdiction.~~

5 Note: Authority cited: Section 4290, Public Resources Code.

6 Reference: Sections 4290 and 4291, Public Resources Code.

7
8 § 1273.03. Grades.

9 (a) At no point shall the grade for all ~~r~~Roads and ~~d~~Driveways
10 exceed 16 percent.

11 (b) The grade may exceed 16%, not to exceed 20%, with approval
12 from the ~~local authority having jurisdiction~~ Local Jurisdiction
13 and with mitigations to provide for ~~s~~Same ~~p~~Practical ~~e~~Effect.

14 Note: Authority cited: Section 4290, Public Resources Code.

15 Reference: Sections 4290 and 4291, Public Resources Code.

16
17 § 1273.04. Radius.

18 (a) No ~~r~~Road or ~~r~~Road ~~s~~Structure shall have a horizontal inside
19 radius of curvature of less than fifty (50) feet. An additional
20 surface width of four (4) feet shall be added to curves of 50-
21 100 feet radius; two (2) feet to those from 100-200 feet.

22 (b) The length of vertical curves in ~~r~~Roadways, exclusive of
23 gutters, ditches, and drainage structures designed to hold or
24 divert water, shall be not less than one hundred (100) feet.

25 Note: Authority cited: Section 4290, Public Resources Code.

26 Reference: Sections 4290 and 4291, Public Resources Code.

1
2 § 1273.05. Turnarounds.

3 (a) Turnarounds are required on ~~driveways and dead-end roads~~
4 Driveways and Dead-end Roads.

5 (b) The minimum turning radius for a turnaround shall be forty
6 (40) feet, not including parking, in accordance with the figures
7 in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is
8 used instead, the top of the "T" shall be a minimum of sixty
9 (60) feet in length.

10 (c) Driveways exceeding 150 feet in length, but less than 800
11 feet in length, shall provide a turnout near the midpoint of the
12 ~~driveway~~ Driveway. Where the Driveway exceeds 800 feet, turnouts
13 shall be provided no more than 400 feet apart.

14 (d) A turnaround shall be provided on ~~driveways~~ Driveways over
15 300 feet in length and shall be within fifty (50) feet of the
16 Building.

17 (d) Each ~~dead-end road~~ Dead-end Road shall have a turnaround
18 constructed at its terminus. Where parcels are zoned five (5)
19 acres or larger, turnarounds shall be provided at a maximum of
20 1,320 foot intervals.

21 (e) Figure A. Turnarounds on Roads with two ten-foot traffic
22 lanes.

23 Figure A/Image 1 is a visual representation of paragraph (b).

24 *[editorial note: no change to the images in this section]*

25 (f) Figure B. Turnarounds on driveways with one ten-foot traffic

1 lane.

2 Figure B/Image 2 is a visual representation of paragraph (b).

3 *[editorial note: no change to the images in this section]*

4
5 Note: Authority cited: Section 4290, Public Resources Code.

6 Reference: Sections 4290 and 4291, Public Resources Code.

7
8 § 1273.06 ~~Roadway~~ Turnouts

9 Turnouts shall be a minimum of twelve (12) feet wide and thirty
10 (30) feet long with a minimum twenty-five (25) foot taper on
11 each end.

12 Note: Authority cited: Section 4290, Public Resources Code.

13 Reference: Sections 4290 and 4291, Public Resources Code.

14
15 § 1273.07 Road and Driveway Structures.

16 (a) Appropriate signing, including but not limited to weight or
17 vertical clearance limitations, ~~one-way road~~ One-way Road or
18 single traffic lane conditions, shall reflect the capability of
19 each bridge.

20 (b) Where a bridge or an elevated surface is part of a ~~fire~~
21 ~~apparatus~~ Fire Apparatus access road, the bridge shall be
22 constructed and maintained in accordance with the American
23 Association of State and Highway Transportation Officials
24 Standard Specifications for Highway Bridges, 17th Edition,
25 published 2002 (known as AASHTO HB-17), hereby incorporated by

1 reference. Bridges and elevated surfaces shall be designed for a
2 live load sufficient to carry the imposed loads of Fire
3 Apparatus. Vehicle load limits shall be posted at both entrances
4 to bridges when required by the local authority having
5 jurisdiction.

6 (c) Where elevated surfaces designed for emergency vehicle use
7 are adjacent to surfaces which are not designed for such use,
8 barriers, or signs, or both, as approved by the local authority
9 having jurisdiction, shall be installed and maintained.

10 (d) A bridge with only one traffic lane may be authorized by the
11 ~~local jurisdiction~~ Local Jurisdiction; however, it shall provide
12 for unobstructed visibility from one end to the other and
13 turnouts at both ends.

14
15 Note: Authority cited: Section 4290, Public Resources Code.
16 Reference: Sections 4290 and 4291, Public Resources Code.

17
18 § 1273.08 Dead-end Roads

19 (a) The maximum length of a ~~Dead-end Road~~ road, including all
20 ~~dead-end roads~~ Dead-end Roads accessed from that ~~dead-end road~~
21 Dead-end Road, shall not exceed the following cumulative
22 lengths, regardless of the number of parcels served:
23 parcels zoned for less than one acre - 800 feet
24 parcels zoned for 1 acre to 4.99 acres - 1,320 feet
25 parcels zoned for 5 acres to 19.99 acres - 2,640 feet

1 parcels zoned for 20 acres or larger - 5,280 feet

2 All lengths shall be measured from the edge of the ~~road~~ Road
3 surface at the intersection that begins the ~~road~~ Road to the end
4 of the ~~road~~ Road surface at its farthest point. Where a Dead-end
5 Road crosses areas of differing zoned parcel sizes requiring
6 different length limits, the shortest allowable length shall
7 apply.

8 (b) See 14 CCR § 1273.05 for Dead-end Road turnaround
9 requirements.

10 Note: Authority cited: Section 4290, Public Resources Code.

11 Reference: Sections 4290 and 4291, Public Resources Code.

12
13 § 1273.09 Gate Entrances.

14 (a) Gate entrances shall be at least two (2) feet wider than the
15 width of the traffic lane(s) serving that gate and a minimum
16 width of fourteen (14) feet unobstructed horizontal clearance
17 and unobstructed vertical clearance of thirteen feet, six inches
18 (13' 6").

19 (b) All gates providing access from a ~~road~~ Road to a ~~driveway~~
20 Driveway shall be located at least thirty (30) feet from the
21 Roadway and shall open to allow a vehicle to stop without
22 obstructing traffic on that ~~road~~ Road.

23 (c) Where a ~~one-way road~~ One-way Road with a single traffic lane
24 provides access to a gated entrance, a forty (40) foot turning
25 radius shall be used.

1 (d) Security gates shall not be installed without approval.
2 Where security gates are installed, they shall have an approved
3 means of emergency operation. Approval shall be by the local
4 authority having jurisdiction. The security gates and the
5 emergency operation shall be maintained operational at all
6 times.

7 Note: Authority cited: Section 4290, Public Resources Code.
8 Reference: Sections 4290 and 4291, Public Resources Code.

9

10 Article 3. Signing and Building Numbering

11 § 1274.00. Intent

12 To facilitate locating a fire and to avoid delays in response,
13 all newly constructed or approved ~~roads~~ Roads and ~~buildings~~
14 Buildings shall be designated by names or numbers posted on
15 signs clearly visible and legible from the ~~road~~ Road. This
16 section shall not restrict the size of letters or numbers
17 appearing on Road signs for other purposes.

18 Note: Authority cited: Section 4290, Public Resources Code.
19 Reference: Sections 4290 and 4291, Public Resources Code.

20

21 § 1274.01. Road Signs.

22 (a) Newly constructed or approved ~~roads~~ Roads must be identified
23 by a name or number through a consistent system that provides
24 for sequenced or patterned numbering and/or non-duplicative
25 naming within each ~~local jurisdiction~~ Local Jurisdiction. This

1 section does not require any entity to rename or renumber
2 existing Roads, nor shall a ~~road~~ Road providing access only to a
3 single commercial or industrial ~~occupancy~~ Occupancy require
4 naming or numbering.

5 (b) The size of letters, numbers, and symbols for ~~road~~ Road
6 signs shall be a minimum four (4) inch letter height, half inch
7 (.5) inch stroke, reflectorized, contrasting with the background
8 color of the sign.

9 Note: Authority cited: Section 4290, Public Resources Code.
10 Reference: Sections 4290 and 4291, Public Resources Code.

11
12 § 1274.02. Road Sign Installation, Location, and Visibility.

13 (a) Road signs shall be visible and legible from both directions
14 of vehicle travel for a distance of at least one hundred (100)
15 feet.

16 (b) Signs required by this article identifying intersecting
17 ~~roads~~ Roads shall be placed at the intersection of those ~~roads~~
18 Roads.

19 (c) A sign identifying traffic access or flow limitations,
20 including but not limited to weight or vertical clearance
21 limitations, Dead-end Roads, One-way Roads, or single lane
22 conditions, shall be placed:

23 (±1) at the intersection preceding the traffic access
24 limitation, and

25 (±2) no more than one hundred (100) feet before such traffic

1 access limitation.

2 (d) Road signs required by this article shall be posted at the
3 beginning of construction and shall be maintained thereafter.

4 Note: Authority cited: Section 4290, Public Resources Code.

5 Reference: Sections 4290 and 4291, Public Resources Code.

6
7 § 1274.03. Addresses for Buildings.

8 (a) All ~~buildings~~ Buildings shall be issued an address by the
9 ~~local jurisdiction~~ Local Jurisdiction which conforms to that
10 jurisdiction's overall address system. Utility and miscellaneous
11 Group U ~~buildings~~ Buildings are not required to have a separate
12 address; however, each ~~residential unit within a building~~
13 Residential Unit within a Building shall be separately
14 identified.

15 (b) The size of letters, numbers, and symbols for addresses
16 shall conform to the standards in the California Fire Code,
17 California Code of Regulations title 24, part 9.

18 (c) Addresses for residential ~~buildings~~ Buildings shall be
19 reflectorized.

20 Note: Authority cited: Section 4290, Public Resources Code.

21 Reference: Sections 4290 and 4291, Public Resources Code.

22
23 § 1274.04. Address Installation, Location, and Visibility.

24 (a) All Buildings shall have a permanently posted address which
25 shall be plainly legible and visible from the ~~read~~ Road fronting

1 the property.

2 (b) Where access is by means of a private ~~read~~ Road and the
3 address identification cannot be viewed from the public way, an
4 unobstructed sign or other means shall be used so that the
5 address is visible from the public way.

6 (c) Address signs along One-way ~~roads~~ Roads shall be visible
7 from both directions.

8 (d) Where multiple addresses are required at a single Driveway,
9 they shall be mounted on a single sign or post.

10 (e) Where a ~~read~~ Road provides access solely to a single
11 commercial or industrial business, the address sign shall be
12 placed at the nearest ~~read~~ Road intersection providing access to
13 that site, or otherwise posted to provide for unobstructed
14 visibility from that intersection.

15 (f) In all cases, the address shall be posted at the beginning
16 of construction and shall be maintained thereafter.

17 Note: Authority cited: Section 4290, Public Resources Code.

18 Reference: Sections 4290 and 4291, Public Resources Code.

19

20 Article 4 Emergency Water Standards.

21 § 1275.00. Intent.

22 Emergency water for ~~w~~Wildfire protection shall be available,
23 accessible, and maintained in quantities and locations specified
24 in the statute and these regulations in order to attack a
25 ~~w~~Wildfire or defend property from a ~~w~~Wildfire.

1 Note: Authority cited: Section 4290, Public Resources Code.
2 Reference: Sections 4290 and 4291, Public Resources Code.

3
4 § 1275.01. Application.

5 The provisions of this article shall apply in the tentative and
6 parcel map process when new parcels are approved by the ~~local~~
7 Local Jurisdiction ~~having authority~~.

8
9 Note: Authority cited: Section 4290, Public Resources Code.
10 Reference: Sections 4290 and 4291, Public Resources Code.

11
12 § 1275.02. Water Supply.

13 (a) When a water supply for ~~structure~~ defense is required to be
14 installed, such protection shall be installed and made
15 serviceable prior to and during the time of construction except
16 when alternative methods of protection are provided and approved
17 by the Local Jurisdiction ~~local authority having jurisdiction~~.

18 (b) Water systems equaling or exceeding the California Fire
19 Code, California Code of Regulations title 24, part 9, or, where
20 a municipal-type water supply is unavailable, National Fire
21 Protection Association (NFPA) 1142, "Standard on Water Supplies
22 for Suburban and Rural Fire Fighting," 2017 Edition, hereby
23 incorporated by reference, shall be accepted as meeting the
24 requirements of this article.

25 (c) Such emergency water may be provided in a fire agency mobile

1 water tender, or naturally occurring or man made containment
2 Structure, as long as the specified quantity is immediately
3 available.

4 (d) Nothing in this article prohibits the combined storage of
5 emergency ~~w~~Wildfire and structural firefighting water supplies
6 unless so prohibited by local ordinance or specified by the
7 local fire agency.

8 (e) Where freeze or crash protection is required by ~~±~~Local
9 ~~j~~Jurisdictions having authority, such protection measures shall
10 be provided.

11

12 Note: Authority cited: Section 4290, Public Resources Code.

13 Reference: Sections 4290 and 4291, Public Resources Code.

14

15 § 1275.03. Hydrants ~~and Fire Valves~~

16 (a) The Fire ~~h~~Hydrant ~~or fire valve~~ shall be eighteen (18)
17 inches above the finished surface. Its location in relation to
18 the ~~±~~Road or ~~d~~Riveway and to the ~~h~~Building(s) or ~~s~~Structure(s)
19 it serves shall comply with California Fire Code, California
20 Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

21 (b) The Fire ~~h~~Hydrant head shall be a two and half (2 1/2) inch
22 National Hose male thread with cap for pressure and gravity flow
23 systems and four and a half (4 1/2) inch for draft systems.

24 (c) Fire Hydrants shall be wet or dry barrel and have suitable
25 freeze or crash protection as required by the ~~±~~Local

1 ~~+~~Jurisdiction.

2
3 Note: Authority cited: Section 4290, Public Resources Code.

4 Reference: Sections 4290 and 4291, Public Resources Code.

5
6 § 1275.04. Signing of Water Sources.

7 (a) Each Fire ~~h~~Hydrant, ~~fire valve,~~ or access to water shall be
8 identified as follows:

9 (1) if located along a ~~d~~Driveway, a reflectorized blue marker,
10 with a minimum dimension of three (3) inches shall be located on
11 the ~~d~~Driveway address sign and mounted on a fire retardant post,
12 or

13 (2) if located along a ~~road~~ Road,

14 (1) a reflectorized blue marker, with a minimum dimension of
15 three (3) inches, shall be mounted on a fire retardant post. The
16 sign post shall be within three (3) feet of said Fire ~~h~~Hydrant
17 ~~or fire valve,~~ with the sign no less than three (3) feet nor
18 greater than five (5) feet above ground, in a horizontal
19 position and visible from the ~~d~~Driveway, or

20 (2) as specified in the State Fire Marshal's Guidelines for
21 Fire Hydrant Markings Along State Highways and Freeways, May
22 1988.

23
24 Note: Authority cited: Section 4290, Public Resources Code.

25 Reference: Sections 4290 and 4291, Public Resources Code.

1 Article 5. Building Siting, Setbacks, and Fuel Modification Fuel
2 Modification Standards

3 § 1276.00. Intent

4 ~~To reduce the intensity of a wildfire by reducing the volume~~
5 ~~and density of flammable vegetation, the strategic siting of~~
6 ~~fuel modification and greenbelts shall provide for increased~~
7 ~~safety for emergency fire equipment and evacuating civilians by~~
8 ~~its utilization around structures and roads, including~~
9 ~~driveways, and a point of attack or defense from a wildfire. To~~
10 reduce the intensity of a Wildfire, reducing the volume and
11 density of flammable vegetation around Development through
12 strategic fuel modification, parcel siting and Building
13 setbacks, and the protection of Undeveloped Ridgelines shall
14 provide for increased safety for emergency fire equipment,
15 including evacuating civilians, and a point of attack or defense
16 from a Wildfire.

17 Note: Authority cited: Section 4290, Public Resources Code.

18 Reference: Sections 4290 and 4291, Public Resources Code.

19
20 § 1276.01. Building and Parcel Siting and Setbacks. Setback for
21 Structure Defensible Space

22 (a) All parcels shall provide a minimum thirty (30) foot setback
23 for all Buildings from all property lines and/or the center of
24 a Rroad, except as provided for in subsection (b).

25 (b) A reduction in the minimum setback shall be based upon When

1 ~~a thirty (30) foot setback is not possible for practical~~
2 ~~reasons, which may include but are not limited to, parcel~~
3 ~~dimensions or size; topographic limitations; Development density~~
4 ~~requirements or other Development patterns that promote low-~~
5 ~~carbon emission outcomes; sensitive habitat; or other site~~
6 ~~constraints or other easements, and shall provide for an~~
7 ~~alternative method to reduce Structure-to-Structure ignition by~~
8 ~~incorporating features such as, but not limited to:~~

9 ~~(i) Same practical effect requirements shall reduce the~~
10 ~~likelihood of home to home ignition.~~

11 ~~(ii) Same practical effect options may include, but are not~~
12 ~~limited to:~~ (1) non-combustible block walls or fences; or

13 (2) five (5) feet of non-combustible material extending
14 five (5) feet horizontally around the structure from the
15 furthest extent of the Building; or

16 (3) installing hardscape landscaping; or

17 (4) ~~reducing~~ a reduction of exposed windows on the side of
18 the sStructure with a less than thirty (30) foot setback;

19 or

20 (5) the most protective additional Structure hardening such
21 as these required requirements in the California Building Code,
22 California Code of Regulations ~~title~~ Title 24, ~~part~~ Part 2,
23 Chapter 7A, as required by the Local Jurisdiction.

24 Note: Authority cited: Section 4290, Public Resources Code.

25 Reference: Sections 4290 and 4291, Public Resources Code.

1
2 § 1276.02. Ridgelines. Maintenance of Defensible Space Measures.

3 (a) The Local Jurisdiction shall identify Strategic Ridgelines,
4 if any, to reduce fire risk and improve fire protection
5 through an assessment of the following factors:

6 (1) Topography;

7 (2) Vegetation;

8 (3) Proximity to any existing or proposed residential,
9 commercial, or industrial land uses;

10 (4) Construction where mass grading may significantly alter
11 the topography resulting in the elimination of Ridgeline fire
12 risks;

13 (5) Ability to support effective fire suppression; and

14 (6) Other factors, if any, deemed relevant by the Local
15 Jurisdiction.

16 (b) Preservation of Undeveloped Ridgelines identified as
17 strategically important shall be required pursuant to this
18 section.

19 (c) New Buildings on Undeveloped Ridgelines identified as
20 strategically important are prohibited, as described in
21 subsections (c)(1), (c)(2), and (c)(3).

22 (1) New Residential Units are prohibited within or at the
23 top of drainages or other topographic features common to
24 Ridgelines that act as chimneys to funnel convective heat from
25 Wildfires.

1 (2) Nothing in this subsection shall be construed to alter
2 the extent to which utility infrastructure, including but not
3 limited to wireless telecommunications facilities, as defined
4 in Government Code section 65850.6, subdivision (d)(2), or
5 Storage Group S or Utility and Miscellaneous Group U Structures,
6 may be constructed on Undeveloped Ridgelines.

7 (3) Local Jurisdictions may approve Buildings on Strategic
8 Ridgelines where Development activities such as mass grading
9 will significantly alter the topography that results in the
10 elimination of Ridgeline fire risks.

11 (d) The Local Jurisdiction may implement further specific
12 requirements to preserve Undeveloped Ridgelines.

13 ~~To ensure continued maintenance of commonly owned properties in~~
14 ~~conformance with these standards and to assure continued~~
15 ~~availability, access, and utilization of the Defensible Space~~
16 ~~provided by these standards during a wildfire, provisions for~~
17 ~~annual maintenance shall be provided in emergency access~~
18 ~~covenants or similar binding agreements.~~

19 Note: Authority cited: Section 4290, Public Resources Code.

20 Reference: Sections 4290 and 4291, Public Resources Code.

21
22 ~~§ 1276.03. Fuel Breaks Disposal of Flammable Vegetation and~~
23 ~~Fuels.~~

24 (a) When Building construction meets the following criteria, the
25 Local Jurisdiction shall determine the need and location for

1 Fuel Breaks in consultation with the Fire Authority:

2 (1) the permitting or approval of three (3) or more new
3 parcels, excluding lot line adjustments as specified in
4 Government Code (GC) section 66412(d); or

5 (2) an application for a change of zoning increasing zoning
6 intensity or density; or

7 (3) an application for a change in use permit increasing
8 use intensity or density.

9 (b) Fuel Breaks required by the Local Jurisdiction, in
10 consultation with the Fire Authority, shall be located,
11 designed, and maintained in a condition that reduces the
12 potential of damaging radiant and convective heat or ember
13 exposure to Access routes, Buildings, or infrastructure within
14 the Development.

15 (c) Fuel Breaks shall have, at a minimum, one point of entry for
16 fire fighters and any Fire Apparatus. The specific number of
17 entry points and entry requirements shall be determined by the
18 Local Jurisdiction, in consultation with the Fire Authority.

19 (d) Fuel Breaks may be required at locations such as, but not
20 limited to:

21 (1) Directly adjacent to defensible space as defined by 14
22 CCR § 1299.02 to reduce radiant and convective heat exposure,
23 ember impacts, or support fire suppression tactics;

24 (2) Directly adjacent to Roads to manage radiant and
25 convective heat exposure or ember impacts, increase evacuation

1 safety, or support fire suppression tactics;

2 (3) Directly adjacent to a Hazardous Land Use to limit the
3 spread of fire from such uses, reduce radiant and convective
4 heat exposure, or support fire suppression tactics;

5 (4) Strategically located along Ridgelines, in Greenbelts,
6 or other locations to reduce radiant and convective heat
7 exposure, ember impacts, or support community level fire
8 suppression tactics.

9 (e) Fuel Breaks shall be completed prior to the commencement of
10 any permitted construction.

11 (f) Fuel Breaks shall be constructed using the most ecologically
12 and site appropriate treatment option, such as, but not limited
13 to, prescribed burning, manual treatment, mechanical treatment,
14 prescribed herbivory, and targeted ground application of
15 herbicides.

16 (g) Where a Local Jurisdiction requires Fuel Breaks, maintenance
17 mechanisms shall be established to ensure the fire behavior
18 objectives and thresholds are maintained over time.

19 (h) The mechanisms required shall be binding upon the property
20 for which the Fuel Break is established, shall ensure adequate
21 maintenance levels, and may include written legal agreements;
22 permanent fees, taxes, or assessments; assessments through a
23 homeowners' association; or other funding mechanisms.

24 ~~Disposal, including chipping, burying, burning or removal to a~~
25 ~~site approved by the local jurisdiction, of flammable vegetation~~

1 ~~and fuels caused by site development and construction, road and~~
2 ~~driveway construction, and fuel modification shall be completed~~
3 ~~prior to completion of Road construction or final inspection of~~
4 ~~a building permit.~~

5 Note: Authority cited: Section 4290, Public Resources Code.
6 Reference: Sections 4290 and 4291, Public Resources Code.

7
8 § 1276.04. Greenbelts, Greenways, Open Spaces and Parks

9 Greenbelts

10 (a) Where a Greenbelt, Greenway, open space, park, landscaped or
11 natural area, or portions thereof, is intended to serve as a
12 Fuel Break, the space or relevant portion thereof shall conform
13 with the requirements in § 1276.03 (Fuel Breaks).

14
15 ~~Subdivision and other Developments, which propose greenbelts as~~
16 ~~a part of the development plan, shall locate said greenbelts~~
17 ~~strategically as a separation between wildland fuels and~~
18 ~~structures. The locations shall be approved by the local~~
19 ~~authority having jurisdiction and may be consistent with the CAL~~
20 ~~FIRE Unit Fire Management Plan or Contract County Fire Plan.~~

21 Note: Authority cited: Section 4290, Public Resources Code.
22 Reference: Sections 4290 and 4291, Public Resources Code.

1 § 1276.05 Disposal of Flammable Vegetation and Fuels
2 The disposal, including burning or removal to site approved by
3 the Local Jurisdiction, in consultation with the Fire
4 Authority, of flammable vegetation and fuel caused by site
5 construction, Road, and Driveway construction shall be in
6 accordance with all applicable laws and regulations.

7
8 Note: Authority cited: Section 4290, Public Resources Code.

9 Reference: Sections 4290 and 4291, Public Resources Code.

Exhibit 2



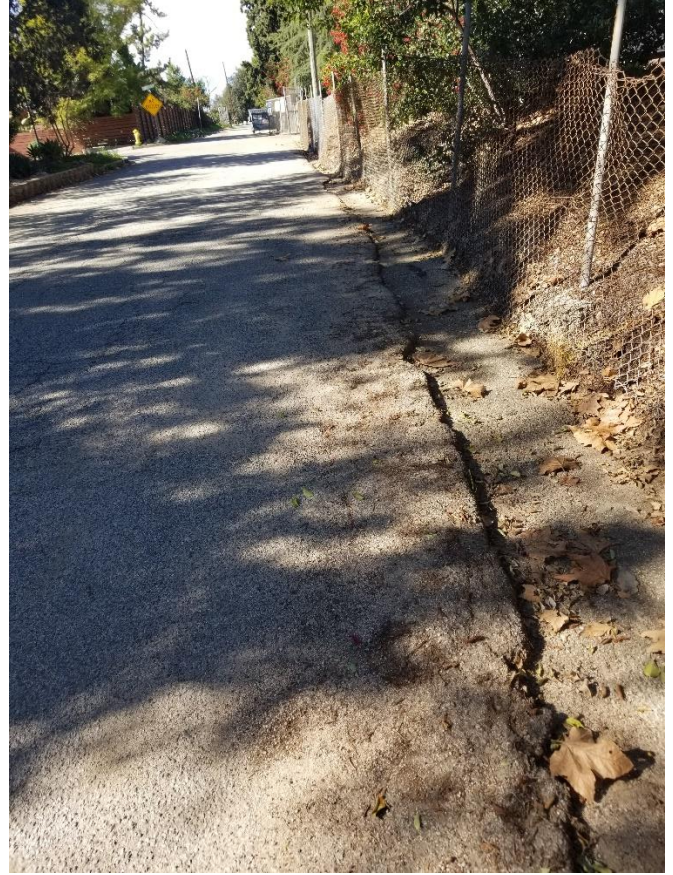
Entrance to Meadows at Carter



Additional Views of Meadows Entrance



Large Truck Navigating Dumpster on Carter



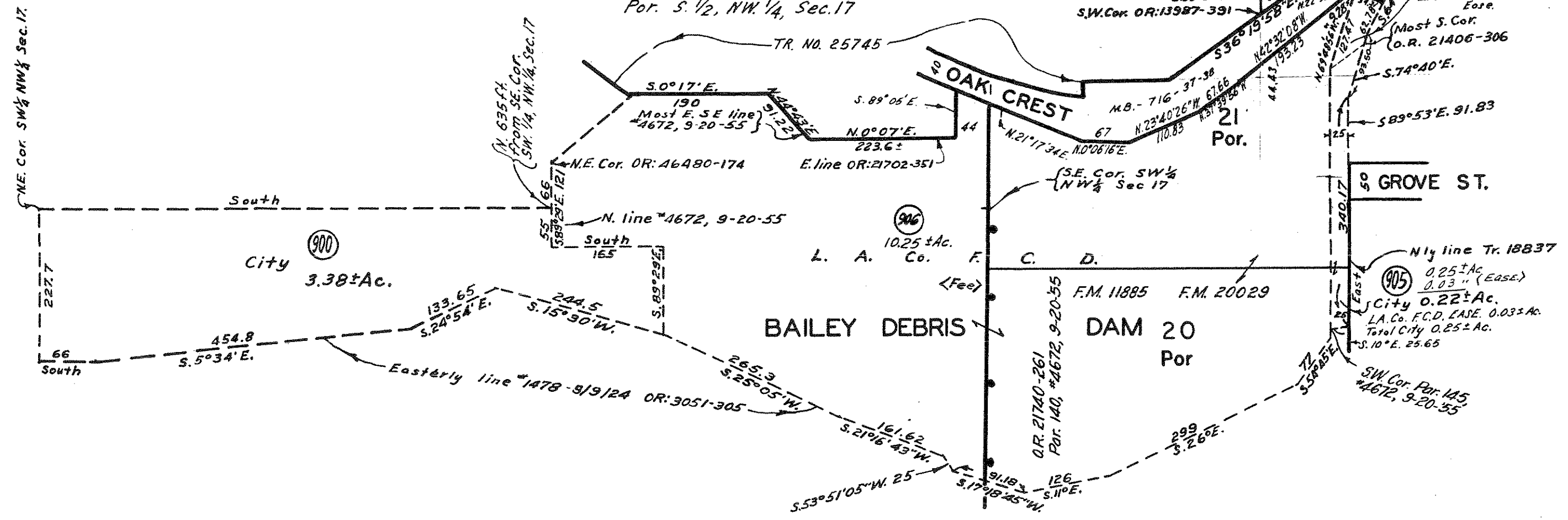
Carter Approaching Grove



Degraded Pavement on Carter

Exhibit 3

DETAIL
NO SCALE



T.1N., R.11W,
 SIERRA MADRE TRACT
 M. R. 4 - 502 - 503

CODE
 7516

Joseph Nosrat

Subject: FW: Public Comment for 2/1/24 Planning Commission meeting re: Meadows Project located at 700 North Sunnyside

From: Alexander Arrieta [mailto:]

Sent: Thursday, February 1, 2024 2:15 PM

To: PlanningCommission <PlanningCommission@cityofsierramadre.com>; Public Comment <publiccomment@cityofsierramadre.com>

Subject: Public Comment for 2/1/24 Planning Commission meeting re: Meadows Project located at 700 North Sunnyside

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

Dear Planning Commission Members:

We are strongly opposed to this housing project at the Monastery based on a number of significant reasons. **We are asking that the Planning Commission not approve the tentative tract map.**

Key concern: State Minimum Fire Safe Regulations: The developer and planning department has failed to Consult CAL FIRE and Incorporate

Conditions in Applicable Regulations to Tentative Tract Map. Since July 1, 2021, California law requires that all development in areas designated as Very

High Fire Hazard Severity Zones (VHFHSZ) are subject to the state minimum wildfire protection standards.

- Those regulations require that “future design and construction of structures, subdivisions_developments in . . . the VHFHSZ shall provide for basic emergency access . . . as specified” in the regulations. (Cal. Code Regs., tit. 14, §1270.02(b).) For reference, a copy of the approval Statement Minimum Fire Safe Regulations is attached as Exhibit 1. The regulations expressly apply to “all tentative and parcel maps” (id. § 1270.03 (a)(3)) as well as “permitting or approval of new parcels” (id., 1270.03(c)(1)). Under the regulations, local government must provide the Director of

CAL FIRE with “notice of applications for [inter alia] tentative parcel maps, tentative maps . . .

within . . . the VHFHSZ.” (Id., § 1270.04(a).) The Director or designee may make recommendations

on the maps and the local government “shall ensure that the applicable sections of [the regulations]

become a condition of approval of any applicable construction or development permit or map.”

that is being driven solely by a desire to maximize profits and not by good design, common sense, concern

for the immediate neighbors or the residents at large. It is also in violation of the Sierra Madre General Plan.

We urge you not approve the Tentative Tract Map, merger and subdivision.

It is beyond dispute that the project location is in the VHFHSZ. Yet there is no evidence that the City has met its preliminary obligations under the State Minimum Fire Safe Regulations in its review of the tentative tract map, which is indisputably covered under the regulatory requirements.

The proposed conditions for the Tentative Tract Map reflect no compliance with the State Minimum Fire Safe Regulation. There is no discussion in the staff report that the City has presented the proposed tentative tract map to CAL FIRE, nor do the proposed conditions discuss any of the “applicable sections” of the regulations and make compliance a condition of approval. In addition to the ingress and egress requirements discussed below, the regulations address water supply for wildfire emergency, build and parcel siting and setbacks, fuel breaks, and greenbelts and parks, all of which bear on the tentative tract map.

The developer proposes to build in the highest fire zone in the City of Sierra Madre. Over the last three years we have attempted to articulate the extreme risk to the local neighbors and broader City of Sierra Madre in building 42 homes in an extreme fire zone. Multiple examples of similar developments going up in flames in Southern California were shared with both Planning Commission and City Council Members. It was made clear that the developer New Urban West would use ostensibly the same building materials.

Why do our governing bodies (planning commission and city council) have such hubris to think that our city would be immune to catastrophic fire in such a confined area?

Other significant concerns with approving the Tentative Tract Map and the Monastery project:

- State Minimum Fire Safe Regulation: Non-Compliance with Ingress and Egress Requirements
- Carter Avenue Widening Additionally Required Because Carter Between the Project and Lima Is Not an Official City Street and Thus the Creation of the New Public Street Must Satisfy the Municipal Code
- Sierra Madre's Ordinance for submission of a tentative tract map says that the application “**shall contain**” many very specific items. Some of these items, including conditions of surrounding streets, watercourses and plans outside the tract, specifically impact the safety of the development. The Commission should consider all those elements not only lot and houses sizes and utility locations, to be able to conclude that the development will have no detrimental impact on the citizens.
- Many of the required elements of the application do not appear on their submissions. It is to be assumed that the Planning Department exempted the developer from these requirements - and the final TTM would not have been submitted without the approval of the City attorney. It’s critical to know what the reasoning was for the exemption of these sections which are critical for your decision. The information required by the ordinance could easily have been included. Their exclusion allows the Planning Commission and the City Council to ignore (and not address) several critical hazards to health and safety. These issues have been raised in the past by LA County Flood control district (owners of adjacent Bailey Canyon Wilderness Park and the entity that will decide whether to grant the required easement on the park land) as well as by citizens and attorneys. Without these sections the Planning Commission can not find that the application poses no threat to health and safety. **The Planning department and attorney found it reasonable to include items NOT part of the TTM application - landscaping and depictions of homes.**
- It is requested that the Planning Commission consider the important sections of the ordinance and ask the reason that the developer would be exempted from complying with them.
- The staging area for fires and rescue helicopters will be gone despite continued threats of wildfires.

- Tentative Tract Map Application Missing Critical Sierra Madre Municipal Code Requirements
- The houses will be built in an extreme fire hazard area with difficult access points in the event of an emergency.
- Every tree on both sides of the road from the top of Sunnyside to the Retreat Center will be destroyed.
- The loss of Sierra Madre's last Open Space and natural habitat for deer, coyotes, bobcats, hawks and other wildlife will be gone forever.
- The additional water users brought on line will inevitably lead to higher rates and rationing for existing residents when the drought returns as it inevitably will do.
- The additional ingress/egress point for the project at Carter/Grove/Lima will make an already congested and dangerous choke point even worse. The overflow parking at Bailey Park forces visitors to park way down on Grove on both sides of the street. Because of that, cars going north and south along Grove do not have room to pass by each other simultaneously. One car has to find a place to pull over so that the other car can pass. Because there are no sidewalks on Grove, pedestrians have to dodge cars as they walk up to the park creating a danger for people and cars. And that's the way it is now over there! Add to that the additional traffic from the 42 homes and new park and you have an accident waiting to happen. It just doesn't work and it creates a dangerous condition. The city has been put on notice about this so when, not if, someone gets hurt, the city will be sued in the inevitable lawsuit.

- Idyllic Sunnyside will be turned into a freeway with increased traffic from the retreat center, 42 additional homes, a public park, Amazon deliveries and more. It was only a few years ago that residents on Sunnyside complained at City Council meetings about the traffic only coming from the Retreat Center. This new project will make it infinitely worse.
- Emergency vehicles will have trouble getting up Sunnyside and Carter/Grove.
- The immediate neighbors will have their views, privacy and property values destroyed. The developer can't even commit to 1-story homes along the west side despite many promises from Mater Dolorosa to be considerate of their neighbors. The setbacks are also inadequate from the properties on the west side and there does not appear to be any "buffer" as was promised. All of this is in violation of the city's General Plan.
- Widening Carter Avenue to accommodate this project by cutting into Bailey Park is an outrage. Projects need to stand on their own two feet and be suitable for the location where it will be built. Why in the world should we allow a developer to cut into a public park to accommodate their over-sized project? That is absurd on its face.

We ask that the Planning Commission reject the Tentative Tract Map with the concerns above far from being addressed. We are hereby reserving our rights to take legal action should the concerns of the residents not be taken into account.

Alex Arrieta
Sierra Madre Resident

Joseph Nosrat

Subject: FW: Public Comment for 2/1/24 Planning Commission meeting re: Meadows Project located at 700 North Sunnyside

From: Matthew Bryant [mailto:]

Sent: Thursday, February 1, 2024 11:48 AM

To: Public Comment <publiccomment@cityofsierramadre.com>

Subject: Public Comment for 2/1/24 Planning Commission meeting re: Meadows Project located at 700 North Sunnyside

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

Dear Planning Commission Members:

We are strongly opposed to this housing project at the Monastery that is being driven solely by a desire to maximize profits and not by good design, common sense, concern for the immediate neighbors or the residents at large. It is also in violation of the Sierra Madre General Plan. We urge you not approve the Tentative Tract Map, merger and subdivision.

The concerns we have are as follows:

1. Every tree on both sides of that beautiful road from the top of Sunnyside to the Retreat Center will be destroyed.
2. The deer, coyotes, bobcats, hawks and other wildlife will be gone forever.
3. The additional water users brought on line will inevitably lead to higher rates and rationing for existing residents when the drought returns as it inevitably will do.
4. The staging area for fires and rescue helicopters will be gone despite continued threats of wildfires.
5. The houses will be built in an extreme fire hazard area with difficult access points in the event of an emergency.
6. Idyllic Sunnyside will be turned into a freeway with increased traffic from the retreat center, 42 additional homes, a public park, Amazon deliveries and more. It was only a few years ago that residents on Sunnyside complained at City Council meetings about the traffic only coming from the Retreat Center. This new project will make it infinitely worse.
7. The additional ingress/egress point for the project at Carter/Grove/Lima will make an already congested and dangerous choke point even worse. The overflow parking at

Bailey Park forces visitors to park way down on Grove on both sides of the street. Because of that, cars going north and south along Grove do not have room to pass by each other simultaneously. One car has to find a place to pull over so that the other car can pass. Because there are no sidewalks on Grove, pedestrians have to dodge cars as they walk up to the park creating a danger for people and cars. And that's the way it is now over there! Add to that the additional traffic from the 42 homes and new park and you have an accident waiting to happen. It just doesn't work and it creates a dangerous condition. The city has been put on notice about this so when, not if, someone gets hurt, the city will be sued in the inevitable lawsuit.

8. Emergency vehicles will have trouble getting up Sunnyside and Carter/Grove.

9. All this traffic will probably lead to Sierra Madre's first traffic light, congestion through-out town and perhaps parking meters downtown.

10. The loss of ever diminishing open space and animal habitat.

11. The immediate neighbors will have their views, privacy and property values destroyed. The developer can't even commit to 1-story homes along the west side despite many promises from Mater Dolorosa to be considerate of their neighbors. The setbacks are also inadequate from the properties on the west side and there does not appear to be any "buffer" as was promised. All of this is in violation of the city's General Plan.

12. Widening Carter Avenue to accommodate this project by cutting into Bailey Park is an outrage. Projects need to stand on their own two feet and be suitable for the location where it will be built. Why in the world should we allow a developer to cut into a public park to accommodate their over-sized project? That is absurd on its face.

13. And then to add insult to injury, 2 years or more of construction with big rigs grinding up Sunnyside all day spewing pollution and noise as they go. We are also concerned about tampering with the natural slope of the hillside and the resulting dust.

Other than all this, it's a helluva project. Mater Dolorosa and their Developer promised to listen to the people and be sensitive to their concerns. Evidently, they didn't succeed in doing that because in the last vote before City residents almost 1/2 of the entire residents of Sierra Madre were opposed to the project. This despite the developer having the support of the entire City Council and Planning Commission and outspending the opposition probably 20 to 1. Something is wrong with this picture. At least 1/2 the residents of Sierra Madre were betrayed by their elected and appointed representatives.

The project was also allowed to advance forward during a global pandemic when no one was watching and people were more concerned about their finances and even staying alive. So the MOU gets signed and the developer gets their foot in the door. The City Manager, City Staff and City Council who are supposed to represent the residents and work for the residents not only allowed that to happen, some became willing advocates for the project and pushed it forward.

One can look no further than the Self Realization Fellowship and their beautiful properties at Mount Washington, ocean front in Encinitas and Lake Shrine in Pacific Palisades. Properties that are worth tens of millions of dollars. But they don't sit around a table scheming about monetizing their properties. They have their priorities straight. Their properties and the spiritual refuge they provide are a part of their mission. They would not even think about carving them up. But that's why they are doing really well and the Passionists are hemorrhaging Priests and followers. People see the greed and don't like it.

We are hereby reserving our rights to take legal action should the concerns of the residents not be taken into account.

Matt and Mahvash Bryant



February 1, 2024

Dear Planning Commissioners:

As the Tentative Tract Map is before you for review this evening, it is critically important to note that the 'Offsite Improvement Plan' was not included in the Draft EIR, which precluded important input and discussion by residents severely impacted by this before the project was approved. Input not only on their behalf but on behalf of the future buyers who have a reasonable expectation that city officials, whether hired, elected or appointed, will have done their due diligence to protect the lives of the families who will occupy these homes in the future. Instead, in the rush to approve, the developer downplayed the importance of two points of ingress and egress stating repeatedly that one was adequate, ignoring the state mandated requirements of two points of ingress and egress in a very high fire hazard severity zone.

The Tract Map Application fails to include the plans for the widening of Carter Avenue (sidewalks, drainage, dimensions, flood control, curbs, etc.) that will logically require it to meet the standards of any street in Sierra Madre before the project can proceed. Yet, it discusses the protected trees that will be removed (4) and the others (10) that will be severely impacted, and fails to show their location on the map.

Even if you love the project and think it's the best tract housing project you've ever seen, you have to recognize and acknowledge the critical importance of safety in the event of a wildfire, earthquake or mudslide and the need for detailed, documented and agreed upon plans as well as thorough discussion before the project proceeds.

This is critical to the future safety of city residents and the project cannot proceed and the Tract Map cannot be approved without the required detailed information on this integral aspect of the project.

This is not the time to take shortcuts in the review process. And certainly not under the Planning Commission's watch.

Hopefully, the Planning Commission can be an important voice in the review of the Tract Map for current and future residents and require that all necessary information be included in the TTM for further study before approval.

Thank you,

Lynne Collmann

Joseph Nosrat

Subject: FW: Tentative Tract Map 22-01, Vesting Tentative Tract Map No. 83966

From: [REDACTED]

Sent: Thursday, February 1, 2024 1:57 PM

To: Public Comment <publiccomment@cityofsierramadre.com>

Subject: Tentative Tract Map 22-01, Vesting Tentative Tract Map No. 83966

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

Hello: City of Sierra Madre - City Clerk

- **Please reply back that you received this for delivery to the City Planning Commission for the Meeting, 02.01.2024, regarding the Monastery Bailey Canyon, Meadows Project: Tentative Tract Map 22-01, Vesting Tentative Tract Map No. 83966.**
- **Please redact any of my private information which may be required prior to posting.**

regards,
Glenn Hickman

To: City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, Ca. 91024

To: **Planning Commission:**
William Pevsner, Yong Yoo, Patrick Simcock, Christine Moran, Thomas Denison

To: City Council:
Kelly Krebs, Edward Garcia, Kris Lowe, Gene Goss, Robert Parkhurst

Via: PublicComment@CityofSierraMadre.com

From: Glenn Hickman, [REDACTED]

**Re: Tentative Tract Map 22-01, Vesting Tentative Tract Map No. 83966
NUWI Sierra Madre, LLC**

Citizens of Sierra Madre and Dear City Planning Commission:

I would urge the Planning Commission consider the following inquiries for its knowledge, deliberations and decisions regarding assigning conditions for Tentative Tract Map modifications / approval, and or the subsequent approval or denial of the Final Vesting Map.

1) Determine if the TTM lot quantity should be reduced because of the aerial high power electrical lines traversing proposed lots 8, 9, and 10; or a condition of approval requiring a definitive design solution which avoids risk to impacted lots, the subdivision or abutting properties.

- 2) Determine if the TTM lot quantity should be reduced because of the aerial high power electrical lines traversing proposed lots 20, 21, and 31; or a condition of approval requiring a definitive design solution which avoids risk to impacted lots, the subdivision or abutting properties.
- 3) Determine if the level of detail (grades, drainage, materials, elevations, etc.) for off-site existing improvements in the TTM, at approximately twenty (20) existing adjoining properties (on their property side), conforms with the City Tentative Map requirements 10 and 11, to avoid future documentation and development phase risks. 513 Sierra Keys Dr. appears to have an existing faulty grade on the Applicant's property (are there others?). Five of the twenty (20) property owners I spoke with are not aware of any survey or technical review of their property to enable certainty in design and minimization of risk to all parties.
- 3) Determine if the Third-Party Consultant (not to be confused with the CEQA Consistency Checklist 15182) has provided a written TTM Review (with written and graphic Deliverable) which is defensible and If discovered, in conformance with best practices and in alignment with the Development Agreement, page 12, Article 5 (c), City Obligations for Third Party Plan Check. The Third Party Review and or a Staff Report was not posted for public review to address conformance with the Development Agreement and for relevance to the TTM.
- 4) Determine if the Planning Commissioners continue to be in conformance with direct and indirect non-conflict disclosures (including their employers if relevant) pertaining to any of the Applicant's Development Team or Developer.
- 5) Determine if Park - Landscape Designs of relevance are for inclusion into the TTM (such as the on-site parking lot and road across from Bailey Canyon Park, entrances, ADA walkway grading, site walls and fences), as found in the Supplemental Documents for the TTM application. I am noting for your consideration a possible inconsistency with the Subdivision Map Act, between the Development Agreement, pages 6 & 7, Article 4 (b), which defers completion of Park Design within 18 months after approval of the TTM; and the possible need for road widening for parking at the side walk at the west or east of the park (or for possible drop offs at the park, including access to a parking lot). This maybe of material relevance to comply with TTM requirements for road design, drainage and traffic safety.
- 6) Determine if West Carter Widening is of relevance for inclusion into the TTM. I am noting for your consideration a possible inconsistency with the Subdivision Map Act, between the Development Agreement, page 10, Article 4 (i), and the approval process for both the Construction of Offsite Improvements and pages 6 & 7, Article 4 (b), Dedication & Development of a Public Park. Modifications to the TTM and or visa versa the West Carter Widening design and construction documents within separate packages appears to me material in nature. These Development Scopes were significant during the entitlement process (including EIR review) and to the City Stakeholders. The Design for West Carter and the New Public Park should be integral to the Project Development - TTM.

Regards and Thank You in Advance for Your Consideration,
Glenn Hickman AIA Emeritus

Active AAA Construction Arbitrator; Retired from: McCarthy Building Companies; and prior professional profile: Chief Architect - DMJM/AECOM; AEG Development Project Manager - Staples Arena; SOM Architects & Engineers Associate - Los Angeles; USC Architecture - Adjunct Faculty.
Note: my public comments are not associated with any of the entities identified

Joseph Nosrat

Subject: FW: public comment - 2/1/24

From: Miles Prince [mailto:]

Sent: Thursday, February 1, 2024 12:42 PM

To: PlanningCommission <PlanningCommission@cityofsierramadre.com>

Subject: public comment - 2/1/24

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

We live on Oak Crest Drive, overlooking the Meadows project site. After review of the most recent landscaping plan submitted, I am concerned about the proposed species of trees in the northeast most corner of the project. Specifically, these are the trees proposed for the upper northeast corner of the site, behind and around house lot number 42. Additional species of trees have been added that were not included in the Final Specific Plan. Specifically, these are the proposed trees coded as "accent trees" and "screening trees." The Final Specific Plan did not even include a category of trees referred to as "screening trees." Many of the newly introduced tree species for that corner of the property could ultimately grow to heights that would block or obstruct the views of the basin and Downtown LA from many of the homes along the western side of Oak Crest Drive. This would violate the two below objectives of the Sierra Madre General Plan, and be inconsistent with the approval of the Meadows Final Specific Plan. I would request only tree species be approved for that corner that will not reach heights that interfere with the views from Oak Crest Drive.

Objective L6: Development that is done in harmony with its neighborhood and preserves and protects the privacy, mountain, and basin views of neighboring properties.

Objective L17: Protecting views to and from hillside areas in order to maintain the image and identity of the City as a village of the foothills

Miles Prince

Joseph Nosrat

Subject: FW: Consideration of Tentative Tract Map

From: Barbara Vellturo [mailto: [REDACTED]]
Sent: Thursday, February 1, 2024 12:30 PM
To: PlanningCommission <PlanningCommission@cityofsierramadre.com>; Public Comments <publiccomments@cityofsierramadre.com>; Barbara Vellturo < [REDACTED] >
Subject: Consideration of Tentative Tract Map

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

To planningcomission@cityofsierramadre.com

PublicComment@cityofsierramadre.com

Re Consideration of Meadows Tentative Tract Map

Sierra Madre's Ordinance for submission of a tentative tract map says that the application “**shall contain**” many very specific items. Some of these items, including conditions of surrounding streets, watercourses and plans outside the tract, specifically impact the safety of the development. The Commission should consider all those elements not only lot and houses sizes and utility locations, to be able to conclude that the development will have no detrimental impact on the citizens.

Yet many of the required elements of the application do not appear on their submissions. It is to be assumed that the Planning Department exempted the developer from these requirements - and the final TTM would not have been submitted without the approval of the City attorney.

It would be important to know what the reasoning was for the exemption of these sections which are critical for your decision. The information required by the ordinance could easily have been included. Their exclusion allows the Planning Commission and the City Council to ignore (and not address) several critical hazards to health and safety. These issues have been raised in the past by LA County Flood control district (owners of adjacent Bailey Canyon Wilderness Park and the entity that will decide whether to grant the required easement on the park land) as well as by citizens and attorneys. Without these sections the Planning Commission can not find that the application poses no threat to health and safety.

Strangely though, the Planning department and attorney found it reasonable to include items NOT part of the TTM application - landscaping and depictions of homes.

It is requested that the Planning Commission consider the important sections of the ordinance and ask the reason that the developer would be exempted from complying with them.

Barbara Vellturo

16.12.040 - Form and content of tentative map and accompanying material.

modified

Each tentative map shall show and contain the following information:

The tentative map number;

- A.
- 1.
- 2.

- Sufficient legal description of the land included on the map to define the boundaries of the tentative tract or parcel map; 3.
- Names, addresses and telephone numbers of the owner of record, developer, registered civil engineer preparing the map; 4.
- North point, scale, date and area of tract or parcel map, and the date of survey; 5.
- The width and approximate locations of all existing or proposed easements or rights-of-way whether for public or private roads, drainage, sewer, public utility, or flood control purposes, shown by dashed lines. Existing easements shall show the name of the easement holder, purpose of the easement, and the legal reference for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the tentative map; 6.
- The actual street names of each existing street or highway shown on the tentative map; 7.
- The locations, widths and approximate grades of all existing and proposed highways, streets, alleys and ways, or ways within and adjacent to such tentative map. The radius of all centerline curves on highways, streets, alleys, or ways; a cross section of each street; and any planned dimensions for street widening or for any other public project in and adjacent to the land division. The lettered designation of each proposed highway or street shown on the tentative map; 8.
- The lot layout, the approximate dimensions of each lot, number of each lot, total area in square footage or acreage to the nearest one-tenth acre of each lot, and where pads are proposed for building sites, the approximate pad elevations. Minimum lettering height shall be one-eighth inch; 9.
- The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses and flood control areas within and adjacent to the property involved; 10.
- The contour of the land at the intervals of not more than two feet if the general slope of the land is more than ten percent and five feet for all other areas. This shall include an area not less than one hundred feet surrounding the tentative map; 11.
- The location and outline to scale of each building or structure within one hundred feet to the division of land and the proposed disposition of such building or structure. The approximate location, height and general description of any trees with notations as to their retention, destruction or relocation; 12.
- The grading design of each individual lot proposed, showing the proposed and existing elevation contours; 13.
- The location of existing water wells, sumps, cesspools, sewers, culverts, drain pipe, underground structures or sand, gravel, or other excavations within the subdivision and within one hundred feet of any portion of the subdivision noting thereon whether or not they are to be abandoned, removed or used; 14.
- The location of existing or proposed surface easements, ground leases, or access agreements; 15.
- A general location map of the area to be subdivided showing its relation to existing main thoroughfares and the distance from the nearest public street centerline to the boundary of the proposed subdivision; 16.
- The location of all streets, existing or contained on adjacent approved tentative maps where such streets intersect the boundary of the subdivision or where such streets intersect another street that forms a boundary of the subdivision; 17.
- A layout of adjoining unsubdivided property in sufficient detail to show the effect of proposed streets that may intersect such property; 18.
- The location of any previously filled areas within the subdivision; 19.
- Proposed direction of flow and rate of grade of street drainage; 20.

Statement of the present use and the proposed use or uses of the property;	21.
The tentative map shall clearly indicate the proposal for handling of stormwaters. In the event that such information cannot satisfactorily be shown on the tentative map, the map shall be accompanied by whatever supplemental maps or written reports are necessary to show the proposal;	22.
The tentative map shall clearly show the method of sewage disposal. In the event this information cannot satisfactorily be shown on the tentative map, the map shall be accompanied by whatever supplemental maps or written reports are necessary to show the proposal;	23.
The designation of all remainder parcels pursuant to Section 66424.6 of the Subdivision Map Act;	24.
An affidavit signed by the owner or owners of record of the property which is the subject of the map stating that the owner or owners are aware that the map constitutes an application to subdivide the property pursuant to this title.	B.
The following supplemental drawings, statements and data shall accompany the tentative map:	1.
A statement of existing and proposed zoning and existing and proposed uses of the property;	2.
If the subdivider plans to develop the site, then the subdivider shall provide a proposed site plan with proposed sequence of construction. If no development is proposed, the site plan shall show existing conditions on the site;	3.
A statement by a person holding a proprietary interest in the parcel or parcels comprising the division of land, consenting to the submission of the tentative map;	4.
A preliminary title report;	5.
A geologic and/or soils report if required by the city engineer;	6.
A flood hazard report from the Los Angeles County flood control district;	7.
A preliminary grading plan;	8.
An environmental assessment statement and/or information and/or data for an environmental determination pursuant to the provisions of the city of Sierra Madre CEQA guidelines and the California Environmental Quality Act, as determined by the director of planning and community preservation;	9.
If the map is for conversion of existing buildings into condominiums, community apartments, or a stock cooperative, the subdivider shall submit all reports required by, or deemed necessary by the department of planning and community preservation, as well as those items required pursuant to the provisions of Chapter 16.36 of this title;	10.
Any other data or reports as deemed necessary by the department of planning and community preservation and/or the city engineer.	11.
Two sets of self-adhesive addressed mailing labels of all property owners based upon the latest assessed tax rolls, within a three hundred foot radius of the project site.	12.
A tree survey and report, prepared by an arborist certified in the state of California. Said report shall indicate the location and health of all trees located on the property pursuant to the requirements of Chapter 12.20 of the Sierra Madre Municipal Code (Tree Ordinance).	C.
The director of planning and community preservation may waive any of the foregoing requirements when, in the determination of the director of planning and community preservation, any such requirement is not necessary due to the nature of the proposed subdivision of land, or other circumstances justify such waiver.	

Joseph Nosrat

Subject: FW: Public Comment Submission
Attachments: Final Draft.rtf.zip

From: C [mailto:]
Sent: Thursday, February 1, 2024 2:59 PM
To: Public Comment <publiccomment@cityofsierramadre.com>
Subject: Public Comment Submission

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

Dear City of Sierra Madre,

It's required by law that all public comments are reviewed during the Planning Commission meeting, and although Govt. Code Section 54954.2 limits the placement of items on the Agenda for action 72 hours prior to meetings, one or more of the following exceptions apply. Therefore, please review the following attached message at the February 2nd meeting. Thank you.

Govt. Code Section 54954.2

1. (b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.
 - (1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.
 - (2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).
 - (3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
 - (4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.
- (c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

Thank you,

2. Chris

AN ANALYSIS OF THE MEADOWS PROJECT'S ENVIRONMENTAL IMPACT REPORT (EIR) AND A DEMAND FOR NEUTRAL INVESTIGATION AND, IF APPROPRIATE, SUBSEQUENT RE-REVIEW

(1) INTRODUCTION

According to the Critical Ecosystem Partnership Fund, a well-known, international, conservation initiative, The California Floristic Province is one of the planet's 25 major biodiversity hotspots "where biodiversity conservation is most urgent due to high levels of endemism and human threat." The hotspot, ranging from Baja California up to Oregon and from the Sierra Nevadas and the San Gabriels west to the coastline and to the Channel Islands, has four subregions of exceptionally high plant diversity, one of which is the Transverse Ranges in southern California, including the San Gabriel Mountains. When zoomed in to its southern foothills specifically, there can be found a very high *rare*-plant concentration, tier four of the state's five, to be exact (as depicted in the Atlas of the Biodiversity of California: <https://wildlife.ca.gov/Data/Atlas>), and little is it known that, within this tier, grasslands stand out specifically, as according to Robert Peet, a plant ecologist at the University of North Carolina, Chapel Hill, mowing them levels the playing field for competition for light on top, making them at times *more biodiverse than even rainforests* (<https://www.nationalgeographic.com/science/article/120320-grasslands-rain-forests-species-diversity-environment>). One specific grassland along the San Gabriel Mountain Foothills is the Meadows at Mater Dolorosa, a Passionist monastery in the City of Sierra Madre, tucked up against a National Forest and a Wilderness Park. It's not only within a ~50-year-old Wildlife Sanctuary but is also within a *high-priority conservation area*, as depicted on page 41 of Cooper Ecological Monitoring, Inc.'s environmental assessment report titled "Rapid Assessment of Wildland-Urban Interface Parcels for Conservation: Sierra Madre to La Verne in Los Angeles County" (https://assets.nationbuilder.com/wca/pages/1387/attachments/original/1663023422/Appendix_5_Cooper_2021_Evaluation_reduced.pdf?1663023422).

Within this context of *thick, multi-layer conservation*, the Passionist priests are attempting to sell ~20-acres of it to housing developer, New Urban West, for 42 large homes for money for the Catholic Church and for their retirement. Because it was determined that such a project will have a significant impact on the environment, an Environmental Impact Report (EIR) was prepared by Dudek, a Southern California engineering company, to address those impacts. Its Appendix C1 specifically, the "Biological Resources Report," consists of a review of existing, ecological data and the results of an on-site evaluation conducted May 29th of 2020 to determine whether or not any sensitive biological resources, like protected species, are present on or adjacent to the site or whether or not they have the potential to occur on or adjacent to it. That Appendix and on-site evaluation were carried out by Michael Cady, their Senior Biologist, and can be found here:

<https://www.cityofsierramadre.com/common/pages/DownloadFileByUrl.aspx?key=CQjKZvEC5m6fkBjaDeYZaEj9U3AXaJHnZLQcw4vlOEmCs%2fxUoVKFPGylU6%2brprIsUrC3PPIRvFueJE1%2fkulj72AhQg%2fh2WzmTWQ7zlhULpWolNseo0mupzEPTpbPBaSxkJiziuhjn0hULIhMq9k%2bYMZso2C4X9N%2bE3Ft6MaBA5BwsdlZvIqKTNu5Lklfw2jCD2u1B0kM9hSU8ZGK>

[Ap89RWgL%2fzs%3d](#) No problems were found to exist by the City, the lead agency responsible for compliance with California Environmental Quality Act (CEQA), and the Final EIR was approved early 2022. The City is now in the process of reviewing the tract map that New Urban West has proposed, which defines the boundaries and the locations of the project's objects. It claims that none of the events or circumstances identified in CEQA Guidelines Section 15162 and in Cal. Pub. Resources Code § 21166 described below have occurred to exempt the project from additional environmental review (under CEQA Guidelines Section 15182(c) and Government Code Section 65457). However, this exemption requires review first to ensure that the project would not create any new impacts or increase the severity of impacts previously disclosed in the original environmental document, as described in Guidelines §15162.

Those events or circumstances are as follows:

(A) When an environmental impact report has been prepared for a project, no subsequent or supplemental environmental impact report shall be required, *unless one or more of the following events occurs*:

(1) *Substantial changes are proposed in the project* which will require major revisions of the environmental impact report.

(2) *Substantial changes occur with respect to the circumstances* under which the project is being undertaken which will require major revisions in the environmental impact report.

(3) *New information*, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

(a) The project will have *one or more significant effects not discussed* in the previous EIR or negative declaration;

(b) *Significant effects previously examined will be substantially more severe* than shown in the previous EIR;

(c) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible* and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(d) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects* on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(B) *If changes to a project or its circumstances occur or new information becomes available, the lead agency shall prepare a subsequent EIR* under subdivision (A).

The following sections — (1) Invalid Source Material, (2) Inaccurate Listings and Conclusions, and (3) Potential Corruption — provide evidence of new information of substantial importance (which was not known and that could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete) and that reveals that the project will have both one or more significant effects not discussed in the previous EIR and previously examined significant effects substantially more severe than once thought.

Furthermore, sufficient evidence is provided to support a reasonable belief that it is more likely than not that involved parties have engaged in criminal activity, which means that, *until proven otherwise via an investigation by a neutral, third-party*, substantial changes have occurred with respect to the *circumstances* under which the project is undertaken. Therefore, for these two reasons, the project is *not* exempt from additional environmental review under CEQA Guidelines

Section 15182(c) and Government Code Section 65457.

(2) INVALID SOURCE MATERIAL

When species are proposed for listing as endangered or threatened, the Department of Fish and Wildlife identifies specific locations that are essential to their conservation. These are called "critical habitats;" each endangered or threatened species has one. Mr. Cady writes on the second page that "The project site is not within any designated critical habitats," but his source of that information is something called the National Wetlands Inventory's Wetlands Mapper, a mapper that, according to their Chief Scientist, Megan Lang; their Field & Regional Operations Group Lead, Sara Owen; their Wetlands Coordinator for FWS Regions 2 and 4, Gary Hunt; *and* their Quality Assurance Coordinator, Rusty Griffin, *only maps wetlands and deepwater habitats in the first place, of which the Meadows is neither* — Mr. Cady even confirms that for himself just a couple of sentences later too, writing that "No wetlands or other jurisdictional waters were observed on the project site" — and second of all, *doesn't alone provide whether or not a wetland is a critical habitat in the first place.*

Mr. Cady also used the Consortium of California Herbaria (2020), iNaturalist (2020), eBird (2020), and Google (2020) in his report. (It's not quite clear as to how he used them exactly though; he neither specified, nor included them in his reference citations for his special-status species lists.) All four but Google, which is too vague of a source to say much about here, are compilations of sightings from people who, for the most part, lack detailed, taxonomic knowledge. A couple of searches through their databases also reveals that eBird has only three sightings in Sierra Madre, only one of which is on or adjacent to the Meadow (<https://ebird.org/hotspots?env.minX=-118.945915&env.minY=32.799168&env.maxX=-117.647401&env.maxY=34.822876&yr=all&m=>); the Consortium of California Herbaria's CCH1 map has only one, which is neither on nor adjacent to the Meadow (https://berkeleymapper.berkeley.edu/index.html?ViewResults=tab&tabfile=https://ucjeps.berkeley.edu/consortium/logs/CCH_GEOREF.txt&configfile=https%3A%2F%2Fucjeps.berkeley.edu%2Fucjeps_geo_search.xml&sourcename=Consortium+of+California+Herbaria+result+set&pointDisplay=none#); the Consortium of California Herbaria's CCH2 map has only 684, only two of which are adjacent in Bailey Canyon and none of which are on the Meadow (<https://www.cch2.org/portal/collections/map/index.php>); and iNaturalist has only about 3,800, only about 584 of which are on or adjacent to the Meadow (https://www.inaturalist.org/observations?nelat=34.17820022880696&nelng=-118.03199885046344&place_id=any&subview=map&swlat=34.15753459044477&swlng=-118.06779024755816). That's about 587 sightings on or adjacent to the Meadow that Mr. Cady was going off of (assuming that the number of sightings in 2024 is equivalent to the number of sightings in 2020, which would've otherwise brought that number down even further), and because they're mostly made up of entries from people that don't veer off of common patterns much, like trails and roads, not entries from people entering other peoples private properties and walking deep into 20-acre, *mowed* Meadows, most of the sightings — 572 from iNaturalist, to be exact — are in Bailey Canyon Park only, which leaves *only 15 sightings on the site itself* (sightings that were reported who knows how long before 2020 in the first place).

(3) ALMOST ALL SPECIAL-STATUS SPECIES INCLUDED IN MR. CADY'S VERY OWN

SOURCES ARE EXCLUDED, AND THOSE THAT ARE INCLUDED ARE INACCURATELY CLAIMED TO NOT OCCUR IN THE AREA AND TO NOT EVEN HAVE THE POTENTIAL TO OCCUR IN THE AREA

The “Biological Resources Report” mostly consists of two “Special-Status Species Potential to Occur on the Project Site” lists, one for plants and another for wildlife. To make things simple, “special-status species” here consists of Federally Listed Endangered Species, Federally Listed Threatened Species, Federal Candidate for Listing Species, Federally Delisted Species, Federally Listed U.S. Fish and Wildlife Service Bird of Conservation Concern, State Fully Protected Species, State Listed Endangered Species, State Listed Threatened Species, State Candidate for Listing Species, State Species of Special Concern, State Watch List Species, State Delisted species, and State Listed as Rare Species (from rank 1A — “Presumed extirpated in California and either rare or extinct elsewhere” — to rank 2B.3 — “Not very threatened in California (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere;” specifically “<20% of occurrences threatened/low degree and immediacy of threat or no current threats known”). (Mr. Cady’s more technical definition of special-status species can be found on page 2.)

In order to compile a list of those in the area, Mr. Cady used CDFW's RareFind 5, CNPS' Rare Plant Inventory, and CDFW's Life History Accounts and Range Maps. For some reason though, he excluded *almost all* of the special-status species that they say occur in the local ~7x8 mile quad (Mt. Wilson, code 3411821) *for initial assessment in the first place*. The following six special-status categories list them out in bold, and I’ve included their species-type next to them to emphasize how many could easily exist on a meadow (even though Mr. Cady went so far as to include even fishes on his lists for a meadow). (Note that I did not cover those excluded from CDFW's Life History Accounts and Range Maps, because it only covers 700 mostly commonly-occurring wildlife in California out of the many, many thousands, and so, therefore, given it’s merely supplementary nature, if anything at all, it would probably not add any to the list below anyway.)

Federal and/or State Candidates, Endangered, and/or Threatened Species

Astragalus brauntonii (a small plant); Endangered on the federal level.

Eriastrum densifolium ssp. sanctorum (a small plant); Endangered on the federal level and on the state level.

Danaus plexippus plexippus pop. 1 (the monarch butterfly, which I've seen in the area myself very recently; the only look-alike -- the Viceroy -- occurs on the East coast); Candidate on the federal level.

Dipodomys merriami parvus (a mouse); Endangered on the federal level and candidate endangered on the state level.

Laterallus jamaicensis coturniculus (a small bird); Threatened on the state level.

Empidonax traillii (a small bird); Endangered on the state level.

Brodiaea filifolia (a small plant); Threatened on the federal level and on the state level.

Rana draytonii (a frog); Threatened on the federal level.

Agelaius tricolor (a small bird); Threatened on the state level.

Passerculus sandwichensis beldingi (a small bird); Endangered on the state level.

Haliaeetus leucocephalus (the bald eagle); Endangered on the state level (and delisted on the federal level if that counts).

Oncorhynchus mykiss irideus pop. 10 (a fish); Endangered on the federal level and

candidate endangered on the state level.

Gopherus agassizii (a tortoise); Threatened on the federal level and on the state level.

Rana boylei (a frog); Endangered both on the federal level and on the state level.

Buteo swainsoni (a hawk); Threatened on the state level.

Coccyzus americanus occidentalis (a small bird); Threatened on the federal level and endangered on the state level.

Riparia riparia (a small bird); Threatened on the state level.

Polioptila californica californica (a small bird); Threatened on the federal level.

Empidonax traillii extimus (a small bird); Endangered on the state level and on the federal level.

Vireo bellii pusillus (a small bird); Endangered on the state level and on the federal level.

Catostomus santaanae (a fish); Threatened on the federal level.

Bombus crotchii (a bumble bee); Candidate endangered on the state level.

Actinemys marmorata (a turtle); Proposed threatened on the federal level.

Falco peregrinus anatum (a falcon); Delisted on the federal level and on the state level.

Berberis nevini (a medium plant); Endangered on the federal level and on the state level.

Dodecahema leptoceras (a small plant); Endangered on the federal level and on the state level.

Anaxyrus californicus (a medium plant); Endangered on the federal level.

Rana muscosa (a frog); Endangered both on the federal level and on the state level.

Spea hammondi (a toad); Proposed threatened on the federal level.

Fully Protected Species

In addition to federally and state recognized endangered and threatened species, the California Fish and Game Code Sections 3511, 4700, 5050 and 5515 designate 37 species of wildlife as Fully Protected in California. Most of these species have also been listed as threatened or endangered under CESA -- but not all. They cannot be taken or possessed at any time, and no licenses or permits may be issued for their take (except in certain cases, like collecting them for necessary scientific research and for relocating bird species for the protection of livestock, none of which the Meadows project is qualified for

(<https://biologistshandbook.com/species/protected-wildlife-of-california/protected-species/fully-protected-species/> and

<https://www.jdsupra.com/legalnews/california-amends-fully-protected-9144534/>). CDFW's CNDDDB QuickView Tool reveals that two of these Fully Protected Species exist within the local ~7x8 mile quad -- American peregrine falcon (*Falco peregrinus anatum*) and Ring-tailed cat (*Bassariscus astutus octavus*). Mr. Cady, however, made no mention of the Ring-tailed cat (*Bassariscus astutus octavus*), again, *a fully protected species from his own sources*.

State Listed as Rare Species

The Fish and Game Commission protects 64 species, subspecies, and varieties of plants in California under the NPPA, which prohibits their take in all situations, minus a few exceptions, although the Meadows project doesn't qualify for any of these either. As previously mentioned, there are varying categories of rarity for each of these plants; with increasing intensity from 1A to 4.3. Dudek's biologist only included those in categories 1A (Plants presumed extinct in California and rare/extinct elsewhere), 1B.1 (Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California), 1B.2 (Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California), 1B.3 (Plants rare, threatened, or endangered in California and elsewhere; not very threatened in

California), 2A (Plants presumed extirpated in California, but more common elsewhere), 2B.1 (Plants rare, threatened, or endangered in California, but more common elsewhere; seriously threatened in California), and 2B.2 (Plants rare, threatened, or endangered in California, but more common elsewhere; fairly threatened in California). Both CDFW's CNDDDB QuickView Tool and CNPS' Rare Plant Inventory reveal that 35 of these State Listed as Rare Species occur within the local ~7x8 mile quad, 13 of which are in categories 1A to 3.2 and that happen to be within Mr. Cady's categories 1A to 2B.2 as well. (See the list below.) Of these 13 though, he excluded 2, and again, these are from his own sources:

Galium grande (a native shrub)

Pelazoneuron puberulum var. sonorensis (a native fern)

Centromadia parryi ssp. australis

Pseudognaphalium leucocephalum

Symphyotrichum greatae

Cladium californicum

Arctostaphylos glandulosa ssp. gabrielensis

Astragalus brauntonii

Ribes divaricatum var. parishii

Linanthus concinnus

Chorizanthe parryi var. parryi

Dodecahema leptoceras

Horkelia cuneata var. puberula

California Species of Special Concern

The California Environmental Quality Act (CEQA; California Public Resources Code §§ 21000-21177) *requires* State agencies, local governments, and special districts to evaluate and disclose impacts on *all* Species of Special Concern from projects in the State

(<https://wildlife.ca.gov/Conservation/SSC#394871319-how-are-sscs-addressed-under-the-california-environmental-quality-act>). Why is it then that of the 20 Special Concern species that

CDFW's CNDDDB QuickView Tool shows in the local ~7x8 quad, Mr. Cady excluded four?

That's almost 25%.

Rana draytonii (a frog)

Strix occidentalis occidentalis (an owl)

Lasiurus frantzii (a bat)

Salvadora hexalepis virgultea (a snake)

Taricha torosa

Spea hammondii

Cypseloides niger

Setophaga petechia

Polioptila californica californica

Gila orcuttii

Rhinichthys osculus ssp. 8

Eumops perotis californicus

Taxidea taxus

Antrozous pallidus

Corynorhinus townsendii

Anniella stebbinsi

Emys marmorata
Thamnophis hammondi
Phrynosoma blainvillii
Aspidooscelis tigris stejnegeri

California Watch List Species:

Watch List species are those that were previously Species of Special Concern but that do not meet those criteria anymore and for which there's concern and a need for additional information to clarify status. Of the three Watch List species that CDFW's CNDDDB QuickView Tool shows in the local ~7x8 quad, Mr. Cady excluded 33%:

Aimophila ruficeps canescens (a sparrow)

Rana muscosa

Accipiter cooperii

U.S. Fish and Wildlife Service Bird of Conservation Concern Species

"The Birds of Conservation Concern 2021 List (BCC 2021) identifies the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent [the] highest conservation priorities" and that, without additional action, are likely to become candidates for the Endangered Species Act. It is mandated by law. 49 species of Birds of Conservation Concern (BCR) happen to have regional-scale data available and occur in this area, specifically Bird Conservation Region #32 (pgs. 26-27 here <https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>). But, there are only six birds with a Conservation Concern abbreviation in Mr. Cady's report! That's 12%. (There are other Birds of Conservation Concern that occur in the area too, I think, but that don't have regional-scale data available. I didn't include them here though, because they would take a while to count, and I already have sufficient data to make this point here.)

Western Grebe

Clark's Grebe

Allen's Hummingbird

Yellow Rail

Black Oystercatcher

Mountain Plover

Snowy Plover (Interior/Gulf Coast)

Marbled Godwit

Red Knot (Pacific)

Short-billed Dowitcher

Willet

Scripps' Murrelet

Heermann's Gull

Western Gull

California Gull

Gull-billed Tern

Black Tern

Elegant Tern

Black Skimmer

Ashy Storm-Petrel
Black Storm-Petrel
Brandt's Cormorant
Northern Harrier
Flammulated Owl
Western Screech Owl (Northern Pacific)
Spotted Owl (California)
Long-eared Owl
Short-Eared Owl
Nuttall's Woodpecker
White-headed Woodpecker (California)
Olive-sided Flycatcher
Pinyon Jay
Island-Scrub Jay
Yellow-billed Magpie
Oak Titmouse
Wrentit
California Thrasher
LeConte's Thrasher
Cassin's Finch
Lawrence's Goldfinch
Black-chinned Sparrow
Savannah Sparrow (Belding's)
Song Sparrow (Alameda/Samuels)
Song Sparrow (Channel Island)
Bullock's Oriole
Tricolored Blackbird
Common Yellowthroat (San Francisco)
Burrowing owl (*Athene cunicularia*)
Swainson's hawk (*Buteo swainsoni* (nesting))
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis* (nesting))
Black swift (*Cypseloides niger* (nesting))
American peregrine falcon (*Falco peregrinus anatum* (nesting))
Yellow warbler (*Setophaga petechia* (nesting))

Not only that, but upon closer look, it's revealed that, assuming that the pre-2021 list and 2021 are about the same, four of these six species listed as a Bird of Conservation Status by Mr. Cady -- Swainson's hawk, Western yellow-billed cuckoo, American peregrine falcon, and the Yellow warbler -- turn out to not even be Birds of Conservation Status in the first place! You can double-check that yourself in The Birds of Conservation Concern 2021 List here:

<https://www.fws.gov/media/birds-conservation-concern-2021> This means that a whole 96% are missing! It's not like the majority of these species occur within the region but not in the more local area either. If you take a look at the 2008 book titled "California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California," another authoritative resource on protected birds, you can see that a whole 37 of the 49 are listed specifically in Region #32's Southwest

subregion.

<https://www.contracosta.ca.gov/DocumentCenter/View/34166/Shuford-Gardali-2008-California-Bird-Species-of-Special-Concern-PDF>), and furthermore, according to eBirds's maps (not their sighting-compilations), *44 of the 49 birds* (Island Scrub-Jay, Ashy Storm-Petrel, Black Storm-Petrel, Scripps's Murrelet, and Yellow Rail) are found in Los Angeles County specifically (https://science.ebird.org/en/status-and-trends/species?_gl=1*wbaeex*_ga*OTQzODc1ODc4LjE3MDY0MTg4MDU.*_ga_QR4NVXZ8BM*MTcwNjQ5OTQ1MC4yLjEuMTcwNjUwMTI5OC42MC4wLjA.&_ga=2.231851871.1369868247.1706418805-943875878.1706418805®ionCode=US-CA-037).

When all of the categories are added up, Mr. Cady excluded a total of 61 special-status species that his very own special-status sources say occur in the area. Isn't that questionable, to say the least? Furthermore, if you average the percentage per category that Mr. Cady missed from each of his own sources -- 50%, 15%, 25%, 33%, 96% --, he averaged an exclusion of 57%! How is that an environmental assessment? It's an embarrassment! You can check the facts yourself. Here's the CNPS's Rare Plant Inventory list for the local Mt. Wilson quad:

<https://rareplants.cnps.org/Search/result?frm=T&ccl=LAX&sl=1&quad=3411821:&elev=:m:o>

And, here's the link to CDFW's CNDDDB QuickView Tool:

<https://apps.wildlife.ca.gov/bios6/?tool=cnddbqv> Click it, let it load, click "Accept," scroll down on the right sidebar, click "Open Tool," zoom in to the local Mt. Wilson quad, select "Species in a Quad" on the right sidebar, click anywhere on the Mt. Wilson quad, go to the spreadsheet that pops up at the bottom, click on the printer symbol in its menu bar at its top, and a separate window or tab should open that lists 75 species known to occur in the area, each of which has a CA Rare Plant Rank and a Federal, State, and/or CDFW status where applicable. (CDFW's CNDDDB QuickView Tool, by the way, uses the same exact database as their RareFind 5; the latter is just the querying tool for the former.)

It should also be noted that Mr. Cady used only two sources per list — that is, if you count CDFW's Life History Accounts and Range Maps, which again, only covers 700 mostly commonly-occurring wildlife species in California out of the many, many thousands. (There are almost 28,000 native, wildlife species in California alone, for example.) That's not very comprehensive or professional, especially given that, as written on their websites, "...we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species statewide" (<https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>) and "CNPS does not portray its databases as an exhaustive or comprehensive inventory of all rare species statewide. For any given location in California, a lack of species occurrences or records does not indicate or imply that the species does not occur there" (<https://rareplants.cnps.org/Home/Terms>).

What are the consequences of using only two special-status sources like this? Many special-status species that should have been reviewed have been entirely overlooked. For example, Fish & Wildlife's Information for Planning and Consulting (iPac) database (<https://ipac.ecosphere.fws.gov/location/JGWXVYB2FBCFJGH4RFQ3EDKAVI/resources>), one of the most authoritative resources for special-status species in the U.S., coalesces special-status species on *all* government levels. A quick search for those in the local ~7-8 mile area pulls up the following 16, six of which (the ones in bold) are excluded from Mr. Cady's

plant and wildlife lists:

California Condor *Gymnogyps californianus* (which I've seen in the area myself)

Monarch Butterfly *Danaus plexippus*

California Spotted Owl *Strix occidentalis occidentalis*

California Red-legged Frog *Rana draytonii*

Unarmored Threespine Stickleback fish *Gasterosteus aculeatus williamsoni*

Southwestern Pond Turtle *Actinemys pallida*

Coastal California Gnatcatcher *Poliioptila californica californica*

Least Bell's Vireo *Vireo bellii pusillus*

Southwestern Willow Flycatcher *Empidonax traillii extimus*

Arroyo (=arroyo Southwestern) Toad *Anaxyrus californicus*

Foothill Yellow-legged Frog *Rana boylei*

Mountain Yellow-legged Frog *Rana muscosa*

Santa Ana Sucker *Catostomus santaanae*

Nevin's Barberry *Berberis nevinii*

Slender-horned Spineflower *Dodecahema leptoceras*

Braunton's Milk-vetch *Astragalus brauntonii*

There are also those species left out that are not necessarily special-status on the state and federal levels but that are special-status on the global level. (Even though federal and state regulations may not require inclusion of these species into Environmental Impact Reports, the fact remains that they are endangered *everywhere* on Earth, not just within some kind of legal boundaries, like "California." You can't realistically ignore that while at the same time adhere to the latter's rules.) For globally endangered species we can refer to the IUCN Red List (<https://www.iucnredlist.org>), the most comprehensive global list available. "Collectively, assessments by [major species assessors] account for nearly half the species on the Red List." (https://en.wikipedia.org/wiki/IUCN_Red_List) It lists multiple species that either occur in the area or that have the potential to occur in the area. Unfortunately, due to technical difficulties on their end, I couldn't piece together a full list of the endangered, threatened, vulnerable, and near threatened species for the local area, but I did manage to at least pull together some of them, including 10 *Quercus* species, all of which are present within the L.A. and/or surrounding counties. The species in bold are the ones not included in the EIR. (Note that the category "Vulnerable" is "Threatened's" equivalent.)

***Quercus Engelmannii*; endangered and decreasing in numbers** (A *Quercus engelmannii* grows *just a couple of feet* from the project site's eastern boundary.)

***Quercus tomentella*; endangered and decreasing in numbers**

***Quercus cedrosensis*; vulnerable and decreasing in numbers**

***Quercus dumosa*; endangered and decreasing in numbers**

***Quercus parvula*; near threatened and decreasing in numbers**

***Quercus lobata*; near threatened and decreasing in numbers**

***Quercus palmeri*; near threatened and unknown in numbers**

***Quercus sadleriana*; near threatened and unknown in numbers**

***Quercus pacifica*; endangered and decreasing in numbers**

***Quercus parvula*; var *parvula* endangered and no category for numbers**

Perognathus alticola (a mouse); vulnerable
Dipodomys stephensi (a mouse); vulnerable
Rana draytonii (a frog); near threatened
Anaxyrus californicus (a toad); endangered
Rana muscosa (a frog); endangered
Spea hammondii (a toad); near threatened

In summary, these numbers of overlooked special-status species from F&W's iPAC and the IUCN Red List add up to at least 18 (and, when combined with the 61 species that Mr. Cady missed from CDFW's RareFind 5 and CNPS' Rare Plant Inventory, some of which are the same, the number skyrockets to at least 77. (A full manual check of IUCN's Red List would be required for the full scope.) This just goes to show how many other unknown protected species not mentioned in any sources so far, especially globally designated special-status species, might exist in the area.

(In case it might be critiqued that I shouldn't include the IUCN Red List species here given that non-federal and state special-status species aren't included in EIR assessments, I'd like to briefly mention that, in such a case, a species' value has been placed in its category up to this point, like "one Quercus for another" or, more specifically here, "one state-endangered Quercus for another" (like the EIR rule that states "replace protected on-site trees 1:1"), not in the living individual itself, but because the function of conservation law is to respect the boundaries of a species, not just to uphold an aesthetic ecosphere for humans, conservation law must naturally expand to include global special-status species as well, which again, are endangered *everywhere* on planet Earth. If, on the other hand, it's argued for some reason that the species itself is not what's to be protected but, rather, the category, like "State-endangered species," it'd still have to be acknowledged that because conservation laws have been made for everyone, the general public, not just for state or federal botanists and conservation specialists only, and because what the general public sees is the tree as an individual *of Earth*, not the made-up category, like "California" or the "United States," according to conservation laws' own *aesthetic purpose*, they must also take into account species that are in trouble globally but that aren't necessarily federal and/or state special-status species too.)

Reading further, we can see that, of those special-status species that Mr. Cady *did* by chance include in his report (78 as "Not expected to occur" and 7 as "Low Potential to Occur"), most were inaccurately claimed to not occur on the site and adjacent to it or to not even have the potential to occur on and adjacent to it. There are many examples, but to make the inaccuracies as clear as possible, I've included those here first that Fish and Wildlife have provided their own commentary for in an email to Vincent Gonzalez dated July 31, 2020 in Appendix AI: NOP Comment Letters. F&W: "A review of California Natural Diversity Database (CNDDDB) indicate three occurrences of Crotch bumble bee (*Bombus crotchii*) within 5 miles west of the Project vicinity." Mr. Cady? "Not expected to occur. The project site lacks native habitat and does not support the plants that the species is known to forage on." F&W: "A review of CNDDDB indicates occurrences of several bat species within the Project vicinity. These species include, pallid bat (*Antrozous pallidus*), western mastiff bat, (*Eumops perotis californicus*), and hoary bat (*Lasiurus cinereus*)." Mr. Cady? (1) "Low potential to occur. Individuals of the species may use the trees on the project site for day roosts [meaning where they live, since bats are nocturnal];" (2) "Not

expected to occur. The project site lacks the suitable habitat for this species to occur;" and (3) "Not expected to occur. The project site lacks the suitable habitat for this species to occur."

F&W: "A review CNDDDB indicate the occurrence of several special status reptile species within the Project vicinity, these include the southern California legless lizard (*Anniella stebbinsi*) and coast horned lizard (*Phrynosoma blainvilli*).“ Mr. Cady? “Not expected to occur. The project site lacks the suitable habitat for this species to occur.” and “Not expected to occur. The project site lacks the suitable habitat for this species to occur.” Clearly, these notes from Fish and Wildlife were ignored in favor of Mr. Cady’s antithetical ones for some reason. Other examples of Mr. Cady’s inaccurate notes include *Aspidoscelis tigris*, a snake-like lizard, who likes "hot and dry areas with sparse foliage, including chaparral..." but who, for some reason, is "not expected to occur" on or adjacent to the site, because it “lacks suitable habitat...” That’s all that was said, a statement as vague and as contradictory as it gets. The toad, *Spea hammondi*, is another example: “Habitat: Primarily grassland and vernal pools, but also in ephemeral wetlands that persist at least 3 weeks in chaparral, coastal scrub, valley – foothill woodlands, pastures, and other agriculture." "Potential to Occur: Not expected to occur. There are no water resources that provide suitable habitat within or directly adjacent to the project site." This is incorrect. There’s an ephemeral ravine on the Meadow’s south side that takes in and holds rainwater often, a drain on either side of it with significant dips for water to collect in, and many backyards with watered plants and pools (nine to be exact) surrounding the Meadow's southern and western borders, one of which also has a working faucet within the project site itself. These all provide moist habitats for the many wildlife species that have adapted to and that utilize urban landscapes. (Some of the nine pools, for example, might even be saltwater pools, which some species are actually attracted to.) There is also a large reservoir directly adjacent to the project site to the east that takes in water from Bailey Canyon. In fact, the canyon has water year-round sometimes, like it did just this last year, and when not, it’s certainly there for at least three weeks at all times. This creates multiple acres of moist habitat in the canyon's lower areas and in the dam's basin. These locations are directly adjacent to the Meadows and are categorized by the National Wetlands Inventory, the very same resource that Mr. Cady used to determine that the location site is "not within any designated critical habitat," as a "*Freshwater Pond Habitat, a Freshwater Forested/Shrub Wetland, and a Forested/Shrub Riparian*" (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>)! There are also four secret springs in the northwest end of the property that are perennial. One is at the foot of the small canyon west of Bailey, another is capped but fills an open reservoir a couple of feet over, and the two others drain openly into the land below them (and potentially into underground cavities beneath the Meadows further down). These are wetlands that are surrounded by groupings of palms; some sort of reed or tall grass; some wild strawberries too, I think; and that are also one of the main water sources for a whole herd of deer. They are about the same distance from the project site as the reservoir to the east—the former is about 275 feet away, the latter about 200 feet away—, and only some olive trees stand between them and the site. They are not shown on the National Wetlands Mapper (except for the one at the foot of the canyon, which is also categorized by the Mapper as a *Freshwater Pond Habitat* and as a *Freshwater Forested/Shrub Wetland*), nor is it known whether Mr. Cady had asked the monastery about their existence and/or if they’d told him in the first place. Regardless, *he made no mention of them on his report*. It’s also not like they’re too far from the project site to make much of a difference given that you can see multiple species that have propagated up into the small canyon and vice versa, potentially any spacial-status ones. Not even the EIR’s “Archaeological Resources

Assessment” and the 150-page long “Historical Resources Report” made any mention of the springs and the *old ruins and structures that surround them* — only that the original property was named *Mt. Tara Springs* of all things and that at the time of its acquisition in 1924, the property had a pair of natural springs (pg. 19). The detailed presentations of the site — pictures and all — don’t go past the restroom building (pg. 45) and the pergola (pg. 61) to the northwest, leaving out many acres of entirely unassessed land by Dudek -- special thanks to their tour guides, Michael Cunningham, Janet Salinsky, and Brother John Rockenbach. The “Historical Resources Report” also mentions another water feature not in Mr. Cady’s report: a “modern garden... situated immediately west of the Retreat Center building,” which features “a wood pergola, with garden and developed spring and pond below it” and downhill from which is “a small stream with wood bridge.” (pg. 61) Why was that left out? There’s also a running fountain and large garden between the Meadows and the monastery, which provides moist watered habitat.

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In addition, there is a secret ravine on the project site to the west that takes in water via a pipe running under the Meadow’s northwest side and via neighbors’ gutters. It’s half-surrounded by bamboo of all things and still had water in it as of January 30, when it hadn’t rained in over a week (gentle rain at that) and when there hadn’t been any heavy downpours in over a month. There’s no reason why something like frogs or toads couldn’t live there, especially in the open pipe itself, which tunnels pretty far into the Meadows. Despite all of these *significant* water features *directly on or adjacent to the project site itself*, some of which are blatantly relevant, like the reservoir to the east, the ravine to the west, the four springs and pagoda spring to the north, and the large watered garden between the monastery and the Meadows, the only comments related to water features made by Mr. Cady in his report were “The biological survey included... an evaluation of any potential jurisdictional wetlands or waters onsite (a formal jurisdictional delineation was not conducted);” “No wetlands or other jurisdictional waters were observed on the project site. Additionally, no wetland or riparian features have been previously identified (USFWS 2020b).... It is assumed that hydrology of the project site was altered during the construction of the Center;” no “riparian habitat occur on the project site,“ there is “a large retention basin to the west,” and again, “the project site is... surrounded by... the fenced retention basin to the west...” (pgs. 1-3). Consequently, other special-status species that have even an inch to do with water and that were concluded by Mr. Cady to not occur in the area include *Rana muscosa* (“Habitat: Lakes, ponds, meadow streams, isolated pools, and open riverbanks; rocky canyons in narrow canyons and in chaparral.”) “Potential to Occur: Not expected to occur. There are no water resources that provide suitable habitat within or directly adjacent to the project site.”) and the toad, *Anaxyrus californicus* (“Habitat: Semi-arid areas near washes, sandy riverbanks, riparian areas, palm oasis, Joshua tree, mixed chaparral and sagebrush; stream channels for breeding (typically third order); adjacent stream terraces and uplands for foraging and wintering.”) “Potential to Occur: Not expected to occur. There are no water resources that provide suitable habitat within or directly adjacent to the project site.”). This is all despite the fact that it’s very easy to hear frogs or toads making noises near the Meadows, specifically in Bailey Canyon, something that I know first-hand and recently.

It might be countered that, even though Mr. Cady’s notes are at times blatantly superficial, inaccurate, and sometimes contradictory, the biologist is the expert here with the speciality knowledge, so who are non-specialists to question his conclusions, right? But, again,

he only used two incomplete sources, which left out numerous special-status species (like the 6 from F&W's iPAC), and he didn't even assess Bailey Canyon in-person in the first place, only the Meadow. It's also not like he has much ethos here at this point anyway given his unexplainable exclusion of a whole 61 relevant species from his very own special-status sources listed above. His "speciality knowledge," then, isn't really a counter if what it might really be is just carelessness or, worse yet, deception. Hard to believe? Why is it that on page three, Mr. Cady writes that "...the project site consists of non-native grasslands, ornamental vegetation, and developed areas.... and [are] composed of almost entirely non-native grasses and herbaceous annuals," and that, on page two, "The project site does not support any native vegetation communities"? While it's true that many non-native species are present on the Meadow, there's no reason why Mr. Cady should've ignored the vast variety of native ones too, like California Cudweed (*Pseudognaphalium californicum*), Common Phacelia (*Phacelia distans*), Longstem Buckwheat (*Eriogonum elongatum*), Laurel Sumac (*Malosma laurina*), California Sagebrush (*Artemisia californica*), Douglas Nightshade (*solanum douglasii*), Dove Weed (*Croton setiger*), and Telegraph Weed (*heterotheca grandiflora*) — all of which can be easily identified among the grasses by novices. There are also many other native species that have common non-native varieties, including sunflowers, wood sorrels, clovers, lambs quarters, etc., but that, due to Mr. Cady's entirely superficial job of identification, are unlikely to have been distinguished from the latter. Who knows how many native communities have been wrongfully overlooked, then. His way of getting around that in the report is that "...the area appears to be regularly maintained (mowing), which limits the potential for many native plant and wildlife species" (pg. 2). But, again, this is entirely in contrast to University of North Carolina plant ecologist, Robert Peet's, findings mentioned in the first paragraph of this write-up that "mowing [grasslands, something pretty common at the Meadows, actually] levels the playing field for competition for light on top," at times leading to biodiversity greater than that of even rainforests. And, furthermore, as explained in the section below, the site had been heavily bulldozed at the time of the assessment, leaving one to wonder, "How is it that Mr. Cady can claim that the site *appears* to be regularly maintained (mowing) [emphasis added]?"

(4) POTENTIAL CORRUPTION

Shadow money is very common off the books — in fact, it's estimated to make up between 6.4% - 12% of the U.S.'s gross domestic product, which if scaled down, would mean up to about 1 every 8 dollars in Sierra Madre —, and the EIR drafting process of all processes is *acutely vulnerable* to corruption

(<https://www.investopedia.com/articles/markets/032916/how-big-underground-economy-america.asp>). Making such a claim though is bold and in need of supporting evidence providing *a reasonable belief that it's "more likely than not"*

(<https://www.lawinsider.com/dictionary/sufficient-evidence#:~:text=Based%20on%209%20documents,engaged%20in%20a%20Sanctionable%20Practice.>). Take the following facts together, some of which are recaps from above:

(a) On December 2019, just five months prior to the EIR assessment, the project area was heavily bulldozed and sprayed with chemicals by the Monastery, ostensibly to "kill tumbleweeds" ("site maintenance activities" on page 25 of Appendix D2) something that they don't usually do given that there aren't actually that many tumbleweeds — at least not enough to warrant stripping the whole place barren. This transformed the green meadow into a barren

wasteland. (See the before-and-after pictures below.) It's no surprise, then, that no special-status species were found to exist there a mere five months later! The "mowed" Meadow was still a bunch of dirt! (See Attachment A's Photo 1 below the before-and-after. Another picture can also be found in the later section of this report.) Because biological assessments are supposed to evaluate site(s) that are to be impacted, given the significant alteration of the Meadow five months before the biologist's assessment and the fact that the project's approval process is still underway almost a whole four years later, the biologist's report should be considered *expired*, as the two sites — the one assessed in 2020 and the one that will be built on, I assume, in 2025 — are *entirely different*. The conditions applied are entirely different, including those in the *very definition* of a Meadow.

Before and after 2.pdf ↪ Before and after.pdf ↪
20.pdf ↪

(b) Mr. Cady, again, experienced *Senior* biologist from Dudek, a 44 year old engineering company with 700 people of all places, was hired *by the developer themselves*, where a potential conflict of interest could occur. His so-called assessment occurred on one day only (May 29, 2020) -- time and duration both unknown (besides the 9:13, 9:42, 9:47, and 9:54 a.m. time stamps on the pictures from Attachment A above), providing an entirely inadequate scope of the site's species, which appear at different times of the day and at different seasons. Compare butterflies to bats, for example.

(c) His other sources, like iNaturalist and eBird, are compilations of sightings from people who, for the most part, lack detailed, taxonomic knowledge. Together, along with the Consortium of California Herbaria's maps, these databases revealed a mere total of *15 sightings on the Meadow*. Was that meant to do anything other than provide an illusion of sufficient sources used in the report? After all, only a couple of others were used.

(d) He used a Wetland Mapper that, according to the mapper's researchers themselves, has nothing to do with either non-wetland areas or with critical habitats in the first place to determine that the non-wetland site is not on any critical habitats. That's the work of someone taking bribes if you ask me, not an experienced, *Senior* biologist.

(e) One of the correct critical habitat resources that Mr. Cady could have referred to to determine critical habitats, the USFWS Threatened & Endangered Species Active Critical Habitat Report Map (<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>),

reveals that of *Astragalus brauntonii* just 2.5 miles east of the project site, one of the 65 species from his own sources that he just happened to mysteriously exclude from the report.

(f) I've seen City officials, the monastery, and the Developer all walk the project site together, discussing who know's what, but if they've all truly assessed the site's nooks and crannies as they claim, how is that neither the ephemeral ravine on the Meadow's south side and its drains; the many backyards with watered plants and pools (nine to be exact) surrounding the Meadows; the large reservoir directly adjacent to the project site to the east that's categorized by the National Wetlands Inventory as a "*Freshwater Pond Habitat, a Freshwater Forested/Shrub Wetland, and a Forested/Shrub Riparian*;" the four secret springs (including the *Freshwater Pond Habitat* and the *Freshwater Forested/Shrub Wetland* in the adjacent canyon) 275 ft north of the property site that drain openly into the wetland below (and potentially into underground cavities beneath the meadow further down); the spring,

stream, and pond below the pagoda to the north; the watered garden between the monastery and Meadows with a large fountain; nor the secret ravine on the project site to the

west half-surrounded by bamboo made the Final EIR? Nether did the the “Archaeological Resources Assessment” nor the 150-page long “Historical Resources Report” make any mention of them, along with the old ruins and structures that surround them. *How is one to explain that?*

(g) Mr. Cady’s notes are clearly inaccurate and sometimes contradictory, especially when paired side-by-side with Fish and Wildlife’s notes, and yet, the latter were ignored in favor of the former.

(h) Mr. Cady concluded of the 85 special-status species assessed in his report that “no federal or state listed plant or wildlife species are expected to occur in the project site, and no species with any federal or state special-status has a moderate or high potential to occur” (pg. 2). However, of all 119 special-status species that I’ve discussed above and that are known to occur in the local and *highly diverse* Mt. Wilson quad, Mr. Cady excluded at least 77 from

the EIR for assessment in the first place. That’s 65%, ***61 of which were from his very own two special-status sources, sources that were incomprehensive in the first place!*** Again, as stated on their websites, they’re “not an exhaustive and comprehensive inventory of all rare species,” and their “lack of species occurrences or records do not indicate or imply that the species does not occur there.”

(i) There was a second biologist from MIG who was hired by the City to represent them thereafter but who was to be paid for by the developer as well, but after their initial findings, the City did not ask them back; and, when City residents asked for the results, the City attorney kept them secret, even after a U.S. Information Act request was filed.

(j) During one of the City council meetings, the City allowed the Monastery and Developer to save seats for City-outsiders inside the Chambers. In fact, they put out the occupied-cards themselves, which forced residents to sit outside. The developer, New Urban West, also spent more than \$250,000 to suppress City residents with false propaganda (flyers, huge postcards in the mail, taking people out to dinner, etc.) to expedite and win a City election that they were paying for about changing the property's zoning. This was required for the project to move forward. It’s opponents lost by 22 votes.

(k) The 42-house project will require expanding one of the neighboring streets for sufficient egress. Despite the fact that this expansion will have significant environmental impacts, including killing 10-17 deodar pine trees with owls in them (an addition to the many trees that they're going to take out on the Meadow itself, 24 of which are protected), it was never included in the EIR for some reason. The City stuck it in at the last moment after public comments had closed.

(l) The California Department of Forestry and Fire Protection categorizes the project site “a very high fire hazard severity zone,” development within which is inconsistent with a core policy of the City’s General Plan (R3.2). Despite that fact that the policy is

fundamental to the very lives and properties of the City’s residents, it's being danced around with the made-up rules of a “Specific Plan”— or rather, should I say, a “Preference Plan.” In 2020, 31

people lost their lives to wildfires in California because of decisions like this, especially at similar sites located at the mouth of canyons that funnel high winds, specifically the Santa Anas here. Every time there’s a wildfire, they always say, “If the wind picks up, we’re screwed.” Add to that the facts that the mountain-side above the Meadow is especially prone with tinder that hasn't burned in over 50 or 60 years, that the Draft EIR stated that the project

would require a whole 50% increase in fire-personnel, and that wildfires will be increasing a whole 50% here over the next 76 years too due to climate change (*a major threat to the area's biodiversity in and of itself that wasn't taken into account in the EIR either*).

That knocks Sierra Madre's wildfires down from an average of about one every 12 years to about one every 6 years.

(m) What's in housing for the City? Why would they capitalize off of a sell like this in the first place? They'll be receiving one \$55k fee per house, a total of about \$2.3 million (along with about \$50,000 from the Developer for sidewalks, new water pipes, retrofitting a bank for a new police station, etc.). For some perspective, a quick look at the state's Controller's Office Cities Financial Data site reveals that, as of 2022, the City had \$26.7 million dollars in total, which means that *the City will be receiving almost a whole 10% of their current funds from the housing project alone. (Actually, the housing project was being pushed as far back as 2013, when the City's total funds were only \$15.23 million. This means that, if \$15.23 million is used instead, the City will be receiving a whole 15% of their current funds.)* Add to that the fact that, beginning in 2008, the City has had to spend a significant amount of their reserve money on lawsuits against a different developer in town guilty of a Ponzi scheme, and now, the City is afraid of entering yet another by turning the Meadows project down. Hard to consider? As previously mentioned, the City isn't immune to crime simply for being "officials;" bribery is very common, especially during the EIR process.

(n) What's in it for the monastery? Why would Mater Dolorosa capitalize off of a sell like this? The Chicago diocese purchased the land in the early 1920's for the Passionist Order of Monks, but now, the Catholic Church is broke, which is why they're selling the Meadows to both pay the Church and to raise money for their retirement that the Church can't provide for themselves. But, there are many other ways to sell a property like that, especially in a

City that doesn't need more housing in the first place and whose many residents strongly oppose the project. Why did they turn down the residents offers to buy the property for a vineyard, for example, and why did they turn down the City's approaches about donating the land for affordable houses? Their claims that this project specifically will provide the serenity that they seek while impacting neighbors the least are clearly not true. The reason is clearly

because there's more money in this *specific 42 \$2-3 million dollar house project* that they want, even if it means great expense of the environment and the surrounding community (as previously explained in subsection (k) about wildfires, for example). (Because many preconceive monastery priests as "good people" immune to financial temptations, I should also mention as a counter here that, since the Chicago diocese purchased the land in the

early 1920's, many children have been molested at Mater Dolorosa. Henry Xavier Vetter, John Baptist Ormechea, and Joseph Stadtfeld have all been accused. Lawsuits were settled in 2007, and as of 2017, Fr. Ormechea is now working in the Vatican in Rome.)

(o) Before the arrival of the Spanish, large portions of Los Angeles County, the northern part of Orange County, small sections of Riverside and San Bernardino counties as well as the four southern Channel Islands of Pimu (Santa Catalina) Santa Barbara, Kiinkepar (San Clemente), and Haraasgna (San Nicolas) were all occupied by the Tongva; Their villages and use-areas included short term camp sites; hunting, gathering, and fishing sites; sweat and ceremonial houses; quarries; tool production areas; sacred sites; burial sites/cemeteries; and Rites of passage areas. Multiple villages and use sites span the San Gabriel Mountains Foothills specifically, like '[Aluupkenga](#), which is within what are now the cities of Sierra Madre and Arcadia. Their resources were supplemented with those from other areas via trade routes, one of which was Little Santa Anita Canyon, which led all the way through to the

Antelope Valley. Pg 17

In 2021, Cogstone Resource Management conducted an in-depth sensitivity analysis of

all of these spots titled “Cultural Sensitivity of 118 Parcels Located in the San Gabriel Mountain Foothills, Los Angeles County, California”

(https://assets.nationbuilder.com/wca/pages/1387/attachments/original/1663023836/Appendix_6b_5157_FINAL_WCA_Foothill_Sensitivity_Report_with_full_map_and_addendum_reduced.pdf?1663023836) in which members of the Tongva community provided specific locations along the Foothills that they said be prioritized for conservation purposes. Parcels labelled as moderate or high sensitivity areas are those that have been classified for

archaeological survey for cultural resources — if one hasn’t already been conducted — given the stronger likelihood of *unrecorded* archaeological or cultural objects. The Meadows project site *specifically*, parcel #5761002008, is one such *priority parcel* of “*high cultural significance and sensitivity*.” There are four other high priority parcels adjacent to it in the north as well: Parcel #5760027028, where the spring is at the foot of the mountain West of

Bailey Canyon, and #5760027014, #5760027013, and #5761001001 directly above the spring along the hillside. (pg. 68) *None of these five parcels have been covered by previously recorded studies* (pg. 84), although an ACCIC records search dated June 9, 2020 does reveal a whole 56 previously recorded cultural resources located within one-mile radius of the Meadow site. (Appendix D2, pg. 9) Furthermore, Linda Kry’s intensive archaeological survey of the project site on October 30, 2020 for Dudek resulted in the identification of “widely dispersed historic and modern cultural material on the surface of the site within a disturbed context” (due to the “site maintenance activities,” i.e. bulldozing), along with the conclusion that the project site has “potential to support the presence of subsurface archaeological deposits,” specifically “historic-era deposits.” In fact, the potential is so great that she recommends in Appendix D2, the “Archaeological Resources Assessment,” the addition of an unanticipated discovery clause to all construction plans associated with ground disturbing activities, unanticipated-discovery briefings for all construction personnel and monitors who are not trained archaeologists, instruction for each worker on proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-

disturbing activities, and the retainment of an on-call, qualified archaeologist to respond to and to address any inadvertent discoveries identified during ground disturbing activities. (pg. 25-26)(<https://www.cityofsierramadre.com/common/pages/DownloadFileByUrl.aspx?key=GLEOM9YJs8EfyfCYCky70nPjboHRv2cd%2bpTSkiwtpR2eA2DCxak%2f6F91guxRplulxq8%2b0%2f1wfdkMvN6XzkNIPUt%2fmXDsluVi4%2b458C%2bwIXrv72eDWTWNJs9mRRD6PPvivy6zolujVwRTToohMSFanBSMG1ktM98Cd6L0pvoElqhDmC3plqMCvNvJTcxD5ZPk5ESOJKounozyr3qNpQoEekiM3bRrys%3d>)

Within this context, an acquaintance of mine has emailed the following emails to hundreds of Sierra Madre City officials (including the Planning Commission members; Councilmembers; City Manager; Police Department employees, etc.); the City’s law firm, Colantuono, Highsmith & Whatley; Mater Dolorosa employees; and New Urban West employees over the past couple of years. (Sometimes I was the intermediary.) No responses were received, no mention of it has made the project approval process, and no action has been taken, which is why I would like to include it in this section about potential crime despite its unusual nature:

“The Americas were populated about 14,000 years ago and contain countless Native American remains, most of whose locations are unknown. North America alone contains up to about 7.2 billion, up to 12.5 times the current, living-human population. In the U.S. specifically, there’s one every half a football-field-sized land, about the size of 200 parking

spaces. (The reality is probably [even moreso] given that this number was calculated as if the population of North America was and is equally dispersed throughout, when in reality, the population of the lower half of North America was and is significantly more dense.)

... because the galaxy is a vortex, a single movement, its dead -- present at the very least through their bones and any other dispersed parts -- remain continuous with the life of it and so, in this regard and to the same extent, are *alive*. This is a fact, and in this regard, destroying those buried in the meadows [~30 according to calculation] via an *unnecessary* housing project for whatever financial gains might be at stake here is *criminal*. If you fail to take action by ending the housing project, all legal avenues will be explored in due time, including if needed, questioning via an EyeDetect, a lie detector capable of producing evidence sufficient for court, and this notice may be tendered in court as evidence of your failure...

This movement is live, *the consequences real -- in all their diversity, both before and after death*. Choose wisely.”

In line with Cal. Code Regs. tit. 14 § 15282, 18 U.S.C. §1111, and California Penal Code [CPC] §187(a), the Meadows project must stop. And, in case it's countered that Ms. Kry's survey resulted only in the *potential* for remains, not actual remains, it should be noted that the email above specified *dispersed parts of remains* too, which the project site *does* contain and to which the logic applies just as much — regardless of the extent of their integrity.

Furthermore, given the extent of site-alteration prior to Ms. Kry's survey on October 30 of 2020, it can't be said in the first place that the site either contains or doesn't contain remains. This is especially true given that her picture on page 18 of Appendix D2 taken October 30 of 2020 depicts the site even more bulldozed a whole ten months after the initial site-alteration than it was in Mr. Cady's pictures taken on May 29, 2020, only five months after the initial alteration. Assuming that the seasons aren't *alone* creating this illusion and that Dudek isn't lying about the dates their pictures were taken, if Mater Dolorosa had altered the Meadow again after Mr. Cady had left, that shows intentional obstruction. After all, Ms. Kry did note on page 25 of her report that the site had been “subject to *consistent* ground disturbance [emphasis added].”

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(p) My acquaintance also informed those listed above that, “because the galaxy's a single movement not just spatially but also temporally (both now in 2022 and in 30 A.D.), what one of it, like a Passionist priest, does to it, they do to Jesus, and because there are alternatives to the housing project, *unnecessarily* murdering billions of lives on the Meadow questions the very foundation of the monastery itself, its qualification as being such.” Their only response was simply that the Passionists need to spread His word. ***This is a scientific fact about a very real process though***, even in ways beyond comprehension, and by making false claims and claims that are likely to create false impressions as to the services offered, Mater Dolorosa has been breaking the law and should be held accountable.

(5) CONCLUSION

The evidence provided herein asserts that new information of substantial importance which was not known and that could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete reveals that the project will have both one or more significant effects not discussed in the previous EIR as well as previously

examined significant effects substantially more severe than shown in the previous EIR.

Furthermore, the 16 facts in Section 4 *together* provide sufficient evidence to support a reasonable belief that criminal activity is *more likely than not*, which means that, *until proven otherwise* via an investigation by a neutral, third-party, it should be concluded that substantial changes have occurred with respect to the *circumstances under which the project is undertaken*.

Therefore, for these two reasons, the project is *not* exempt from additional environmental review under CEQA Guidelines Section 15182(c) and Government Code Section 65457, and an investigation should take place to set right the project's circumstances *before* it continues, if at all.

While it might be countered that *new information* could have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, the fact is that all of the pages in The Meadows Specific Plan Documents available online, including the more recent Tentative Tract Map Application Documents, add up to a total of 6,115 pages (https://www.cityofsierramadre.com/cityhall/city_manager_s_office/transparency/Meadows), and because the average reading speed is about 200-250 words per minutes (about one page per minute), reading all of the EIR documents would take about 102 hours in total. If the average resident were to read them for, let's say, an average of 2 hours per day (given work schedules, kids, meals, etc.), it would take them a whole 51 days back-to-back to read the documents. Add to that any non-EIR Meadows Project documents and research required for non-specialists to understand specialty knowledge, and it's clearly apparent that, given the mere 60-day-timeline that the public had available for comment on the Draft EIR, it cannot be claimed that everyday residents could have known new information *with the exercise of reasonable diligence* due to the simple fact that it existed in the Draft EIR in the first place.



DIRECTION
176 deg(T)

34.17241°N
118.06382°W

ACCURACY 10 m
DATUM WGS84



2020-05-29
09:42:27-07:00





