

## **Appendix 1-2**

---

Initial Study/Notice of Preparation Comments Matrix  
and Letters

**Table 1  
Summary of Comments Received on the IS/NOP**

<b>Commenter</b>	<b>Comment</b>	<b>Addressed in Draft EIR Section</b>
California Department of Fish and Wildlife (7/19/22)	Delineate and analyze direct and indirect construction and operation-related impacts to adjacent stream (Tujunga Wash) and associated vegetation that serves to protect integrity of the water resource.	4.1 Biological Resources
	Oak trees and southern coast live oak riparian forest within project site and surrounding area, and these tree species are considered a sensitive plant community that are protected by Oak Woodlands Conservation Act.	4.1 Biological Resources
	Direct and indirect construction-related impacts to protected migratory nesting birds in oak trees or other areas of suitable habitat.	4.1 Biological Resources
	Show proposed landscaping plan with native plant species and replacement tree species locations.	4.1 Biological Resources
	Analyze impact of tree pests and diseases from new landscaping plan and include infectious tree disease management plan or mitigation measures to avoid or reduce spread of tree insect pests and diseases.	4.1 Biological Resources
	Discuss project's use of herbicides, pesticides, and second-generation anticoagulant rodenticides, when and where these chemicals would be used and impact to wildlife. Recommended that the lead agency prohibit use of any second-generation anticoagulant rodenticides.	4.1 Biological Resources
	Conduct a biological baseline assessment for the EIR to assess project-specific and cumulative impacts to plants and animal species within and adjacent to the project site, emphasizing any special status species and habitats.	4.1 Biological Resources
	Impact disclosure, mitigation measures, data, and biological direct, indirect, and cumulative impacts	4.1 Biological Resources
	Listed recommendations for the Project Description and Alternatives sections	3.0 Project Description 4.1 Biological Resources 5.0 Alternatives
	California Endangered Species Act, compensatory mitigation, long-term management of mitigation lands	4.1 Biological Resources

**Table 1**  
**Summary of Comments Received on the IS/NOP**

<b>Commenter</b>	<b>Comment</b>	<b>Addressed in Draft EIR Section</b>
Los Angeles Conservancy (7/18/22)	Forester Haven is an eligible historic district for listing at the county, state, and national level as determined by the project’s historic report as the historic district tells an important history of supportive housing and healthcare in California.	4.2.1 Cultural Resources (Historic)
	EIR should evaluate a range of historic preservation-based alternatives that would reduce the potentially significant and unavoidable impacts to historic resources from the demolition of the Sequoia Lodge. Examples include adaptive reuse, partial preservation paired with new development, or different project site within Hope Gardens. New development should conform with Secretary of the Interior Standards.	5.0 Alternatives
	Conservancy requests meeting with the project team	<i>Project team has had discussions with commenter.</i>
Native American Heritage Commission (6/16/22)	Project may be subject to AB 52 and/or SB 18, which have tribal consultation requirements.	4.4 Tribal Cultural Resources
Yuhaaviatam of San Manuel Nation (7/18/22)	Project is outside their tribe’s ancestral territory.	4.4 Tribal Cultural Resources
Los Angeles County Department of Public Works (7/19/22)	Project site appears to be located on or within 1,000 feet of Lopez Canyon Sanitary Landfill.	6.0 Other CEQA Considerations
	Permits are required from Environmental Programs Division for construction, installation, modification, or removal of underground storage tanks and/or stormwater treatment facilities.	6.0 Other CEQA Considerations
	Construction, demolition, and grading are required to recycle or reuse a minimum of 65% of debris by weight per County Code. Recycling and Reuse Plan must be approval by Environmental Programs Division prior to construction, demolition, or grading permit issuance.	6.0 Other CEQA Considerations
Kagel Canyon Civic Association (8/5/22)	Planting 12 new oak trees for the removal of existing oak trees is not sufficient mitigation, and does not meet the standard of protecting California trees. Oak tree reports from 2019 and 2020 conflict with each other with the 2019 report referring to some of the oak trees as heritage trees. Appears to the commenter that the report was revised to benefit the applicant.	4.1 Biological Resources

**Table 1  
Summary of Comments Received on the IS/NOP**

Commenter	Comment	Addressed in Draft EIR Section
	Proposed building design will degrade visual character of the site and the proposed height will not be shielded by existing plants. Any new development should be the same scale/footprint as existing Sequoia Lodge and height limited to existing code requirements.	3.0 Project Description
	Project completely changes the intended use of the property and doubles the number of residents as well as seeks a building height variance for additional 12 feet.	3.0 Project Description 6.0 Other CEQA Considerations
	Proposed color palette does not blend with native foliage, and the described “lush landscaping” does not fit with rustic setting. How will proposed light and glare be determined compliant with Rural Outdoor Lighting District before building is completed?	3.0 Project Description 6.0 Other CEQA Considerations
	The proximity of Hope Gardens to the adjacent Angeles National Forest may impact the forest during high winds and fire.	6.0 Other CEQA Considerations 4.5 Wildfire
	Residents at Hope Gardens and in nearby Kagel, Pacoima, Lakeview Terrace, and Sylmar will be impacted by dust and vehicle emissions during construction, especially elderly residents at Hope Gardens.	6.0 Other CEQA Considerations
	Fines should be levied for each tree removed and replacement approval should be required before construction as well as a maintenance plan to protect and nourish new plantings. Who will oversee the preservation of new and existing oaks?	4.1 Biological Resources
	Construction noise can interfere with native wildlife.	4.1 Biological Resources
	Administrative component of the proposed building is inconsistent with original design of the property or rural atmosphere of the area, and will overwhelm the rest of Hope Gardens.	Cultural Resources (Historic)
	Negative search results of the Native American Heritage Commission’s Sacred Lands File do not mean Native Americans did not occupy the area where Hope Gardens is located. Excavation for the subterranean parking may result in discovery of archaeological deposits. How will construction account for inadvertent discovery?	4.2.2 Cultural Resources (Archaeological) 4.4 Tribal Cultural Resources
	Construction-related energy consumption is not defined in the county’s initial study.	6.0 Other CEQA Considerations

**Table 1  
Summary of Comments Received on the IS/NOP**

Commenter	Comment	Addressed in Draft EIR Section
	New development should be fortified to support building stabilization and protection from earthquakes and daily ground movement.	4.3 Geology and Soils
	Significant GHG emissions will result from construction vehicles as well as construction workers' personal vehicles. Onsite transportation for the additional residents will also contribute to significant GHG emissions.	6.0 Other CEQA Considerations
	Whiteman Airport, Burbank Airport, and helicopters using Lopez Environmental Center bring noise to the area.	6.0 Other CEQA Considerations
	Asbestos and lead paint removal can be hazardous to workers and residents.	6.0 Other CEQA Considerations
	Emergency response plan must include additional traffic as a result of the project and heavy traffic on Lopez Canyon Road coming from Kagel Canyon during fire evacuation. Lopez Canyon Road is one of two roads to Kagel Canyon. Stating there are emergency plans does not guarantee effectiveness. Increased onsite population also increases traffic congestion during emergencies. What emergency transportation would be provided to avoid blocking Lopez Canyon Road when Kagel Canyon is trying to evacuate, especially their horses and other farm animals?	4.5 Wildfire 6.0 Other CEQA Considerations
	New development on areas not previously developed may have unknown runoff implications during construction in the rainy season. Surface runoff from any hazardous waste encountered during demolition could affect water quality.	6.0 Other CEQA Considerations
	Construction-related noise will impact residents and surrounding communities. Increased onsite population will increase noise during operation.	6.0 Other CEQA Considerations
	Existing residents of Sequoia Lodge will need to be re-housed.	6.0 Other CEQA Considerations
	Fire Department Station #47 may not be available to serve Hope Gardens during a major fire. There are fires at the landfill mulching facility.	6.0 Other CEQA Considerations
	San Fernando Sheriff's Station does not oversee the Hope Gardens area, and the station in La Crescenta is much farther away and unavailable.	6.0 Other CEQA Considerations
	Parks and trails that residents might use should be identified.	6.0 Other CEQA Considerations

**Table 1  
Summary of Comments Received on the IS/NOP**

Commenter	Comment	Addressed in Draft EIR Section
	Kagel Canyon residents using Lopez Canyon Road say recent near accidents have occurred from drivers emerging from Hope Gardens and ignoring traffic.	6.0 Other CEQA Considerations
	Construction-related impacts to Lopez Canyon Road must be addressed.	6.0 Other CEQA Considerations
	If vehicle traffic is not going to be increased by the project, why an increase in parking spaces?	6.0 Other CEQA Considerations
	Inadvertent discovery of artifacts should be communicated to the Tatavian [sic] tribe during construction. How will construction workers be educated on how to identify artifacts and cease construction if a discovery is made?	4.4 Tribal Cultural Resources
	How much new waster consumption and wastewater generation is anticipated for construction and operation?	6.0 Other CEQA Considerations
	Current drought and daily small fires indicate a change in fire prevention needs and update in evacuation preparation. Illegal dumping of trash on Lopez Canyon Road increases fire risk. Emergency evacuation plans must be practiced regularly. The EIR also needs to address “proper vegetation” and the “modification plan.” The project could result in “loss, injury or death involving wildland fires.”	4.5 Wildfire
	Could the proposed new development be located somewhere else on the campus with complementary historical architectural design and avoid demolishing a historic resource?	5.0 Alternatives
Donna Lauber (6/28/22)	Four story building is not acceptable for the area and would allow for other tall buildings that would encroach on semi-rural area. Would it be an eyesore for hikers or riding up on Indian Canyon or in Santa Monica conservancy property?	3.0 Project Description 6.0 Other CEQA Considerations
	Will the project cause traffic and parking problems?	6.0 Other CEQA Considerations
	Will the project remove the 11 oaks area adjacent to the project? Will the project impact white tail deer?	4.1 Biological Resources
	What about fire evacuation and would the project create an even more dangerous situation for the Kagel Canyon community as there are only two ways out during wildfires?	4.5 Wildfire

**Table 1**  
**Summary of Comments Received on the IS/NOP**

<b>Commenter</b>	<b>Comment</b>	<b>Addressed in Draft EIR Section</b>
Gloria Sharpsteen (7/27/22)	Residents of upper and lower Kagel Canyon use Lopez Canyon Road as main travel route and traffic is increased where from funerals and visits to the Glen Haven and Shalom cemeteries. Speed racing is also a problem on Lopez Canyon Road. Driving hazards also exist from oak trees and telephone poles along the roadway around curves, and from cars and trucks pulling out of Hope Gardens because of the driveway designs there. Roadways cannot be widened because of topography. Understand that no traffic study has been done to address increased traffic impacts on the area.	6.0 Other CEQA Considerations
	Increased residents and workers at Hope Gardens could potentially create traffic gridlock that complicates emergency evacuation for the community during a wildfire on the 2-lane roadway.	4.5 Wildfire
	Hope Gardens is not on a fault but nearby faults can cause earthquakes that can impact Lopez Canyon Road and Kagel Canyon Road.	4.5 Geology and Soils
Kurt and Teresa Krueger (8/1/22)	Old growth oak trees are valuable for the environment with water retention, erosion control, animal habitat, etc. Removal of 5 oak trees and encroaching 8 other oak trees may affect the microbiome, drainage, environment, etc. Will new building height affect tree growth?	4.1 Biological Resources
	The 51-foot-tall building will be 11 feet higher than the nearest oak tree.	3.0 Project Description 6.0 Other CEQA Considerations
	New building will cover one acre, so how will the project affect the microbe, drainage, environment, etc. The onsite population of Hope Gardens will be the same as the entire population of Kagel Canyon, and on how many acres?	3.0 Project Description
Kurt and Teresa Krueger (8/2/22)	What will be the impact of the new building size on old growth trees and ecosystem? Old growth trees at Hope Gardens need to be saved for their benefit to the environment, society, and ecology.	4.1 Biological Resources

**Table 1  
Summary of Comments Received on the IS/NOP**

<b>Commenter</b>	<b>Comment</b>	<b>Addressed in Draft EIR Section</b>
Marlene Rader (8/5/22)	Proposed 51-foot building height is inconsistent with character of the surrounding community and existing structures, and will tower over the forest creating visual blight that does not belong in rural area. Can the proposed building be scaled down in its height/massing/scale for portions aboveground, and be designed to resemble the other structures at the site with the same height as other buildings? A visual simulation of the proposed building would be helpful to understand if vegetation will screen views.	3.0 Project Description 6.0 Other CEQA Considerations
	Replacement of the historic Sequoia Lodge with contemporary architecture cannot be mitigated.	4.2.1 Cultural Resources (Historic)
	Discrepancy between the 2019 and 2020 oak tree reports, which is accurate? Removal of 5 oak trees is a significant impact that cannot be mitigated and none should be removed. Encroachment of 11 oak trees will negatively affect their survivability. Root systems will be disturbed by constructing subterranean parking level.	4.1 Biological Resources
	New FEMA flood plain map must be completed since the last one was done in 1980 and the proposed building covers an acre. The new building will generate runoff and limit ability for water to be absorbed which is an impact.	6.0 Other CEQA Considerations
	The initial study does not appear to address asbestos as a hazardous material, which is likely present in the Sequoia Lodge and would need to be removed.	6.0 Other CEQA Considerations
	Traffic impact report needs to be completed. The increase in onsite population, visitors to Hope Gardens, staff, and deliveries from trucks negatively impact the narrow road. The claim that residents do not have their own cars is inconsistent with what the applicant stated at a community meeting with Kagel Canyon.	6.0 Other CEQA Considerations

**Table 1  
Summary of Comments Received on the IS/NOP**

Commenter	Comment	Addressed in Draft EIR Section
	<p>Fire evacuation plan needs to be implemented and practiced quarterly because of the high fire area. Enough vehicles should be onsite at all times for the new onsite population and workers before project implementation. The county had to send buses to Hope Gardens for the Creek Fire in 2017 to evacuate residents there, and Hope Gardens was not able to safely evacuate the campus on their own.</p> <p>In the event of a fire, if the southern end of Kagel Canyon Road is closed, the Kagel Canyon community will only have Lopez Canyon Road for emergency evacuation, which would be deadly with the increased traffic and evacuation of a larger onsite Hope Gardens population. The larger population puts Hope Gardens and Kagel Canyon at grave safety risk because of wildfire.</p>	4.5 Wildfire
	<p>Is Hope Gardens in compliance with the conditions of the CUP? Is compliance inspected annually? Will there be new conditions for the project with annual inspections? If CUPs have expiration dates, 15 years with no modification should be imposed on a new CUP for Hope Gardens. Current CUP appears to have no provision for elderly women and the new CUP does not mention elderly women at the site, will they be displaced?</p>	Non-CEQA

**Table 2  
Summary of Comments from Scoping Meeting**

Environmental Topic	Comment	Addressed in Draft EIR
Project Description	<ul style="list-style-type: none"> <li>• Why all the open, huge walkways with very little variety of vegetation?</li> <li>• At 51 feet tall, the building would be taller than the tallest oak tree (described to be 40 feet tall), and will be visible from the 210 Freeway. How is this not affecting aesthetics of the area?</li> <li>• Ugly building design and incompatible with current building and the environment; should be more like a park ranger station to avoid contrasting with nature</li> </ul>	3.0 Project Description

**Table 2  
Summary of Comments from Scoping Meeting**

Environmental Topic	Comment	Addressed in Draft EIR
	<ul style="list-style-type: none"> <li>• What about the rehabilitation of the formerly homeless women and children from the stresses of homelessness and these times, and behavioral/character development programs?</li> <li>• Aesthetically the new building should be in keeping with the surrounding buildings, which are rustic</li> <li>• Building needs to be redesigned and smaller in keeping with the character of the community</li> <li>• Design doesn't match with the Forester Haven Historic District and has been redesigned off buildings in Pacoima/Sylmar area, which don't match Lopez Canyon's oak-covered terrain</li> <li>• Will the parking lot be asphalt? What is the parking lot material?</li> <li>• What about increased security onsite?</li> </ul> <p>What is the current onsite population (formerly homeless women, children, and staff) and what will the total onsite population be after the project?</p>	
Air Quality	<ul style="list-style-type: none"> <li>• Please consider air quality during construction</li> </ul> <p>Pollution</p>	6.0 Other CEQA Considerations
Biological Resources	<ul style="list-style-type: none"> <li>• Destruction of old growth trees has horrendous effects</li> <li>• Excavation for subterranean parking will harm roots</li> <li>• Deer come to drink at the creek. How close is the project to the creek?</li> </ul> <p>Wildlife corridors</p>	4.1 Biological Resources
Cultural Resources	Design doesn't match with the Forester Haven Historic District and has been redesigned off buildings in Pacoima/Sylmar area, which don't match Lopez Canyon's oak-covered terrain	4.2.1 Cultural Resources (Historic)
Geology and Soils	What is planned to rejuvenate the soils and plant life at the property?	3.0 Project Description 4.1 Biological Resources 6.0 Other CEQA Considerations
Hazards and Hazardous Materials	How about the use of Round Up-kind of products poisoning the people and planet?	6.0 Other CEQA Considerations
Hydrology and Water Quality	<ul style="list-style-type: none"> <li>• What's going to prevent all the runoff of valuable water rather than promoting "soil sponge" effect of regenerative plantings as guided by the local tribal or regenerative agriculture throughout the area?</li> </ul>	6.0 Other CEQA Considerations

**Table 2  
Summary of Comments from Scoping Meeting**

Environmental Topic	Comment	Addressed in Draft EIR
	<ul style="list-style-type: none"> <li>• Project site is in 100-year flood hazard zone (A-E Zone); what has been done to address this issue?</li> <li>• When was the FEMA map last updated?</li> </ul> <p>Won't this facility lower water tables for our wells?</p>	
Noise	Please consider noise during construction	6.0 Other CEQA Considerations
Transportation	<ul style="list-style-type: none"> <li>• What are the proposed traffic control mitigations to address increased density of population? Will a traffic signal be installed at the main entrance?</li> <li>• Traffic is already a problem and cars frequently pull out into the road without looking, creating dangerous situations with oncoming traffic</li> <li>• No traffic study has been prepared for the project</li> </ul> <p>Transportation will be highly affected due to Lopez Canyon Road being a major egress for people in Kagel Canyon</p>	6.0 Other CEQA Considerations
Tribal Cultural Resources	Working with representative of the local Tongve Tribe, like Joe Calderon, who works at the old Rockadyne facility in the Rocky Peak area?	4.4 Tribal Cultural Resources
Utilities and Service Systems	<ul style="list-style-type: none"> <li>• How does project impact the onsite sewage treatment facility? Is the treatment facility sized to meet the projected wastewater generation that would result from the project?</li> <li>• How will the septic system be able to accommodate the increased population?</li> </ul> <p>What is the water source?</p>	6.0 Other CEQA Considerations
Wildfire	<ul style="list-style-type: none"> <li>• Impacts on vehicular egress during emergency evacuations from a fire</li> <li>• Egress dangers during a fire is significant; how will it be address?</li> <li>• Only two ways out of mid to upper Kagel Canyon during wildfires. Main road was like fire tunnel heading downhill on main road. 97 parking spaces? 500 more people to evacuate? Makes no sense to burden and block an agricultural ranch district with horse trailers and livestock who need to stay out of the way of fire trucks and emergency vehicles.</li> </ul> <p>The soil sponge effect of regenerative agriculture is a very effective prevention of fires spreading rapidly</p>	4.5 Wildfire

**Table 2**  
**Summary of Comments from Scoping Meeting**

<b>Environmental Topic</b>	<b>Comment</b>	<b>Addressed in Draft EIR</b>
Other CEQA Considerations	How will this affect 7 generations down? It's our heritage we're leaving behind.	6.0 Other CEQA Considerations
Alternatives to the Proposed Project	With the drainage of the aquifer and lack of rejuvenating it because of the drought, what is/are your alternative(s)?	5.0 Alternatives



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



**SENT BY EMAIL ONLY**

July 19, 2022

Michele Bush  
Los Angeles County Department of Regional Planning  
320 W Temple Street  
Los Angeles, CA 90012  
[MBush@planning.lacounty.gov](mailto:MBush@planning.lacounty.gov)

**Subject: Notice of Preparation of a Draft Environmental Impact Report for the Hope Gardens Project, SCH #2022060277, Los Angeles County**

Dear Ms. Bush:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the Los Angeles County Department of Regional Planning (LADRP) for Hope Gardens (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW's Role**

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

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

*Conserving California's Wildlife Since 1870*

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 2 of 11

Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

### **Project Description and Summary**

**Objective:** The Project proposes the replacement of an existing housing building known as the Sequoia Building with a new housing building within the Hope Gardens Family Center. Development of the new building will be located near the northeast corner of the Hope Gardens property, where the existing building currently exists. The new building will consist of three stories with subterranean parking that will provide space for 117 housing units and supportive services. The housing capacity will be increased to support 525 formerly homeless women and children. Each housing unit will average 371 square feet and accommodate up to four people. Supportive services that will be located on site for residents include counseling offices, administration offices, security office, medical examination rooms, dental examination rooms, day care center, computer lab, multi-purpose room, kitchen, and a communal dining room. The subterranean parking area will provide 22 parking spaces, bicycle spaces, and ADA parking. Overall, the proposed new building and related infrastructure will occupy approximately one acre. Additionally, the Project requests to increase the building height limit up to 51 feet to accommodate housing and supportive services. Construction activities will involve approximately 3,200 cubic yards of cut and 3,200 cubic yards of fill. The Project also proposes the removal of five oak trees located northwest of the proposed building and encroachment upon the protected zone of eleven oak trees.

**Location:** The Project site is located at 12249 Lopez Canyon Road, near Sylmar in the unincorporated County of Los Angeles. The Project site is approximately 77 acres and is set within the Indian Canyon. The site is bounded by Interstate 210 to the south, undeveloped land to the west, and the Angeles National Forest to the north and east.

### **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the LADRP in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The EIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

### **Specific Comments**

- 1) Stream Impacts. According to U.S. Fish and Wildlife Service's (USFWS) [National Wetland Inventory](#), Tujunga Wash flows directly adjacent to the existing building within the Project site (USFWS 2022). Construction and demolition activities may impact the watercourse and potentially result in loss of riverine habitat.
  - a) Analysis and Disclosure. CDFW recommends LADRP identify and delineate all streams within the Project area and provide a discussion of the Project's potential impacts on streams. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss whether impacts on streams within the Project area would impact those streams immediately

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 3 of 11

outside of the Project area where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed.

- b) Avoidance. CDFW recommends the Project avoid impacting streams and associated vegetation. Herbaceous vegetation, woody vegetation, and woodlands adjacent to streams serve to protect the integrity of these resources and help maintain natural sedimentation processes. Where development may occur near a stream but may avoid impacts, the EIR should disclose the minimum standards of the chosen setback and provide a justification as to why the chosen setback distance of the proposed development(s) would be effective to avoid impacts on streams and associated vegetation.
- c) If avoidance is not feasible, the EIR should include the following:
- A stream delineation and analysis of impacts. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification; and
  - A requirement for a Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* if applicable. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW. CDFW's issuance of a LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022c).

As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project area. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

- 2) Oak Trees (*Quercus* genus) and Oak Woodlands (*Quercus* genus Woodland Alliance). According to the [California Natural Diversity Database](#), there is a southern coast live oak

Michele Bush  
 Los Angeles Department of Regional Planning  
 July 19, 2022  
 Page 4 of 11

riparian forest within the Project site and surrounding area (CDFW 2022a). Specifically, the NOP states that there are 40 canyon live oak (*Quercus chrysolepis*) and 17 coast live oak (*Quercus agrifolia*) for a total of 57 protected oak trees. The Project proposes the removal of five oak trees which includes two heritage oaks and encroachment onto the protected zone of 11 oak trees which includes three heritage oaks. CDFW considers oak woodlands to be a sensitive plant community since certain associations of this species have a rarity ranking of S3. Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers. Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources.

- a) Avoidance. CDFW recommends the EIR discuss the Project's potential impacts on oak trees and oak woodlands. CDFW recommends the LADRP propose an alternative that would avoid and minimize development and encroachment onto oak trees and woodlands.
  - b) Compensatory Mitigation. If avoidance is not feasible, CDFW recommends the EIR provide sufficient compensatory mitigation for the number of oak trees and acres of oak woodland habitat impacted. The number of replacement trees and oak woodland habitat acres should be higher if the Project would impact mature oak trees; impact an oak woodland supporting rare, sensitive, or special status plants and wildlife; or impact an oak woodland with a State Rarity Ranking of S1, S2, or S3. Furthermore, the EIR should provide a justification for why the compensatory mitigation proposed would minimize the Project's impacts to a level less than significant.
- 3) Nesting Birds. Nest cavities of mature oak trees provide breeding habitat for nesting birds. The Project may impact nesting birds through removal of oak trees from the Project site. Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in permanent loss of nesting habitat, incidental loss of fertile eggs or nestlings, or nest abandonment.
- a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
  - b) Avoidance. CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. CDFW recommends the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
  - c) Surveys. If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the Project mitigates for impacts. CDFW recommends surveys by a qualified biologist

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 5 of 11

with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the Project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 4) Landscaping. The Project proposes enhanced landscaping throughout the Project site. CDFW recommends the EIR provide the Project's landscaping plant palette and replacement tree species list. CDFW recommends the LADRP use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The LADRP should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the LADRP restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.
- 5) Pest Management. The Project proposes enhanced landscaping and replacement of oak trees. This Project activity may have the potential to spread tree pests and diseases through the Project area and into adjacent natural habitat not currently exposed to these stressors. This could result in expediting the loss of native trees. As such, CDFW recommends the EIR include an infectious tree disease management plan or provide mitigation measures, developed in consultation with an arborist, and describe how the plan or mitigation measures will avoid or reduce the spread of tree insect pests and diseases.
- 6) Use of Rodenticides. If the Project results in enhanced landscaping, vegetation may need to be managed via chemical methods. Herbicides, pesticides, and rodenticides may impact wildlife. Second generation anticoagulant rodenticides are known to have harmful effects on the ecosystem and wildlife. [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides because second generation anticoagulant rodenticides have a higher toxicity and are more dangerous to nontarget wildlife (California Legislative Information 2020). CDFW recommends the EIR include a discussion as to the Project's use of herbicides, pesticides, and second-generation anticoagulant rodenticides to maintain the Project's grounds in perpetuity. The EIR should discuss when and where these chemicals would be used and what impacts those chemicals may have on habitat and wildlife. CDFW recommends the LADRP prohibit the use of any second-generation anticoagulant rodenticides during Project implementation.

### **General Comments**

- 7) Biological Baseline Assessment. The EIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 6 of 11

habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2022b);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where Project activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a Project site should also be

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 7 of 11

addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2022d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 8) **Disclosure.** A EIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
  - 9) **Mitigation Measures.** Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
    - a) **Level of Detail.** Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends that the LADRP provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
    - b) **Disclosure of Impacts.** If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about a project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 8 of 11

- 10) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2022e). The LADRP should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 11) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;
  - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
  - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and
  - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the LADRP determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The LADRP's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 9 of 11

12) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR:

- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas; access routes to the construction and staging areas; fuel modification footprint; and grading footprint;
- b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and
- c) A range of feasible alternatives to the Project location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the LADRP consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the LADRP consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The EIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the LADRP consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.
- 13) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 10 of 11

designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

- 14) Compensatory Mitigation. The EIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 15) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## **Conclusion**

We appreciate the opportunity to comment on the NOP for the Hope Gardens Project to assist the LADRP in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Michele Bush  
Los Angeles Department of Regional Planning  
July 19, 2022  
Page 11 of 11

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
Victoria Tang, Los Alamitos – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)  
Ruby Kwan-Davis, Los Alamitos – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Felicia Silva, Los Alamitos – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Frederic Rieman, Los Alamitos – [Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)  
Office of Planning and Research  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

#### References:

- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [CDFWa] California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFWb] California Department of Fish and Wildlife. 2022. Natural Communities. Accessed at:  
<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
- [CDFWc] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
- [CDFWd] California Department of Fish and Wildlife. 2022. Survey and Monitoring Protocols and Guidelines. Available from: <https://wildlife.ca.gov/conservation/survey-protocols>
- [CDFWe] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- California Legislative Information. 2020. AB-1788 Pesticides: use of second-generation anticoagulant rodenticides. Available from:  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1788](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1788)
- [CAL-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available from:  
<https://www.cal-ipc.org/plants/inventory/>
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service. FWS/OBS-79/31. Washington, DC.
- Griffin and Muick. 1990. California Native Oaks: Past and Present. Fremontia 18(3): 4-12.
- Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2009. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.
- [USWFS] United State Fish and Wildlife Service. 2022. National Wetlands Inventory. Wetlands Mapper.



523 West Sixth Street, Suite 826  
Los Angeles, CA 90014

213 623 2489 OFFICE  
213 623 3909 FAX  
[laconservancy.org](http://laconservancy.org)

July 18, 2022

Sent Electronically

Michele Bush  
LA County Planning  
Foothills Development Services Section  
320 West Temple Street, Room 1348  
Los Angeles, CA 90012  
Email: [mbush@planning.lacounty.gov](mailto:mbush@planning.lacounty.gov)

**RE: Notice of Preparation (NOP) for a Draft Environmental Impact Report on the Hope Gardens Project**

Dear Ms. Bush:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) on the Hope Gardens Project (Project). The Union Rescue Mission (URM) is requesting a Conditional Use Permit (CUP) for the demolition and replacement of the existing Sequoia Building within the Hope Gardens Family Center. The Project would replace the existing building with a new three-story 106,410 square foot building to be used for 117 housing units and supportive services. The Sequoia Building has been identified as a contributor to the local, state, and nationally eligible Forester Haven Historic District. In 2007, a CUP authorized the conversion of an existing convalescent hospital and senior citizen residential units into transitional housing for up to 225 formerly homeless women in children; in 2019 a CUP modification increased the capacity to 300. The current Project proposes to increase the housing capacity to a total of 525 formerly homeless women and children.

The Conservancy is concerned by the Project's significant impacts to historic resources, namely the Sequoia Building and potential impacts to the historic district's integrity as a whole. The Conservancy encourages the applicant to pursue project alternatives that meet project goals while reducing impacts to a less than significant level. We understand and greatly appreciate the need for increased supportive housing, and believe a win-win outcome is possible whereby historic preservation and sensitive infill development may co-exist as part of the Project's scope.



## **I. Forester Haven is eligible for listing at the County of Los Angeles, California Register, and National Register levels**

Around 1911, the Independent Order of Foresters (IOF) purchased 40-acres in Lopez Canyon to develop its second tuberculosis sanatorium for its West Coast members. Over the next two decades the sanatorium expanded capacity and needs for its IOF members to include a cancer wing and senior housing. Beginning in the 1950s, tuberculosis treatment shifted from sanatoriums to at-home treatments, leaving many of the sanatorium buildings without use. Around this time, the IOF demolished many of the original buildings to prioritize senior care.

In 1962, the IOF constructed a new building for the Aged Members Home as the first building of what became Forester Haven, designed by architect and IOF member Robert F. Moyer. In 1970, Moyer won first prize at the California Council of the Society ARA for his buildings at Forester Haven. From 1962-1975 the IOF constructed eight buildings with the Sequoia Lodge being the last.

Forester Haven Historic District is eligible for designation at the local, state, and national levels as evaluated by historic preservation consultants at South Environmental. The district has a period of significance from 1962-1975, and is made up of twelve buildings. Eight buildings were constructed during this period and are contributors to the historic district, while four buildings were constructed outside the period of significance and were deemed non-contributors. Forester Haven tells an important history of supportive housing and healthcare in California.

## **II. The Draft EIR should fully analyze and incorporate existing historic resources**

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."<sup>1</sup> To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."<sup>2</sup> The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.<sup>3</sup> Reasonable alternatives must be considered "even if they substantially impede the project or are more costly."<sup>4</sup> Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.<sup>5</sup>

---

<sup>1</sup>Public Resource Code, Sec. 21001 (b), (c).

<sup>2</sup> *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

<sup>3</sup> Guideline § 15126.6(a).

<sup>4</sup> *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

<sup>5</sup> Public Resources Code § 21081.5.



As noted in the Initial Study, the Project would have potentially significant and unavoidable impacts to historic resources and could substantially deteriorate the Forester Haven historic District's integrity. For this reason, the Draft EIR should evaluate a range of historic preservation-based alternatives that would reduce impacts to less than significant. These may include adaptive reuse, partial preservation paired with new development, or a different project site within Hope Gardens. Additionally, new development must be designed in such a way that it conforms to the Secretary of the Interior Standards.

### **III. The Conservancy requests a meeting with the Project team.**

The Conservancy requests a meeting with the Project team to discuss the proposed plan further. We would appreciate the opportunity to engage so as to better understand the needs and goals, and assess how preservation might be an asset for a possible win-win outcome.

### **IV. Conclusion**

The Conservancy understands and values the critical role of Union Rescue Mission and the supportive housing it provides. We believe strongly that historic preservation and new development can work in tandem to create a win-win outcome that meets the Project's goals and objectives. As discussed previously, Forester Haven Historic District has been deemed eligible for designation at the local, state, and national levels. The property tells an often-overlooked and underappreciated history of healthcare in the United States. We welcome the opportunity to meet with the Project Team and to provide any assistance related to historic preservation.

### **About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions or concerns.

Sincerely,



Adrian Scott Fine  
Senior Director of Advocacy

cc: Anish Saraiya, 5th District Planning and Public Works Deputy

Dean Edwards, LA County Regional Planning Department Historic Preservation Program Coordinator



# NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning & Research

June 16, 2022

Jun 17 2022

Michele Bush  
Los Angeles County Department of Regional Planning  
320 W Temple Street  
Los Angeles, Ca 90012

STATE CLEARINGHOUSE

**Re: 2022060277, Hope Gardens Project, Los Angeles County**

Dear Ms. Bush:

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

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

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

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

[AB 52](#)



CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

EXECUTIVE SECRETARY  
**Raymond C. Hitchcock**  
Miwok/Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SB 18

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

Some of SB 18's provisions include:

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

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

### NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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

If you have any questions or need additional information, please contact me at my email address:

[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** [Ryan Nordness](#)  
**To:** [Michele Bush](#)  
**Subject:** AB52 notice for Hope Gardens 2020-000397-(5), CUP No. RPL2020000694  
**Date:** Monday, July 18, 2022 1:49:13 PM

---

**CAUTION: External Email. Proceed Responsibly.**

Dear Michele,

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians) regarding the above-referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by the Cultural Resources Management Department on June 21<sup>st</sup> 2022. The proposed project is located outside of Serrano ancestral territory and, as such, YSMN will not be requesting to receive consulting party status with the lead agency or to participate in the scoping, development, or review of documents created pursuant to legal and regulatory mandates.

Kind regards,  
Ryan Nordness  
Cultural Resource Analyst  
Yuhaaviatam of San Manuel Nation

**Ryan Nordness**

Cultural Resource Analyst  
Ryan.Nordness@sanmanuel-nsn.gov  
O:(909) 864-8933 Ext 50-2022  
M:(909) 838-4053  
26569 Community Center Dr Highland, California 92346



**From:** [Daniel Keyribaryan](#)  
**To:** [Michele Bush](#)  
**Cc:** [Ed Gerlits](#)  
**Subject:** FW: IS/NOP for DEIR of Union Rescue Mission CUP  
**Date:** Tuesday, July 19, 2022 1:23:24 PM  
**Attachments:** [nop\\_eir\\_urm.pdf](#)

---

FYI

---

**From:** Toan Duong <TDUONG@dpw.lacounty.gov>  
**Sent:** Tuesday, July 19, 2022 11:22 AM  
**To:** Daniel Keyribaryan <DKeyribaryan@dpw.lacounty.gov>; Ed Gerlits <EGERLITS@dpw.lacounty.gov>  
**Subject:** FW: IS/NOP for DEIR of Union Rescue Mission CUP

Please keep a copy (RPPL2020003232) and forward to Michelle Bush as FYI. We did not circulate for review since a DEIR will be prepared.

---

**From:** Jennifer Rodriguez <[JeRodriguez@dpw.lacounty.gov](mailto:JeRodriguez@dpw.lacounty.gov)>  
**Sent:** Tuesday, July 19, 2022 10:50 AM  
**To:** Toan Duong <[TDUONG@dpw.lacounty.gov](mailto:TDUONG@dpw.lacounty.gov)>  
**Cc:** Nilda Gemeniano <[NGEMENIA@dpw.lacounty.gov](mailto:NGEMENIA@dpw.lacounty.gov)>  
**Subject:** IS/NOP for DEIR of Union Rescue Mission CUP

Hi Toan,

EPD has reviewed the IS/NOP of the subject project and provides the following comments. This project is located in the Kagel/Lopez Canyons area.

### **Building and Safety**

- The Los Angeles County Building Code, Section 110.3, requires that a building or structure located on or within 1,000 feet (304.8 m) of a landfill containing decomposable material must be protected against landfill gas intrusion. The project site appears to be located on or within 1,000 feet of the Lopez Canyon Sanitary Landfill landfill. This issue should be addressed and mitigation measures provided. The discussion should include subsurface lateral migration of landfill gas, migration detection, and control and protection systems for affected enclosed buildings and structures. Contact Environmental Programs Division at (626) 458-2193 for issuance of necessary permits.

### **Underground Storage Tanks / Industrial Waste / Stormwater**

- Should any operation within the subject project include the construction, installation, modification or removal of underground storage tanks (Los Angeles County Code [LACC] Title 11, Division 4)], industrial waste treatment or disposal

facilities, and/or storm water treatment facilities, Environmental Programs Division must be contacted for required approvals and operating permits. Specific industry types will also be subject to registration and inspections related to implementation of best management practices to prevent stormwater related pollution (LACC Title 12, Chapter 12.80). Visit [pw.lacounty.gov/epd/Stormwater/inspection.cfm](http://pw.lacounty.gov/epd/Stormwater/inspection.cfm) online or contact Environmental Program Division at (626) 458-3517 for more permit information.

### **Construction and Demolition Recycling**

- Construction, demolition and grading projects in the unincorporated County areas are required to recycle or reuse a minimum of 65 percent of the construction and demolition debris generated by weight per the Green Building Standards Code of the Los Angeles County Code. A Recycling and Reuse Plan must be submitted to and approved by Environmental Programs Division before a construction, demolition, or grading permit may be issued. Visit [pw.lacounty.gov/epd/CD/resources.cfm](http://pw.lacounty.gov/epd/CD/resources.cfm) online or call (626) 458-3517 for the list of approved construction and demolition debris recycling facilities.

If you have any questions, please contact Nilda Gemeniano at (626) 418-1550.

Best,

Jennifer Rodriguez

Senior Civil Engineering Assistant

Los Angeles County Public Works

(626) 300-2624



August 5, 2022

Michele Bush  
Principal Regional Planner, Foothills Development Services  
Los Angeles County Department of Regional Planning  
320 West Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
[Planning.lacounty.gov](http://Planning.lacounty.gov)  
T: (213) 974-6411  
V: (213) 893-7008  
E: [mbush@planning.lacounty.gov](mailto:mbush@planning.lacounty.gov)

Re: "New Sequoia Building at Hope Gardens" / Project No. 2020-000397-(5), Conditional Use

Dear Ms. Bush,

The Kagel Canyon Civic Association's (KCCA) position on the proposed new building at Hope Gardens requires that a Full Environmental Impact Report (EIR) is required and that many of the issues cannot just be simply mitigated. We disagree with the Draft Initial Study lead agency conclusion that proposed mitigation might be able to assuage a Full EIR prior to new construction at the facility on Lopez Canyon Road.

Our major reasons for our position are based on 1) there being no traffic study analysis being planned, 2) no updated flood mapping survey being performed since 1980s, 3) severe affects to the current Oak Tree bio-habitation along with conflicting Oak Tree Surveys from 2019 and 2020, 4) the proposed building doesn't conform to the natural surrounding, 5) the demolition of a state/county historical site simply can not be mitigated and 6) evidence of fire evacuation plans have been non-existent during the 2008 Merck and 2017 Creek fires leaving Hope Gardens residents stranded in place and the Kagel Canyon residents placed at greater risk due to lack of services.

The KCCA strongly disagrees with the assessment that the construction of this new building will be mitigated with the planting of 12 new Oak Trees. The current Oaks will be greatly impacted in an adverse way by being eliminated or having their root structures encroached upon. The mitigation factors proposed don't meet the standard of protecting the treasured California trees.

The project will replace a one-story building with an out-of-character new four-story building, with improved parking areas and driveways, as well as the installation of new landscaping. However, the proposed project design will degrade the existing visual character of the site. The new 51-foot high building will not be hidden by surrounding plants. It will stick out like a sore thumb



The KCCA is also greatly concerned that the findings of the ‘study’ referenced are based off of a June 2020 Oak Tree Report, while the online posted study for reference is dated October 2019. The two studies vary widely specifically around those 5 Oaks. The earlier study references them as even more protected than the June 2020 study.

This is very alarming since the later study referenced throughout the Draft Initial Study is much more conducive to the applicant's desire to construct this building. The earlier dated study would make that quest much more problematic for the applicant. Why was this study amended? How did five (5) Heritage Oaks become one (1)?

The KCCA disagrees strongly with the lead agency argument on many of its determinations that “since the facility has been in operation since 1960”, that makes it reasonable or less significant to have increases in the population and size of its structures. We are talking about nearly doubling the number of residents and asking for an exemption of 12 additional feet above the County building limit. This facility was originally for seniors and that population has been and is currently being phased out during subsequent expansion updates. They are completely changing the intended use of this property.

Since the building cannot be mitigated, we conclude that any new building should include the same scale/footprint of the existing building and that the height be restricted to current county limitations on height requirements for new construction.

Other items of environmental concern we believe need to be considered through a full EIR and in response to the Draft Initial Study Lead Agency responses are:

#### **Aesthetics**

- There are many shades of green. The color for the Sequoia building should blend with native foliage as opposed to the color planned.
- “lush landscaping” in d) does not fit with native plants in a rustic setting.
- How will light and glare be determined sufficiently to be compliant with ROLD until after the building is complete?

#### **Agriculture/forest**

- The facility is not in forest land, but unoccupied land that literally butts up to the Angeles National Forest and is close enough to impact the area in high winds and fire.

#### **Air Quality**

- Residents of the facility, Kagel, Pacoima, Lakeview Terrace and Sylmar will be affected by dust and vehicle emissions during construction. Elderly occupants at the facility, in particular, may have difficulty breathing. Even though residents will not be operating vehicles exhaust can affect them.



### **Biological Resources**

- There needs to be correct identification of each oak tree to be cut down or affected. The person identifying these trees must coordinate with the County Forester and fire warden.
- Fines must be paid for the value of each tree and replacement for each tree must be approved before construction begins. A maintenance plan for protection and nourishment of new plantings will need oversight. Who will be overseeing, with follow-up, the preservation of new and remaining oaks?
- Construction noise and work can interfere with native wildlife in the area. Cultural Resources
- Replacement of a lodge with an office building is not in keeping with the intended design of the property originally. The replaced building will not be in keeping with a rural atmosphere. The new building will overwhelm the rest of the facility and become an eyesore that cannot be mitigated.
- The fact that Native sacred files are not available does not mean preclude Native occupation.
- Creating a level below ground for subterranean parking could result in buried archaeological deposits. How will construction account for this?

### **Energy**

- The length of construction time will determine the energy consumption. This has not been defined.

### **Geology and Soils**

- The Sierra Madre Fault in the San Gabriel Mountains was responsible for the 6.7 San Fernando/Sylmar Earthquake in 1971, within 1500 feet south of the URM. The '71 earthquake resulted in collapsed freeways, bridges, and hospitals in the northeast San Fernando Valley, including a loss of over forty homes in Kagel Canyon, which is parallel to Lopez Canyon.
- There is ground movement daily in the area. New construction must include fortification to support building stabilization and protection for residents.

### **Greenhouse Gas Emissions**

- There will be significant traffic from construction vehicles as well as vehicles used by workers and onsite transportation for additional occupants.

### **Hazards and Hazardous Materials**

- Both Whiteman Airport and helicopters using the neighboring Lopez Environmental Center as well as the Burbank Airport bring noise to the area.
- Asbestos and lead paint removal could affect workers and residents.
- An emergency response plan must include additional traffic as a result of added occupancy and account for heavy traffic on Lopez Canyon Road coming from Kagel Canyon during fire evacuation. Lopez is the main thoroughfare for many residents of upper Kagel Canyon.



- Lopez Canyon Road is one of the two roads for egress in Kagel Canyon.
- Stating that there are emergency plans does not guarantee effectiveness during a real emergency, especially in a high fire density zone next to a national forest.

### **Hydrology/Water Quality**

- Although building will occur “on the preciously developed building pad,” construction of a one acre building will affect areas not previously used. This could result in unknown ramifications, especially if construction occurs during a rainy season.
- Surface runoff from possible hazardous waste found during demolition could affect water quality.

### **Land Use and Planning**

- Although the replaced building is still located in the established facility, architecturally it will not be a unified part of the site due to its size and appearance.

### **Mineral Resources**

- Noise in addition to air quality from construction will impact residents.
- Direction of sound may affect surrounding communities.

### **Population and Housing**

- Population increases result in increases in personnel to service residents, which, in turn, affects traffic congestion during emergencies, noise, and need for supervision.
- Current residents of the building to be demolished will need housing.

### **Public Services**

- Fire Department Station #74 may not be available to service Hope Gardens during a major fire when substitute departments unfamiliar with the area are deployed. Residents and firemen had to shelter in place during a flare up from the Merrick Fire. There are also fires at the landfill mulching facility.
- The San Fernando Sheriff’s Station does not oversee the area of Hope Gardens. The County station in La Crescenta is much further away and often unavailable.

### **Recreation**

- Name parks and trails that might be used by residents.

### **Transportation**

- Residents of Kagel Canyon who use Lopez Canyon Road for regular commuting report recent near accidents from unsupervised drivers emerging from Hope Gardens and ignoring traffic.
- The amount of use and blockage of Lopez Canyon Road during construction must be addressed.



- If vehicle traffic will not be increased, then why increase the number of parking spaces?
- Increase of population will increase evacuation needs during an emergency regardless of the facility's history. What emergency transportation be provided to avoid blockage of a 2 lane road, especially when horses and other farm animals are being transported from Kagel Canyon?

### **Tribal Cultural Resources**

- Information regarding possible native artifacts should be communicated to the Tatavian tribe during construction rather than upon its completion. How are construction workers educated to identify such artifacts and stop construction?

### **Utilities and Service Systems**

- How much new water use and waste is anticipated during and after construction?

### **Wildfire**

- As part of a high wildfire hazard severity zone, there is potentially significant impact on the facility as a whole with evacuation of a larger populace as a result of the new construction.
- Current drought conditions and daily small fires in the general area indicate a change in fire prevention needs and evacuation preparation from the past.
- Since most major fires have come from the east and north, Fire Station #74 is not likely to be available.
- Dumping of trash on Lopez Canyon Road provides additional fire source possibilities.
- Evacuation plans and added transportation for residents and service workers must be in place and practiced regularly.
- Wind driven fires, especially during Santa Ana winds, present pollutants and heavy smoke which slows evacuation.
- The EIR needs to address specific "proper vegetation" and the "modification plan."
- Evacuation of women and children from 117 units in the new structure during a wildfire could result in "loss, injury or death involving wildland fires." The location of the building in an already developed property is not related to a new concentration of people.

### **Mandatory Findings of Significance**

- Demolishing a building with "architectural merit" and replacing it with an enlarged building with little character is significant. Could it not have been possible to increase housing and resources for homeless women and children through use of other areas of the property with buildings in keeping with the architecture intended by the Order of Foresters?

In summation, the KCCA believes that the Initial Draft Study leaves many questions unanswered. The Lead Agency bases its conclusions on the fact that there has been an "operating facility at the location since the 1960s." That facility was designed to home an aging retirement population capped at 250 residents. The buildings were designed and integrated into the local rural setting with that intention in



mind. The new planned building is something that one would see in a more urban environment (such as downtown Los Angeles) which is designed to handle such a structure and its increased population needs. We therefore reject the planned construction and population increase as they do not fit into the rural local setting for which they are planned. The project (proposed building and increased population) request must be scaled back. We believe strongly that a Full EIR should be undertaken before moving forward.

Sincerely,

A handwritten signature in black ink that reads "William R. Slocum". The signature is written in a cursive, flowing style.

William R. Slocum  
President, Kagel Canyon Civic Association

**From:** [Donna Lauber](#)  
**To:** [Michele Bush](#)  
**Subject:** Hope Gardens expansion plans  
**Date:** Tuesday, June 28, 2022 12:00:39 AM

---

**CAUTION: External Email. Proceed Responsibly.**

FOUR story sounds not acceptable for the area. It would appear to be what?  
Like the size of Olive View Hospital?  
Or Providence Holy Cross hospital?

Traffic, parking, more people?  
More tall buildings may follow if this is allowed. We don't want apartments or any further encroachment upon our semi rural area.

Would it be an eyesore if your hiking or riding up on Indian Canyon or in the Santa Monica conservancy property?

Does it take out the eleven Oaks area adjacent to current property?

What about fire evacuation? Could it create an even more dangerous situation for our community? There are only two ways out during wildfires.

Concerned this opens the door for more development that will turn Lopez Canyon into far less of a natural area. It seems incompatible and inappropriate to have such a tall building eating up more acreage interfacing with the Santa Monica conservancy open space natural area.  
What about our White tail deer?

These are my thoughts and questions.

I do not see this as being compatible with the canyon natural areas.

Sincerely

Donna Lauber  
12721 Kagel Canyon Rd, Sylmar, CA 91342

**From:** [Gloria Sharpsteen](#)  
**To:** [Michele Bush](#)  
**Cc:** [kagelcanyonevents@gmail.com](mailto:kagelcanyonevents@gmail.com); [Marlene 2](#)  
**Subject:** Hope Gardens Project No. 2020-000397-(5) Conditional Use Permit  
**Date:** Wednesday, July 27, 2022 1:14:20 PM

---

**CAUTION: External Email. Proceed Responsibly.**

Dear Michele,

I am a resident of Kagel Canyon, I live above the Glen Haven and Shalom Cemeteries, which is considered upper Kagel Canyon. I attended the two presentations given by Andy Bales and his team at Dexter Park in 2019.

I believe enlarging and upgrading Hope Gardens to serve homeless elderly women, and women with children is necessary in our current homelessness crisis. But, I am concerned that if it is allowed to grow too large it will be impacting the area in a negative way.

I have a few concerns that the current Environmental Impact Report does not completely address. Living in Upper Kagel Canyon, our two travel routes are Lopez Canyon Road and Kagel Canyon Road. Both are narrow, two-lane roads. Many residents from both upper and lower Kagel Canyon use Lopez Canyon Road as their main traveling route. When there are funerals and visitations at the cemeteries, there is increased traffic. There is also consistent speed racing which occurs through the area.

Both roads have insecure hillsides which are not reinforced with retaining walls. On Lopez Canyon Road, near Hope Gardens, there are oak trees and telephone poles where the road curves around, decreasing visibility. At times cars and trucks exiting out of Hope Gardens, have created driving hazards due to the design of the driveways used.

Due to the topography of the area, it is not possible to widen the roads.

We live in a high fire area, where it is necessary to have speedy egress. From the Creek Fire and other devastating fires in California, we know that the ability to travel safely and quickly is necessary. If there is a significant increase of residents and workers at Hope Gardens, this has the potential to create traffic gridlock, especially when exiting into the surrounding neighborhoods during an emergency. It is not a matter of getting two buses into Hope Gardens, it will be of leaving, as either exit routes are only two lanes, serving many businesses and the residents. As to earthquakes, even though Hope Gardens does not exist on a potential fault, there are faults nearby, which can impact both Kagel Canyon and Lopez Canyon Roads.

I understand that a traffic study has not been done to address how increased traffic will impact the area. Thank you.

Sincerely,

Gloria Sharpsteen  
Kagel Canyon Board Member

**From:** [K.A. Krueger](#)  
**To:** [Michele Bush](#)  
**Cc:** [KCCA](#)  
**Subject:** Comments on the Draft EIR for the Hope Gardens  
**Date:** Monday, August 1, 2022 9:39:52 PM  
**Importance:** High

---

**CAUTION: External Email. Proceed Responsibly.**

Michele

OLD growth OAKS values for the environment is tremendous. Investigate this for water retention, erosion control, animal habitat, etc.

- 51 foot building that will be 11 feet higher than the nearest Oak Tree, Does it affect its growth, or... ???

- 5 Oaks would be removed with 8 others encroached on, how will this affect the microbiome, drainage, environment, etc.???

~ most of the Oaks are "old Growth", what is the value of an old growth Oak, as an elephant is worth over \$1 million dollars! A Whale too... do YOUR DUE DILIGENCE for a thriving life.

- The new building will cover one acre, how will this affect the microbe, drainage, environment, etc.???. Where is the environmental Impact Study?

- 97 new parking spots adding additional traffic to Lopez and possibly Kagel, fire evacuation delays...

- Hope Gardens will have the population of the entire Kagel Canyon side of the hill. On how many acres???

Please complete a FULL ENVIRONMENTAL IMPACT STUDY.

Thank you.

Sincerely,

Kurt and Teresa Krueger

**From:** [Kurt Krueger](#)  
**To:** [Michele Bush](#)  
**Cc:** [KCCA](#)  
**Subject:** More information on the VALUES Old Growth trees have...  
**Date:** Tuesday, August 2, 2022 9:37:05 PM

---

**CAUTION: External Email. Proceed Responsibly.**

Michele,

We need a FULL Environmental IMPACT report on the size of the building and affect on the old growth trees and ecosystem.

There are other studies about the financial and other values of old growth trees. SAVE the ones there at the facility and make the accommodations similar to the A Heritage Oak was deemed worthy saving for the following reasons:

- The tree is part of their history they want to pass on to the next generation. The people of Humbermede believe that the tree is a living representation of their cultural and social values. So, they want their children to experience its wonders and care for it as much as they did.
- It offers sustainable benefits to the local environment. In 2020, it was calculated by the Association for Canadian Education Resources that this old red Oak stores two and a half tons of carbon dioxide per year. Just imagine how much of an impact that has in improving the city's air quality by mitigating pollution!
- The tree serves a reminder to take care of our urban forest. With a trunk circumference of over 5 metres and branches spanning at phenomenal 24 metres, the ... old red Oak is now at full maturity. It serves as a living reminder that trees can thrive for a long time and offer significant benefits, so long as people strive to nurture and support their growth.
- According to a study from The University of Hamburg, trees store more carbon as they get older. The research also reported that 70% of all the carbon stored in trees is accumulated in the last half of their lives.

It just proves that mature trees are more capable of making cities greener, healthier and more sustainable. If we allow them to flourish over time, our urban communities will be able to gain more ecological, social and economic benefits that even future generations will be able to enjoy.

Lets keep the old trees and ambiance for the women and children at the facility with its incredible value to the environment and quality of life available NOW.

I noted the unique value of certain animals for the environment:

The services of forest elephants **are worth \$1.75m** for each animal, the International Monetary Fund's Ralph Chamihas estimated; more than the \$40,000 a poacher might get for shooting the mammal for ivory. Whales **are worth** slightly more at over \$2m, he also estimates, due to their "startling" carbon capture potential, and therefore deserve

better protection. From the Guardian article by **Patrick Greenfield**  
Thu 28 Jan 2021 <https://www.theguardian.com/environment/2021/jan/28/how-much-is-an-elephant-worth-meet-the-ecologists-doing-the-sums-aoe>

Thanks you for your consideration. We expect our 'representatives' to represent the needs of the entire community. We look forward to hearing your responses to our previous email and discussion from our call with the KCCA Board.

Sincerely,

Kurt and Teresa Krueger  
1-818-399-0771

**From:** [Marlene Rader](#)  
**To:** [Michele Bush](#)  
**Subject:** New Sequoia Building DEIR Comments  
**Date:** Friday, August 5, 2022 1:37:31 PM

---

**CAUTION: External Email. Proceed Responsibly.**

August 5, 2022

Michele Bush  
Principal Regional Planner, Foothills Development Services  
Los Angeles County Department of Regional Planning

Re: New Sequoia Building at Hope Gardens/Union Rescue Mission (URM)  
Project No.2020-00397-(5),

In reviewing the Draft Environmental Impact Report for this project I would like my commit and questions to be entered into the record.

Aesthetics; A proposed 51 foot height building is being proposed this is not in keeping with the scope of the other existing Structures and the character of the surrounding community. This new building will tower over the heavy forest and wooded/rustic area. I believe this will be a visual blight, It resembles something that should be placed in a city, Not in a rural area. I believe this is a Potentially significant impact! Plus accordions to DRP the Sequoia House is under the CRHA, the county distinctive character-defining, Contemporary style of architecture, there is no way to mitigate this once removed.

Because this proposed structure will change the surroundings, can they scale down the height/massing/scale of the above ground? Can DRP request the new project resembling the other building on site?

Perhaps it can be the same height, in order of keeping it with the consistent scale of the existing buildings. The applicant states that the new building will be "masked by existing mature tress and vegetation". Can DRP require the preparation and submit a photo-simulation which superimpose the building on the existing photograph of the site so the commissioners have a better visual?

Oak tress; A oak tree report has been submitted however there is discrepancies in the report submitted by South Environmental, state the amount of Heritage Oaks tress being removed or impacted, which report is accurate?

The project site is planning to remove this 5 oak trees, I believe is a potentially significant loss there is no way to mitigate hundreds of year old oaks. I am strongly opposed to the removal of these trees. As to the encroachment

Of 11 oak trees this will have a negative affect on the survival of those oaks. By placing a underground parking structure this will disturb the root system, and possibly kill the trees. I have live in the area for almost 50 year and know how sensitive the oaks are, there is not way to replace the trees, the are good for environment, these trees need to be protect and not encroached on. This will negatively impact the area.

Flooding: as I stated in the scoping meeting a new FEMA flood plan mapping must be completed, the last one was 1980 and is out date considering the proposed building is over one hundred six thousand square feet and covering

1 acre or 43,560 square feet . That a tremendous amount of roof run off and the inability for the water intake. Another negative impact.

Hazardous Materials: I did not see asbestos being addressed as a hazardous materials, the Sequoia House was build

In 1960 that leads me to believing it need to be removed.

Fire/Public service evacuation plans; this is zoned a high fire area, I believe a fire evacuation plan need to be implemented and practice drills should be done quarterly. I also believe there must be enough vehicles must be on site at all time to evaluate all the residents and staff before expansion.

As we have learned shortly after they moved in, 2008 the Merrick fire they need to shelter in place, which took fire resources room the community of Kagel Canyon. My husband stayed behind to keep the fire from our home. Not fire assistance ever came to our home. In the Creek Fire of 2017 we recently learned the county had to send busses to the Hope Garden site to evacuate the residents, and someone from the facility stole a van to get out then left the van behind. No fault of hers but simply they have-not be able to safely remove they residents. The fire department stated at the commission's hearing that fire wasn't an issue, that was clearly understate, clearly substandard.

This is a potentially significant impact

Traffic impacts; I strongly urge that a traffic impact report be completed, Hope Gardens has increased they population already once in 2019 with no community input, now they are to almost double in size, and between residents, staff, visitors and delivery truck this will have a negative impact due to the narrow road of one lane each direction and ingress and egress. Lopez canyon is a horse shoe street in the event of a fire or any emergency need to evacuate and if the southern end of Lopez canyon or Kagel Canyon is close we all have one way out. This will become deadly. This project increases will be nearly the size of the entire Kagel Canyon Community, and even though they are claiming residents do not have cars, that in con-traer to what was state by the applicant at our community meeting.

Again, I believe a traffic study must be completed.

DRP usually imposes ac condition on the CUP's, requiring an annual "conmplilane inspection" by DRP staff. Was this imposed on the original CUP, and if so what do the inspections say about the URM's compliance with all conditions?

Will DRP set new conditions with annual inspections?

Isn't it the case that DRP imposes an expiration date on most CUPs it grant? How long will this be? I would like to suggest 15 year with no modification.

In conclusion I would like to state that thus-far they have been good neighbors, and I do not dispute the need for transitional living. However, this facility, known as Forester Haven, was build as a retirement home for senior, when the URM moved to first group of people onto the facility they were senior women, then moms with children, with a max capacity of 250 people, in 2019 a modification to increase the amount of people, and again!

As I have reviewed some of the CUP there is no provision for elderly women which were housed in the Sequoia House, in this new CUP I see no mention of the elderly being house at this location in the new CUP, I believe this is a social injustice to our aging population, and displacing them for a proposed horrendous building.

I believe this project needs to be scaled down by both Height size and population. The applicant states "to maximize the available development area to provide the necessary accommodation and services for the growing homeless problems in the County" that puts both the Hope Gardens and Kagel Canyon community at a grave safety risk.

Living in this area and knowing the issues of high fire, flooding and the current traffic issues at Hope Gardens a full EIR must be completed, Not by passing like the application of 2008.

Sincerely

Marlene Rader

[generalmar@icloud.com](mailto:generalmar@icloud.com)