



Prepared For:

City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754

Environmental Impact Report for the 1688 W. Garvey Residential Project



Westlake Village Office
920 Hampshire Road, Suite A5
Westlake Village, CA 91361



Los Angeles Office
706 S. Hill Street, 11th Floor
Los Angeles, CA 90014

June 2021

Final
Environmental Impact Report
for the
1688 W. Garvey Residential Project

PREPARED FOR:

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1.0 INTRODUCTION

1.1 PURPOSE

The City of Monterey Park (City), as the lead agency for the environmental review of the proposed 1688 West Garvey Avenue Residential Project (the Project), has prepared this Final Environmental Impact Report (Final EIR or EIR), containing environmental analysis for public review and for City decision-makers to use in their consideration of approvals for discretionary actions needed on the Project. This EIR evaluates the environmental impacts of the development of a 6.22-acre site located at 1688 West Garvey Avenue (Project site).

As the Lead Agency, the City prepared this Final EIR pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Section 21000, et seq.) and in accordance with the Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines; California Code of Regulations, Title 14, Section 15000, et seq.). and the City prepared a Draft EIR and circulated it for review in March 2021.

This Final EIR has been prepared pursuant to Section 15089 of the CEQA Guidelines and incorporates the March 2021 Draft EIR by reference; comments on the Draft EIR received during the 46-day public comment period; written responses to these comments; and a Mitigation Monitoring Program.

1.2 ORGANIZATION OF THE FINAL EIR

As required by the CEQA Guidelines Section 15132, this Final EIR includes the following components:

- The Draft EIR or a revision of the draft (incorporated by reference);
- A list of persons, organizations, and public agencies commenting on the Draft EIR (see **Section 2.0: Comment Letters and Responses to Comments**);
- Comments and recommendations received on the Draft EIR (see **Section 2.0**);
- Responses to significant environmental points raised in the review and consultation process, including any revisions to the Draft EIR (see **Section 2.0**).

In addition, this Final EIR contains a Mitigation Monitoring and Reporting Program (see **Section 3.0: Mitigation Monitoring Program**)

1.3 ENVIRONMENTAL REVIEW PROCESS

After completing preliminary review of the Project in accordance with Section 15060 of the CEQA Guidelines, including the preparation of an Initial Study, the City determined that an environmental impact report (EIR) should be prepared to evaluate the potential environmental effects of the Project. On July 22, 2020, the City circulated a Notice of Preparation (NOP) with the Initial Study for

review and comment by the public, responsible agencies, and reviewing agencies. The 30-day review period for the NOP ended on August 22, 2020.

CEQA requires that the Lead Agency provide the public and agencies the opportunity to review and comment on a Draft EIR. The City released the Draft EIR for a 46-day period for review and comment that began on March 11, 2021 and ended on April 26, 2021. Noticing and CEQA compliance were provided in accordance with the CEQA and the CEQA Guidelines.

The Draft EIR was distributed to public agencies and other parties, including all interested parties that requested notice and copies of the Draft EIR. In addition, the Draft EIR was available on the City's website at: <https://www.montereypark.ca.gov/>.

2.0 RESPONSES TO COMMENTS ON DRAFT EIR

This section includes comments received on the Draft Environmental Impact Report prepared for the 1688 West Garvey Avenue Residential Project (Project). The Draft EIR was circulated for a 45-day public review period that began on March 9, 2021 and ended on April 26, 2021. The City of Monterey Park (City) received 13 comment letters and emails on the Draft EIR. The commenters and the page number on which each commenter’s letter or email appears are listed below.

Letter/Email No. and Commenter		Page No.
Agencies (A)		
A-1	Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), California Department of Fish and Wildlife (March 12-23, 2021)	2.0-2
A-2	Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife (April 15, 2021)	2.0-7
A-3	Miya Edmonson, IGR/CEQA Branch Chief, Department of Transportation, District 7 (April 19, 2021)	2.0-26
Individuals (I)		
I-1	Irene S. Hsu (July 24, 2020)	2.0-30
I-2	Naka Tjendera (March 30, 2021)	2.0-35
I-3	Sue Arkosy (April 4, 2021)	2.0-37
I-4	Francisco Medina (April 7, 2021)	2.0-39
I-5	Wallace Wilson (April 7, 2021)	2.0-41
I-6	Deborah Iwamoto (April 22, 2021)	2.0-43
I-7a	David R. Almada (April 25, 2021)	2.0-45
I-7b	Gregory Moss (April 25, 2021)	2.0-46
I-7c	Cindy Yee (April 25, 2021)	2.0-46-47
I-7d	David R. Almada (April 24, 2021)	2.0-47-49
I-8	James Bradshaw (April 25, 2021)	2.0-55
I-9	Bill Chu (April 26, 2021)	2.0-61
I-10	Walt Nakano (April 26, 2021)	2.0-65

The comment letters, emails, and responses follow. The comment letters and emails have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter or email, and then the number assigned to each issue (Response A-1.1, for example, indicates that the response is for the first issue raised in Comment Letter A-1).

Letter A-1

From: Jon Turner, PE
Sent: Tuesday, March 23, 2021 11:00 AM
To: Kwan-Davis, Ruby@Wildlife
Cc: Tang, Victoria@Wildlife; tlocacciato@meridianconsultantsllc.com; Jerry Hittleman; Karl H. Berger (kberger@hensleylawgroup.com); cboattini@kcmgroup.net
Subject: [EXT] RE: 1688 West Garvey Avenue Residential Project

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Ruby,

According to the applicant, the area designated as Open Space that is above the retaining wall near the driveway the existing vegetation will remain.

Thanks.

Jon Turner, PE
Principal Civil Engineer
Phoenix Civil Engineering, Inc.
535 E. Main Street
Santa Paula, CA 93060

Office: (805) 658-6800
Mobile: (805) 850-8562

From: Kwan-Davis, Ruby@Wildlife <Ruby.Kwan-Davis@Wildlife.ca.gov>
Sent: Monday, March 22, 2021 9:54 AM
To: Jon Turner, PE <jturner@phoenixcivil.com>
Cc: Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>; tlocacciato@meridianconsultantsllc.com
Subject: RE: 1688 West Garvey Avenue Residential Project

Hi Jon,

Thank you for the information. I also really appreciate your cooperation (also the applicant's) with CDFW during the CEQA comment period. My goal is just to better understand the Project's details so I may consider what (if any) comments to provide in order to assist the Project with mitigating impacts on plants and wildlife.

Just to double check, will the Project involve any work in the vegetated area between Sombrero Drive and the Project site shown in yellow (See 'Project Area' attachment)? How far uphill into the vegetated area is the Project's property line?

In attachment 'Figure 4.0-3', I noticed that the site plan includes 'Lot B HOA Open Space.' Is this still the plan and if so, will the planned open space subsume any portion of the vegetated area? Will the open space stay 'as-is' or be revegetated/landscaped?

Please don't hesitate to call me at the number below if you prefer to have a phone conversation.

Best,
Ruby

Senior Environmental Scientist (Specialist) | California Department of Fish and Wildlife
South Coast | Region 5 | Habitat Conservation Planning Program
4665 Lampson Ave, Suite C | Los Alamitos, CA 90720
Ruby.Kwan-Davis@wildlife.ca.gov
Cell: (562) 4619-2230



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A-1.1

From: Jon Turner, PE <jturner@pbenixcivil.com>
Sent: Monday, March 22, 2021 7:20 AM
To: Kwan-Davis, Ruby@Wildlife <Ruby.Kwan-Davis@Wildlife.ca.gov>
Cc: Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>;
tlocacciato@meridianconsultantsllc.com
Subject: RE: 1688 West Garvey Avenue Residential Project

WARNING: This email originated from outside of CDFW and should be treated with extra caution.

Ruby,

There was confusion between the applicant and the applicant’s representative. According to the applicant’s representative, there are no trees being removed as part of this project. The applicant maintains the vegetation on the property and has since their ownership. The applicant sent a representative out to the parcel to look for the response to your question and there were no trees. Any trees would have been removed in previous years as part of routine maintenance.

Jon Turner, PE
Principal Civil Engineer
Phoenix Civil Engineering, Inc.
535 E. Main Street
Santa Paula, CA 93060

Office: (805) 658-6800
Mobile: (805) 850-8562

From: Kwan-Davis, Ruby@Wildlife <Ruby.Kwan-Davis@Wildlife.ca.gov>
Sent: Wednesday, March 17, 2021 12:06 PM
To: Jon Turner, PE <jturner@pbenixcivil.com>
Cc: Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>;
tlocacciato@meridianconsultantsllc.com
Subject: RE: 1688 West Garvey Avenue Residential Project

Thank you Jon. Can you please tell me what species of trees?

Best,
Ruby

Senior Environmental Scientist (Specialist) | California Department of Fish and Wildlife
South Coast | Region 5 | Habitat Conservation Planning Program
4665 Lampson Ave, Suite C | Los Alamitos, CA 90720
Ruby.Kwan-Davis@wildlife.ca.gov
Cell: (562)-619-2230



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A-1.1
cont.

From: Jon Turner, PE <jturner@phoenixcivil.com>
Sent: Wednesday, March 17, 2021 10:54 AM
To: Kwan-Davis, Ruby@Wildlife <Ruby.Kwan-Davis@Wildlife.ca.gov>
Cc: Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>;
tlocacciato@meridianconsultantsllc.com
Subject: RE: 1688 West Garvey Avenue Residential Project

WARNING: This email originated from outside of CDFW and should be treated with extra caution.

Hello Ruby,

Yes, there will be 6 trees removed as part of the project.

Jon Turner, PE
Principal Civil Engineer
Phoenix Civil Engineering, Inc.
535 E. Main Street
Santa Paula, CA 93060

Office: (805) 658-6800
Mobile: (805) 850-8562

From: Kwan-Davis, Ruby@Wildlife <Ruby.Kwan-Davis@Wildlife.ca.gov>
Sent: Wednesday, March 17, 2021 8:46 AM
To: Jon Turner, PE <jturner@phoenixcivil.com>
Cc: Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>;
tlocacciato@meridianconsultantsllc.com
Subject: RE: 1688 West Garvey Avenue Residential Project

Good morning Mr. Turner,

I wanted to follow up on my inquiry below (dated Friday 3/12) and see if you could provide a response.

Thank you.

Best,
Ruby

Senior Environmental Scientist (Specialist) | California Department of Fish and Wildlife
South Coast | Region 5 | Habitat Conservation Planning Program
4665 Lampson Ave, Suite C | Los Alamitos, CA 90720
Ruby.Kwan-Davis@wildlife.ca.gov
Cell: (562) 619-2230



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A-1.1
cont.

From: Kwan-Davis, Ruby@Wildlife
Sent: Friday, March 12, 2021 10:38 AM
To: jturner@phoenixcivil.com
Cc: Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>;
tlocacciato@meridianconsultantsllc.com
Subject: 1688 West Garvey Avenue Residential Project

Dear Mr. Turner,

On behalf of the California Department of Fish and Wildlife, I am currently reviewing a Draft Environmental Impact Report (DEIR) prepared for the 1688 West Garvey Avenue Residential Project (SCH # 2020070419).

Can you please tell me if the Project will remove trees ("hillside plants") in order to construct the retaining wall circled in the attachment?

Thank you.

Sincerely,
Ruby

Ruby Kwan-Davis
Senior Environmental Scientist (Specialist) | California Department of Fish and Wildlife
South Coast | Region 5 | Habitat Conservation Planning Program
4665 Lampson Ave, Suite C | Los Alamitos, CA 90720
Ruby.Kwan-Davis@wildlife.ca.gov
Cell: (562)-619-2230



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A-1.1
cont.

Letter A-1

COMMENTER: Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), California
Department of Fish and Wildlife

DATE: March 12-23, 2021

Response A-1.1

These comments are in response to inquiries about open space and whether the proposed Project includes tree removal.

These comments have been provided for the public record; however, these comments are not considered a formal comment letter. The formal comment letter provided by the California Department of Fish and Wildlife (CDFW) is included as Letter A-2.



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Letter A-2

April 15, 2021

Mr. Jon Turner
City of Monterey Park
353 E. Main Street
Santa Paula, CA 93060
JTurner@phoenixcivil.com

Subject: 1688 West Garvey Avenue Residential Project, Draft Environmental Impact Report, SCH #2020070419, City of Monterey Park, Los Angeles County

Dear Mr. Turner:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Monterey Park (City; Lead Agency) for the 1688 West Garvey Avenue Residential Project (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.

A-2.1

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

Mr. Jon Turner
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Project Description and Summary

Background: Development of the 6.22-acre Project site started in 1978-1979 and consisted of grading, installing water and sewer lines, and laying foundations for 31 residential lots. Numerous retaining walls were constructed to stabilize the lower slopes along Abajo Drive and West Garvey Drive. In or around 1980, development of the site ceased after a series of storms caused site-wide surficial and slope failure. Currently, the upper portion of the site remains graded with a degrading paved street, the upper slopes are covered in vegetation, and the lower slopes are stabilized with numerous erosion control measures.

Objective: The Project proposes to subdivide 6.22 acres for development of 16 single-family residences (176,860 square feet), one lot for the private access road (39,260 square feet), and one open space lot (55,096 square feet). The Project would completely remove the existing slopes and retaining walls on the lower portion of the site; remove the existing paved street and utilities on the upper portion of the site; stabilize slopes; regrade the Project site; install new retaining walls on the lower and upper portions of the Project site; and install new utilities and a new street (the private access road).

Two new retaining walls would be installed to help stabilize regraded slopes. The Lower Site Retaining Wall would be situated below the houses along West Garvey Avenue. The Upper Site Retaining Wall would be situated above the houses and proposed provide access road. Approximately 55,000 square feet of private open space would be provided for conservation. This includes the area above the Upper Site Retaining Wall. The existing native vegetation above the Upper Site Retaining Wall, including fescue grasses and California wildflowers will remain. This area will be preserved as a passive open space area with no pedestrian access.

The Project includes landscaping throughout the Project site. Trees, shrubs, and groundcover are proposed along West Garvey Avenue to further stabilize the regraded slope. The slope would also be hydroseeded with a grass and a native wildflower mix.

Location: The Project is located at 1688 West Garvey Avenue, south of West Garvey Avenue between Casuda Canyon Drive and Abajo Drive. The Project site is on a hill, approximately 150 feet above the intersection of West Garvey Avenue and Abajo Drive.

Comments and Recommendations

CDFW contacted the City on March 12, 2021 requesting clarification on whether the Project would remove any trees. Based on the documents for review and correspondence with the City, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also be included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

A-2.2

A-2.3

Mr. Jon Turner
 City of Monterey Park
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Specific Comments

Comment: Impacts on Nesting Bird Habitat

Issue: The City previously stated in an email to CDFW (March 22, 2021) that "there are no trees being removed as part of this project." The Project may still impact trees and therefore habitat for nesting birds.

Specific impacts: Construction of the Upper Slope Retaining Wall and introduction of non-native, invasive plants may result in loss of both native and non-native trees. The Project may reduce nesting bird habitat in the proposed open space.

Why impacts would occur: The Project site includes an 'upper slope', which is also the area proposed for conservation as open space. According to Appendix H, "most of the upper slope is dominated by native trees and shrubs including toyon (*Heteromeles arbutifolia*), the most common large shrub or tree, coast live oak (*Quercus agrifolia*), and laurel sumac (*Malosma laurina*)." The Project would construct an Upper Site Retaining Wall and install landscaping, both of which could affect trees. Trees could become stressed and injured causing mortality. Accordingly, the Project may result in loss of nesting bird habitat.

Upper Slope Retaining Wall - The Upper Site Retaining Wall runs adjacent to the upper slope/proposed open space. Construction of the Upper Site Retaining Wall, and the wall itself, could encroach on the Critical Root Zone (CRZ) of trees. Trees may be impacted by heavy vehicles and equipment during construction of the Upper Site Retaining Wall. Additionally, ground-disturbing activities such as trenching, excavating, or drilling may also impact the CRZ. The placement of fill, dirt, construction materials, staging areas, and heavy construction equipment adjacent or under trees could continually compact the CRZ. Roots may not be able to acquire nutrients, water, and oxygen, thus causing the tree to die (Hostetler and Drake 2009). Debris, chemical, and other refuse disposal areas located adjacent to trees could impact the CRZ. Debris can be toxic or can change soil pH due to leeching of chemicals into the ground which could affect trees (Hostetler and Drake 2009). Construction of the Upper Site Retaining Wall, and the wall itself, could impact native trees in the upper slope.

Landscaping - The Project's landscaping plan consists exclusively of non-native tree, shrub, and grass species. Some species are potentially invasive. The Project's landscaping plan includes creeping fig (*Ficus pumila*), creeping myoporum (*Myoporum parvifolium*), and new gold lantana (*Lantana* sp.). A relative of creeping fig and creeping myoporum, both the common fig (*Ficus carica*) and ngaio tree (*Myoporum laetum*) have a listing of 'Moderate' by the [California Invasive Plant Council](#) (Cal-IPC). A listing of 'Moderate' is defined as a species that has substantial and apparent but generally not severe-ecological impacts on physical processes, plant and animal communities, and vegetation structure (Cal-IPC 2021a). Also, Lantana (*Lantana camara*) is on Cal-IPC's 'Watch' list. In natural and semi-natural vegetation, Lantana may smother vegetation and increase fire intensity (due to an increase in dry biomass), thus displacing native plant communities. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, prevent native plant recruitment, and create monocultures. Accordingly, the Project's use of non-native, invasive plant varieties could impact native trees in the upper slope.

Evidence impact would be significant: According to Appendix H, "the most abundant class of wildlife on the site was the birds. [...] There are undoubtedly many other avian species that

A-2.4

Mr. Jon Turner
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utilize the site as residents or transients [...].” Impacts on the CRZ of native and non-native trees could cause tree stress, injury, and mortality. The result may a reduction in the number of trees and canopy cover in the proposed open space. The introduction of non-native, invasive plants may cause additional impacts on nesting bird habitat. The Project may reduce available nesting habitat and structure for birds in the short-term and potentially long-term if the Project is inadequate in mitigating for impacts on trees. Additionally, the loss of occupied habitat supporting sensitive and special-status bird species causing reproductive suppression would constitute a significant impact. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

A-2.4
 cont.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1 – Critical Root Zone: CDFW recommends the City retain a certified arborist. Prior to any Project ground-disturbing activities that may impact trees, an arborist should conduct a site visit to identify the following: 1) trees where impacts on the CRZ would occur, 2) trees that need to be cut or limbed, and 3) trees where roots (i.e., tap root, main roots, and any surface-feeding roots) would need to be exposed/unearthed. The certified arborist should prepare a plan to protect the CRZ. CDFW recommends that Project construction and activities including (but not limited to) staging areas, debris piles, trenching, excavation, and soil compaction not occur within the CRZ. The CRZ should be demarcated with clear flagging, fencing, and signage. The certified arborist should also prepare a plan consisting of Best Management Practices to minimize impacts on trees as a result of cutting and limbing, as well as exposure of tree roots. If roots or canopy of coast live oak trees must be cut or disturbed, CDFW recommends that these actions be performed by a certified arborist or under the supervision of a certified arborist.

A-2.5

Mitigation Measure #2 – Replacement Trees (Oak Trees): If substantial impacts on roots and canopy of coast live oak trees occur and an arborist determines injuries would cause decreased health or mortality of a coast live oak tree, coast live oak trees should be replaced at no less than 3:1 [i.e., three (3) replacement oak trees surviving for one (1) tree impacted]. CDFW recommends 3:1 to assist the City in adequately mitigating for the following:

- Net loss of individual coast live oak trees and overstory canopy cover;
- Temporal loss of nesting bird habitat while replacement trees mature [at least 5 years for 2 feet of growth with extensive maintenance (Mahall et al. 2005; Parikh and Gale 1998)];
- Impacts to an ecologically valuable habitat (Block et al. 1990; CDFG 2005; Griffin and Muick 1990); and
- Impacts to naturally occurring habitat that is relatively difficult to reproduce in the natural environment (Dagit and Downer 1997; Mahall et al. 2005).

A-2.6

CDFW recommends the City provide additional replacement trees for impacts on coast live oak trees greater than 24 inches diameter-breast-height (dbh). Also, CDFW recommends additional replacement trees be provided if sensitive or special-status birds not previously known to occur on the Project site are observed during nesting bird surveys. Lastly, in addition to replacing individual trees, CDFW recommends the City provide the appropriate understory species.

Mr. Jon Turner
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Mitigation Measure #3 – Replacement Trees (Non-Native Trees): CDFW recommends non-native, ornamental trees be replaced with native species at no less than 2:1. Additional replacement trees should be provided if the non-native, ornamental tree was greater than 24 inches dbh and/or the open space supports sensitive or special-status bird species.

A-2.7

Mitigation Measure #4 – Native Tree Planting Plan: CDFW recommends the City retain a qualified restoration specialist and/or arborist to develop a Native Tree Planting Plan. The plan should include effective and detailed measures associated with planted tree protection, maintenance, monitoring, reporting, and adaptive management. CDFW recommends that all replacement trees regardless of species be monitored for at least seven years after planting, with three additional years of no irrigation, weeding, or further replacement planting. The planting plan should also include Best Management Practices to acquire replacement native trees, especially coast live oak trees. The qualified restoration specialist should acquire appropriately sized, locally sourced trees from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols. This may reduce the probability of introducing trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. Seeds should originate from trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. A Native Tree Planting Plan should be provided to the City prior to any ground-disturbing activities impacting trees and/or tree removal.

A-2.8

Mitigation Measure #5 – Landscaping: CDFW recommends the City restrict use of any species listed as ‘Moderate’ or ‘High’ by the [California Invasive Plant Council](#) (Cal-IPC 2021a). To the maximum extent feasible, the City should use native species found in naturally occurring vegetation communities within and adjacent to the Project site. CDFW recommends the landscaping plan include more native tree species preferred by birds (Wood and Esaian 2020).

A-2.9

Recommendation #1: CDFW recommends the following sources for additional information about Clean Nursery Stock protocols and soilborne pathogens in the genus *Phytophthora* as discussed in Mitigation Measure #4.

- [Best Management Practices for Producing Clean Nursery Stock](#) (Phytosphere Research 2016).
- [Understanding and Managing Sudden Oak Death in California](#) (Phytosphere Research 2012).
- [A Reference Manual for Managing Sudden Oak Death](#) (Swiecki and Bernhardt 2013).

A-2.10

Recommendation #2: The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Information on alternatives for invasive, non-native, or landscaping plants may be found on the [California Invasive Plant Council’s, Don’t Plant a Pest](#) webpage for southern California (Cal-IPC 2021b). The [Audubon Society’s Native Plants Database](#) is a resource to identify native plants and trees that will attract and benefit birds (Audubon Society 2021). The [California Native Plant Society’s Gardening and Horticulture](#) and [Xerces Society’s Pollinator-Friendly Native Plant Lists](#) webpages have information on native plant species that invite insects and pollinators (CNPS 2021; Xerces Society 2021).

A-2.11

Mr. Jon Turner
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Additional Recommendations

Move out of Harm's Way. The proposed Project is anticipated to result in ground-disturbing activities and vegetation removal. Project construction and activities may impact both resident and transient wildlife species. To avoid direct injury and mortality, CDFW recommends a qualified biological monitor be on site prior to and during initial ground and habitat disturbing activities to move out of harm's way wildlife of low mobility that would be injured or killed.

A-2.12

Construction Fencing. CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Fences should not have any slack that may cause wildlife entanglement.

A-2.13

Rodenticides. CDFW recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited during and after the Project. The City should provide property owners and residents with pertinent context, research, and data to inform property owners why rodenticides and second-generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife. Additional information on rodenticides can be found on CDFW's [Rodenticides](#) webpage (CDFW 2021).

A-2.14

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2020c). The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

A-2.15

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing 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 (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

A-2.16

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Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Monterey Park and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

A-2.17

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Monterey Park in adequately analyzing and minimizing/mitigating impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Monterey Park has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov.

A-2.18

Sincerely,

DocuSigned by:

5091E18EF8094C3...

Victoria Tang

signing for Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

- Erin Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
- Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
- Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
- Andrew Valand, Los Alamitos – Andrew.Valand@wildlife.ca.gov
- Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
- Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
- CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
- State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts on Trees- Protecting Critical Root Zone	Prior to any Project ground-disturbing activities that may impact trees, a certified arborist shall conduct a site visit to identify the following: 1) trees where impacts on the CRZ would occur, 2) trees that need to be cut or limbed, and 3) trees where roots (i.e., tap root, main roots, and any surface-feeding roots) would need to be exposed/unearthed. The certified arborist shall prepare a plan to protect the CRZ. Project construction and activities including (but not limited to) staging areas, debris piles, trenching, excavation, and soil compaction shall not occur within the CRZ. The CRZ shall be demarcated with clear flagging, fencing, and signage. The certified arborist shall also prepare a plan consisting of Best Management Practices to minimize impacts on trees as a result of cutting and limbing, as well as exposure of tree roots. If roots or canopy of coast live oak trees must be cut or disturbed, these actions shall be performed by a certified arborist or under the supervision of a certified arborist.	Prior to ground-disturbing activities	City of Monterey Park (City)/Project Applicant
MM-BIO-2- Impacts on Trees- Replacement Trees (Oak Trees)	If substantial impacts on roots and canopy of coast live oak trees occur and an arborist determines injuries would cause decreased health or mortality of a coast live oak tree, coast live oak trees shall be replaced at no less than 3:1. The appropriate understory species shall also be provided. Additional replacement trees shall be provided for impacts on coast live oak trees greater than 24 inches diameter-breast-height (dbh). Additional replacement trees shall be provided if sensitive or special-status birds not previously	During/After Project construction and activities	City/Project Applicant

A-2.19



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	known to occur on the Project site are observed during nesting bird surveys.		
MM-BIO-3- Impacts on Trees- Replacement Trees (Non-Native Species)	Non-native, ornamental trees shall be replaced with native species at no less than 2:1. Additional replacement trees shall be provided if the non-native, ornamental tree was greater than 24 inches dbh and/or the open space supports sensitive or special-status bird species.	During/After Project construction and activities	City/Project Applicant
MM-BIO-4- Impacts on Trees-Native Tree Planting Plan	A qualified restoration specialist and/or arborist shall develop a Native Tree Planting Plan. The plan shall include effective and detailed measures associated with planted tree protection, maintenance, monitoring, reporting, and adaptive management. All replacement trees regardless of species shall be monitored for at least seven years after planting, with three additional years of no irrigation, weeding, or further replacement planting. The planting plan shall also include Best Management Practices to acquire replacement native trees, especially coast live oak trees. The qualified restoration specialist shall acquire appropriately sized, locally sourced trees from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols. Seeds shall originate from trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. A Native Tree Planting Plan shall be provided to the City prior to any ground-disturbing activities impacting trees and/or tree removal.	Prior to ground-disturbing activities	City/Project Applicant
MM-BIO-5- Impacts on Trees- Landscaping	The Project shall restrict use of any species listed as 'Moderate' or 'High' by the California Invasive Plant Council . To the maximum extent feasible, the Project shall use native species found in naturally occurring vegetation communities within and adjacent to the Project site. The landscaping plan shall include more native tree species preferred by birds.	During/After Project construction and activities	City/Project Applicant
REC-1-Clean Nursery Stock and soilborne pathogens	CDFW recommends the following sources for additional information about Clean Nursery Stock protocols and soilborne pathogens in the genus <i>Phytophthora</i> : <ul style="list-style-type: none"> • Best Management Practices for Producing Clean Nursery 	During implementation of MM-BIO-4	City/Project Applicant

A-2.19
 cont.

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	<ul style="list-style-type: none"> Stock Understanding and Managing Sudden Oak Death in California A Reference Manual for Managing Sudden Oak Death 		
REC-2- Landscaping with Native Plants	The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage for southern California. The Audubon Society's Native Plants Database is a resource to identify native plants and trees that will attract and benefit birds. The California Native Plant Society's Gardening and Horticulture and Xerces Society's Pollinator-Friendly Native Plant Lists webpages have information on native plant species that invite insects and pollinators.	During/After Project construction and activities	City/Project Applicant
REC-3-Move out of Harm's Way	The proposed Project is anticipated to result in ground-disturbing activities and vegetation removal. Project construction and activities may impact both resident and transient wildlife species. To avoid direct injury and mortality, CDFW recommends a qualified biological monitor be on site prior to and during initial ground and habitat disturbing activities to move out of harm's way wildlife of low mobility that would be injured or killed.	Prior to/During Project construction and activities	City/Project Applicant
REC-4- Construction Fencing	CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or	Prior to/During Project construction and activities	City/Project Applicant



A-2.19
cont.

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	other plugging materials to avoid this hazard. Fences should not have any slack that may cause wildlife entanglement.		
REC-5-Rodenticides	Rodenticides and second-generation anticoagulant rodenticides should be prohibited during and after the Project. The City should provide property owners and residents with pertinent context, research, and data to inform property owners why rodenticides and second-generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife.	During/After Project construction and activities	City/Project Applicant
REC-6-Data	The City should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database 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. The City should provide CDFW with confirmation of data submittal.	Prior to finalizing CEQA document	City/Project Applicant
REC-7-Mitigation and Monitoring Reporting Plan	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. A final MMRP should reflect the Project's final on and/or off-site mitigation plans.	Prior to finalizing CEQA document	City/Project Applicant



A-2.19
 cont.

Letter A-2

COMMENTER: Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife

DATE: April 15, 2021

Response A-2.1

The commenter notes that the CDFW has reviewed the Draft EIR. The commenter appreciates the opportunity to comment on the Draft EIR. The commenter also notes that the CDFW is California's Trustee Agency for fish and wildlife resources and is also submitting comments on the Draft EIR as a Responsible Agency under CEQA because CDFW expects that it may need to approve a lake and streambed alteration agreement or authorize a take of species protected under the California Endangered Species Act (CESA) or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA).

This comment is noted. The EIR has is revised as follows to recognize CDFW's role as a Trustee Agency:

Based on the existing condition of the Project site, as documented in the biological resources study of the Project site appended to the Draft EIR, the Project site does not contain any lake, streambed or other water feature subject to the jurisdiction of CDFW. In addition, the Project site does not contain habitat likely to support any species protected under the CESA or CESA-listed rare plant. For that reason, it is not anticipated that CDFW will be a Responsible Agency for the Project.

Response A-2.2

The commenter restates the proposed Project's description, background, objective, and location.

This comment is noted and individual responses to the CDFW's comments and recommendations are provided below.

Response A-2.3

The commenter notes that CDFW contacted the City on March 12, 2021, requesting clarification on whether the Project would remove any trees. The commenter states that the comments and recommendations provided in their letter are provided to assist the City in adequately identifying, avoiding, and/or mitigating the Project's impacts on biological resources. The commenter notes that CDFW recommends measures that contain adaptive management strategies as part of the Project's mitigation, monitoring and reporting program.

This comment is noted. Individual responses to the CDFW's comments and recommendations are provided below.

Response A-2.4

The commenter states that although the Project does not include the removal of trees, there may still be impacts to trees and habitat for nesting birds. The commenter states that the proposed Project may result in the loss of both native and non-native trees and the reduction of nesting bird habitat due to the construction of the Upper Slope Retaining Wall and the introduction of non-native, invasive plants in the Project's landscaping. The commenter indicates that these impacts would be considered significant under CEQA.

The proposed upper retaining wall will be a poured in place concrete wall. This type of construction will not require disturbance upslope from the location of the wall, and, for this reason, construction of this wall will not result in additional impacts to any trees located on the upper slope.

Section 4.0, Project Description, of the Draft EIR states that the proposed Project includes the planting of trees along West Garvey Avenue, the proposed private street and on the graded slopes on the site, which would increase the number of trees on the Project site. Once mature, these trees would serve as additional nesting bird habitat at the Project site. Furthermore, Section 5.8, Biological Resources, includes mitigation measures that the proposed Project would be required to comply with, including preconstruction surveys for nesting birds and a minimum buffer of 300 feet (500 feet for raptor nests) during the duration of Project construction depending on the species and location. Section 5.8.2 states that "The oak trees on the Project site are located in portions of the upper slope that will not be impacted by grading. Impacts would be less than significant." In addition, Section 4.0 states that existing native vegetation, including fescue grasses and California wildflowers, above the Upper Site Retaining Wall would remain. Therefore, the Project would not introduce non-native, invasive plants to the site.

Response A-2.5

The commenter recommends that the City retain a certified arborist prior to any ground-disturbing activities that may impact trees.

Section 5.8, Biological Resources, of the Draft EIR states that the City does not include protection for biological resources, including trees, on private property. No significant impacts to native trees, such as oak trees on the upper slopes, were identified in the Draft EIR. As discussed in Response A-2.4, the proposed upper retaining wall will be a poured in place concrete wall that will not require disturbance upslope from the location of the wall and, for this reason, construction of this wall will not result in any impact to the critical root zone of any oak trees present on the upper slope on the

Project site. Therefore, proposed Mitigation Measure #1, as suggested in this comment, is not warranted or necessary.

Response A-2.6

The commenter recommends that if substantial impacts on roots and canopy of coast live oak trees occur and an arborist determines injuries would cause decreased health or mortality, coast live oak trees should be replaced at a minimum 3:1 replacement ratio. The commenter also recommends the City provide additional replacement trees for impacts on coast live oak trees greater than 24 inches in diameter-breast-height (dbh) and if sensitive or special-status birds not previously known to occur on the Project site are observed during nesting bird surveys. Lastly, the commenter recommends the City provide the appropriate understory species.

As stated in Section 5.8, Biological Resources, “Most of the upper slope is dominated by native trees and shrubs including toyon (*Heteromeles arbutifolia*), the most common large shrub or tree, coast live oak (*Quercus agrifolia*), and laurel sumac (*Malosma laurina*). Near the cul-de-sac there are several foundations and other remnant portions of buildings. Around these structures and adjacent to the cul-de-sac street there are a number of exotic or nonnative species of trees and shrubs including citrus, bottle brush (*Callistemon* sp.), red-ironbark eucalyptus (*Eucalyptus sideroxylon*), several other eucalyptus (*Eucalyptus* spp.), Peruvian pepper (*Schinus molle*), Brazilian pepper (*Schinus terebinthifolius*), and California fan palm (*Washingtonia filifera*).”

As stated in the EIR, oak trees on the Project site are located in portions of the upper slope that will not be impacted by grading. As discussed in Response A-2.4, the proposed upper retaining wall will be a poured in place concrete wall that will not require disturbance upslope from the location of the wall and, for this reason, construction of this wall will not result in any impacts to trees present on the upper slope on the Project site. Therefore, impacts would be less than significant and there would not be a need for an arborist to be present during grading operations; the suggested Mitigation Measure #2 is not necessary.

Response A-2.7

The commenter recommends that non-native, ornamental trees be replaced with native species at a minimum 2:1 replacement ratio. The commenter notes that additional replacement trees should be provided if the non-native, ornamental tree was greater than 24 inches dbh and/or the open space supports sensitive or special-status bird species.

The Monterey Park General Plan and Municipal Code do not include protection for biological resources, including trees, on private property. Preconstruction surveys will be conducted for protection of nesting bird species. The proposed Project includes the planting of trees along West Garvey Avenue, the proposed private street and on the graded slopes on the site, which would

increase the number of trees on the Project site. The Project site is located in an urbanized and developed area, is surrounded by existing residential, institutional, and other urban uses and is not located near any native habitat areas. The existing developed areas around the Project site contains non-native plant species. Given the location and characteristics of the Project site and the surrounding areas, requiring that only native species be used in the Project landscaping is not needed to avoid any potential impacts. Further mitigation for removal of non-native tree species and the potential for birds nesting in these trees is not required for these reasons. The suggested Mitigation Measure #3 is not necessary for these reasons.

Response A-2.8

The commenter recommends that the City retain a qualified restoration specialist and/or arborist to develop a Native Tree Planting Plan.

Refer to Responses A-2.5., A-2.6, and A-2.7. The suggested Mitigation Measure #4 is not necessary.

Response A-2.9

The commenter recommends the City restrict use of any plant species listed as 'Moderate' or 'High' by the California Invasive Plant Council. The commenter also recommends that the landscaping plan include more native species, such as those naturally occurring within and adjacent to the Project site and native tree species preferred by birds.

As discussed in Response A-2.7, the Project site is located in an urbanized and developed area, is surrounded by existing residential, institutional, and other urban uses and is not located near any native habitat areas. The existing developed areas around the Project site contain non-native plant species. Given the location and characteristics of the Project site and the surrounding areas, the potential for the Project landscaping to impact natural vegetation communities is low, and the suggested Mitigation Measure #5 is not warranted for this reason.

Section 4.0, Introduction, of the Draft EIR states that existing native vegetation, including fescue grasses and California wildflowers, above the Upper Site Retaining Wall would remain and would not be significantly impacted by project construction activities. In addition, the proposed project Specific Plan includes a Master Landscape Plan that incorporates several native wildflower species and no invasive plants. For these reasons, suggested Mitigation Measure #5 is not necessary.

Response A-2.10

The commenter provides recommended sources for additional information about Clean Nursery Stock protocols and soilborne pathogens in the genus *Phytophthora*.

Refer to Response A-2.9, which presents information regarding the Project's proposed landscaping.

Response A-2.11

The commenter recommends that the City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas.

The Project site has been previously graded and improved with a street and other site improvements, is located in an urbanized area, and surrounded by developed areas. The Project site is not located adjacent and/or near to any native habitat areas and, for this reason, the potential for impacts to native habitat areas is low.

Refer to Response A-2.9, which presents information regarding the Project's proposed landscaping.

Response A-2.12

The commenter recommends that a qualified biological monitor be on site prior to and during initial ground and habitat disturbing activities to move wildlife of low mobility that would be injured or killed out of harm's way.

Mitigation Measure BIO-3 in Section 5.8, Biological Resources, states that a qualified avian biologist must serve as a construction monitor during construction activities that occur near active nest areas.

Due to the location and characteristics of both the Project site and the adjacent developed area around the site, the potential for the Project site to result in substantial direct impact and mortality to non-avian wildlife species is low and additional monitoring during construction as suggested in this comment is not warranted.

Response A-2.13

The commenter recommends that any fencing used during and after Project construction be made with materials that are not harmful to wildlife or create a barrier to wildlife dispersal.

The Project site has been subject to extensive disturbance from previous grading and construction of a street and other site improvements to support residential development. The Project site is also surrounded by existing developed areas and is not located adjacent or near any native habitat areas. Potential impacts to wildlife are minimal due to the existing characteristics of the site, as described and documented in the EIR.

Comment noted. Project construction fencing will not include spikes, glass, razor or barbed wire. Given the existing characteristics of the Project site and the characteristics of the proposed Project, including the types of fencing proposed, further restrictions on fencing for the proposed residential development is not warranted.

Response A-2.14

The commenter recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited on the Project site.

Section 5.8, Biological Resources, states that numerous rodent species may utilize or traverse the Project site on occasion; however, the two mammal species detected on-site were the coyote and pocket gopher. No rodenticides are proposed to be used during project construction activities. Due to the location of the Project site in a developed area, the existing characteristics of the Project site, and the characteristics of the proposed Project, wildlife use of the Project site after development will be low and any use of rodenticides after development will have a low potential to impact wildlife.

Response A-2.15

The commenter recommends that any special status species detected on the Project site should be reported to the California Natural Diversity Database (CNDDDB), and the City should provide CDFW with confirmation of the data submittal.

This comment is noted. Section 5.8, Biological Resources, states that there are no special status species identified on the Project site and that no special status species are likely to occur on-site.

Response A-2.16

The commenter recommends that the City update the Project's proposed Biological Resources Mitigation Measures and condition the EIR to include mitigation measures recommended in this letter.

As there are no significant biological resource impacts beyond potential impacts to nesting birds during construction, no additional mitigation measures or conditions of approval are required to mitigate potential biological impacts. Refer to Responses A-2.4 through A-2.9.

Response A-2.17

The commenter notes that filing fees will be required upon submitting the Project's permit application to the CDFW.

The applicant will pay applicable fees. This comment does not pertain to the adequacy of the Draft EIR and the commenter's request is noted.

Response A-2.18

The commenter requests an opportunity to review and comment on any response provided to CDFW comments and to receive notification of any additional hearing dates for the Project.

As required by CEQA, the commenter will receive a copy of responses to their comments at least 10 days prior to the City's certification of the EIR.

Response A-2.19

The commenter has provided a Draft Mitigation and Monitoring Report Plan that includes a summary table of the CDFW suggested mitigation measures and recommendations discussed in this letter.

Refer to Responses A-2.4 through A-2.18, which address these suggested mitigation measures and recommendations.

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Letter A-3



Serious Drought.
Making Conservation
a California Way of Life.

April 19, 2021

Mr. Jon Turner, Acting City Planner
Public Work/Development Services Department
City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754

RE: 1688 West Garvey Residential Project
Vic. LA-10 PM 22.38
SCH # 2020070419
GTS # LA-2020-03515AL-DEIR

Dear Mr. Turner:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project includes the proposed development of 16 single-family homes on a 6.22-acre Site (Project Site) previously improved for development in the late 1970's.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has been codified into CEQA law. It mandates that CEQA review of transportation impacts of proposed developments be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts. As a reminder, Vehicle Miles Traveled (VMT) is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. You may reference The Governor's Office of Planning and Research (OPR) website for more information.

A-3.1

<http://opr.ca.gov/ceqa/updates/guidelines/>

Transit System

The Project Site is currently served by Metro Route 70 and City of Monterey Park Spirit Route 4 along West Garvey Avenue. Three bus stops are located in proximity to the Project Site: the St. Stevens Serbian Orthodox Cathedral bus stop, located approximately 75-feet north across West Garvey Avenue; and the West Garvey/Abajo bus stop, which abuts the northeast corner of the Project Site. There is an additional bus stop located directly to the east of the Project driveway on West Garvey Avenue at

A-3.2

Provide a safe and reliable transportation network that serves all people and respects the environment

Mr. Jon Turner, Acting City Planner
April 19, 2021
Page 2 of 2

St. Stevens Serbian Church on the northern side of West Garvey Avenue. Pedestrian access to the bus stops is limited due to the obstruction of existing sidewalk along the Project Site.

Bicycle System

Currently, on-street bicycle lanes are not proposed in the vicinity of the Project Site in the General Plan. The nearest bicycle route is a Class-III Bicycle Route, located approximately 300-feet southeast of the Project Site, along Monterey Pass Road. While not striped, there is sufficient room for a bicycle lane in front of the Project Site due to an oversized eastbound lane.

A-3.2
cont.

Pedestrian Facilities

A pedestrian sidewalk is currently provided along the Project Site frontage on both West Garvey Avenue and Abajo Drive. The existing sidewalk along the edge of the Project Site along West Garvey Avenue is unusable, as much of it is obstructed by the supplemental retaining wall and the soils behind it.

The average VMT per capita for the SGVCOG Region is 15.44. The screening threshold is 13.13 VMT per capita, which is 15% lower than the 15.44 VMT per capita baseline. The SGVCOG VMT Evaluation Tool screening results determined the VMT per capita for the Project is 12.21. As the project VMT per capita is below the 13.13 VMT per capita screening threshold, the Project would not result in a significant VMT impact.

A-3.3

For this project, transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods and idle time not to exceed 10 minutes.

A-3.4

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2020-03515AL-DEIR.

A-3.5

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse

Provide a safe and reliable transportation network that serves all people and respects the environment

Letter A-3

COMMENTER: Miya Edmonson, IGR/CEQA Branch Chief, Department of Transportation, District 7

DATE: April 19, 2021

Response A-3.1

The commenter restates the project description for the proposed Project. The commenter notes that Senate Bill 743 has been codified into CEQA and requires that Vehicle Miles Traveled (VMT) be the standard CEQA review transportation analysis metric for land use projects after July 1, 2020.

This comment is noted and individual responses to the California Department of Transportation (Caltrans) comments are provided below. The Draft EIR recognizes VMT as the standard CEQA review transportation analysis metric for land use projects (See Section 5.6, Transportation).

Response A-3.2

This comment addresses existing transit, bicycle, and pedestrian facilities located near the Project site.

The existing transit, bicycle, and pedestrian facilities located near the Project site are included in Section 5.6, Transportation, of the Draft EIR.

Response A-3.3

This comment states that the Project would not result in a significant VMT impact as the Project is below the 13.13 VMT per capita screening threshold.

VMT analysis for the proposed Project is included in the Traffic Impact Analysis Report in Appendix E and Section 5.6, Transportation, of the Draft EIR.

Response A-3.4

This comment notes the transport of heavy construction equipment and/or materials, which requires the use of oversized vehicles on State highways, will need a Caltrans transportation permit.

In the event that oversized vehicles utilize State highways during project construction, the Project applicant will comply with this requirement. Caltrans also recommends that large size trucks be limited to off-peak commute periods and that idle time should not exceed 10 minutes. As discussed in Section 5.6, Transportation, of the Draft EIR, implementation of Mitigation Measure TR-1, Construction Management Plan, will require that deliveries of construction materials be scheduled during non-peak travel periods, to the maximum extent feasible. Vehicles used during construction

activities would be required to comply with CARB anti-idling regulations, which limits idling of all diesel-fueled commercial vehicles during construction to 5 minutes at any location. (Draft EIR, pp. 5.2-11, 5.2-32) In addition, Mitigation Measure TR-2, Construction Traffic Control Plan, will require identification and approval of haul routes and details for the appropriate transportation permit for transportation of heavy construction equipment and/or materials that require the use of oversized vehicles. The proposed Project would therefore comply with Caltrans' requirements and recommendations.

Response A-3.5

The commenter provides agency contact information for questions regarding these comments. This comment is noted but raises no environmental issues specific to the proposed Project.

IRENE S. HSU
ATTORNEY AT LAW

Letter I-1

13712 Sunrise Dr.,
Whittier, CA 90602
Phone: (626) 483-7699
E-mail: main@ihsulaw.com

July 24, 2020

**RESPONSE TO NOTICE OF PREPARATION AND REQUEST FOR ADDITIONAL
CONDITIONS TO THE PROPOSED PROJECT**

To: City of Monterey Park
Community and Economic Development Department
320 West Newmark Avenue
Monterey Park, CA 91754

Via First Class U.S. Mail

Attn: Mr. Jon Turner, Acting City Planner

Re: 1688 West Garvey Avenue Residential Project

Dear Mr. Turner,

Please allow this letter to serve as notice of representation of the interests of Abajo Villa, LLC, located at the corner of Abajo Drive and West Garvey Avenue, Assessor #5254-002-029. Please also allow this letter to serve as a response to the Notice of Preparation regarding the above-captioned Project, dated July 10, 2020, and as a formal request to the City of Monterey Park to include additional conditions to the Proposed Project.

As you may know, my client's property is adjacent to the Proposed Project on the east side, along Abajo Drive (please see the highlighted portion in the enclosed image). Client plans to build residential units on the property in the near future but is concerned about the environmental effects of the Proposed Project. Abajo Villa sits at the base of a steep slope vulnerable to erosion and excess water drainage from where Proposed Project is located. As your Notice and the EIR acknowledges, a slope failure occurred during the winter of 2004-2005, causing considerable damage to the property now owned by my client.

I-1.1

In the interest of mitigating potential damage and preserving the integrity of the land, my client requests that the City require Project Applicant Center Int'l Investments, Inc. to comply with the following conditions in order to move forward with the Proposed Project:

- 1. Build a retaining wall along the full length of the border between Abajo Villa LLC and the Proposed Project to stabilize the slope;**
- 2. Divert all drainage away from running down and across the Abajo Villa LLC property to prevent future erosion, excess drainage, water damage, and mudslides.**

I-1.2

Client requests that the City require Applicant to update its Project Proposal, including all relevant documents, including but not limited to, the Specific Plan, Zone Change, Vesting Tentative Tract Map, and Development Agreement, to reflect these changes before approving the Proposed Project.

I-1.3

IRENE S. HSU
ATTORNEY AT LAW

13712 Sunrise Dr.,
Whittier, CA 90602
Phone: (626) 483-7699
E-mail: main@ihsulaw.com

My client and I thank you for your consideration regarding this important matter. Should you have any questions, comments, or concerns, please don't hesitate to contact me.

I-1.4

Regards,



Irene S. Hsu

Enclosed: Plot Plan (the highlighted portion depicts where Abajo Villa is located)

Letter I-1

COMMENTER: Irene S. Hsu

DATE: July 24, 2020

Response I-1.1

The commenter notes that this letter serves as a notice of representation of the interests of Abajo Villa, LLC. The commenter notes that their client's property is located to the east of the proposed Project. The commenter notes their client's concerns regarding erosion and excess water drainage from the Project site. The commenter also notes that the 2004-2005 slope failure discussed in the Notice of Preparation (NOP) and Draft EIR caused considerable damage to her client's property.

Section 5.3, Geology and Soils, of the Draft EIR, includes Mitigation Measure GEO-1, which would include proper site preparation, removal of unstable soils, retaining wall construction and design requirements to stabilize the hillside, fill slope construction and design requirements to reduce the potential for erosion, Restricted Use Areas (RUAs), drainage and landscaping, foundation design for the proposed single-family homes and proper site maintenance to maintain slope stability for the proposed single-family homes and to ensure the safety of adjacent properties. In addition, all grading would be completed under oversight of the Project's designated geotechnical consultant and in compliance with applicable law. Moreover, the Settlement Agreement between the City of Monterey Park and the Project applicant requires hillside stabilization even without the proposed Project, i.e., the mitigation measures included in GEO-1 will be constructed with or without the proposed Project.

Response I-1.2

The commenter's client requests that the City require the project applicant to build a retaining wall along the full length of the border between Abajo Villa LLC and the proposed Project to stabilize the slope and to divert all drainage away from the Abajo Villa LLC property to prevent future erosion, excess drainage, water damage, and mudslides.

Section 5.3, Geology and Soils, of the Draft EIR, identifies and describes the two new retaining walls proposed for construction on the Project site to stabilize the existing slopes. A lower retaining wall would be installed below the proposed single-family homes and an upper retaining wall above the proposed single-family homes. In addition, Mitigation Measure GEO-1 includes design requirements to stabilize the hillside, fill slope construction and design requirements to reduce the potential for erosion, drainage and landscaping, and proper site maintenance to maintain slope stability for the

proposed single-family homes and to ensure the safety of adjacent properties. The Project is designed to divert all drainage away from the neighboring property as requested in this comment.

Response I-1.3

The commenter's client requests that the City require the Project applicant to update the Project proposal to include all relevant documents including the Specific Plan, Zone Change, Vesting Tentative Map, and Development Agreement, to reflect the requested changes before approving the Project.

The comments raised in the comment letter have been adequately addressed and no revisions are proposed to Specific Plan, Vesting Tentative Map, and other discretionary requests.

Response I-1.4

The commenter and their client appreciate the consideration of their comments. The commenter provides contact information for questions, comments, or concerns relating to these comments.

This comment is noted but raises no environmental issues specific to the proposed Project.

Letter I-2

From: Naka Tjendera <ntjendera@aol.com>
Sent: Tuesday, March 30, 2021 11:54 PM
To: Jon Turner, PE <jturner@phoenixcivil.com>
Cc: yyiu@montereypark.ca.gov; hlo@montereypark.ca.gov; fsornoso@montereypark.ca.gov; hliang@montereypark.ca.gov; pchan@montereypark.ca.gov
Subject: Proposed 16 new single family homes (1688 West Garvey Ave)

Mr. Turner,

Our house 1330 Abajo Dr. and 1340 Abajo Dr. sit directly across the street from the proposed 16 new single family homes (1688 West Garvey – corner of Abajo Dr. and Garvey Ave.).

We have reviewed the Draft Environmental Impact Report for the project and we strongly support the project for the following reasons:

- The current abandoned site is hazardous, in needs of permanent development to address erosion and drainage problems.
- The project helps address the current severe housing shortage in LA County.
- It provides additional revenue to our City (Property Tax) to fund our Schools, Library, Park, etc.

I-2.1

The arguments raised by opponent of the project stating inconveniences due to Abajo Dr closed during construction and the unstable proposed project site is substantiated.

If Abajo Dr (through Garvey Ave.) closed during Construction, Residents can access Abajo Dr. through Monterey Pass Road (via Vagabond) and through Casuda Canyon Road (via Verde Vista). Geotechnical Engineer can conduct Geotechnical Survey and Slope Stability Analysis of the proposed site, this should addressed any concerns regarding the suitability of the site for development. Development of the proposed site with better Drainage, Retaining Walls, Pile Foundations, etc. will help stabilize the hillside, not the other way around.

I-2.2

Thank you for your help in bringing good quality development to our City.

Best Regards,

Naka Tjendera (ntjendera@aol.com)
Naka & Lili (1330 Abajo Dr. MP, CA 91754)
Allen & Amy (1340 Abajo Dr. MP, CA 91754)

Letter I-2

COMMENTER: Naka Tjendera

DATE: March 30, 2021

Response I-2.1

The commenter states their support for the proposed Project as it would address current hazardous conditions, address the current housing shortage in Los Angeles County, and would provide additional revenue for the City.

This commenter's position is noted. This comment raises no environmental issues specific to the proposed Project.

Response I-2.2

The commenter notes that if access to Abajo Drive from Garvey Avenue is closed during Project construction, residents can access Abajo Drive from Monterey Pass Road via Vagabond Drive or Casuda Canyon Drive via Verde Vista Drive. The commenter also suggests that a geotechnical engineer conduct a geotechnical survey and slope stability analysis of the Project site to address residents' concerns regarding the suitability of the Project site for development, and that the Project include features, such as retaining walls and pile foundations, to stabilize the hillside.

This comment is noted. A Geotechnical Report for the proposed Project was prepared on April 14, 2020 and is included as Appendix C in the Draft EIR. The report concluded that development under the proposed Project is feasible with the implementation of the recommended mitigation measures, which would provide slope stability for the proposed single-family homes and ensure the safety of adjacent properties. In addition, all grading would be completed under the oversight of the Project geotechnical consultant and in compliance with applicable law.

Letter I-3

April 4, 2021

Honorable Mayor and City Council Members
Monterey Park, CA 91754

RECEIVED
APR 05 2021
City Manager's Office
Monterey Park


Re: Item on calendar for Wednesday, April 7th City Council Meeting

Dear Sirs:

Since I will not be able to speak at the Zoom City Council meeting on Wednesday April 7th, I would like to weigh in on the planned construction of 16 homes on Garvey and Abajo. I have driven by there almost daily for many years, was here when the first construction project had to be torn down. My considered opinion is that there is already *plenty* of traffic in that corner area, already a tricky situation with those who come in and out of the senior complex there, with traffic going around a basically a blind corner in that area as well. Pick a different area that has no buildings and where the ground is more stable. This is NOT a good idea!

I-3.1

Sincerely,


Sue Arkosy
463 Elevado Terr.
Monterey Park, CA 91754
213/830-2527 (day # and msge.)

Letter I-3

COMMENTER: Sue Arkosy

DATE: April 4, 2021

Response I-3.1

The commenter opposes development at the proposed Project site as a previous project at the Project site was demolished and existing traffic in the area is already problematic. The commenter requests that the Project be constructed in an undeveloped, stabilized area.

The commenter's position is noted. As discussed in the Traffic Impact Analysis Report in Appendix E and Section 5.6, Transportation, of the Draft EIR, implementation of the proposed Project would result in less than significant impacts on traffic with the implementation of various mitigation measures. Mitigation Measure TR-4, Gate Queuing, would include a redesign of Project entry from West Garvey Avenue to include a primary entry lane and a second bypass lane to ensure that vehicles entering the site can be contained within the driveway. In addition, Mitigation Measure TR-5, Sight Distance, would include grading the slope adjacent to the driveway entry on the Project site to the fullest extent feasible, landscaping compliant with sight distance principals, and a limited use area to avoid any obstructions to sight.

Letter I-4

From: [Francisco Medina Director](#)
Sent: Wednesday, April 7, 2021 6:44 PM
To: [MPClerk](#)
Cc: stopgoodviewdevelopment@fastmail.com;
iturner@phoenixcivil.com
Subject: Good View Resedential development



[EXTERNAL EMAIL]

Dear Monterey Park Clerk,

I am writting this email in objection of of the proposed development of 1688 W Garvey Ave, Monterey Park, CA 91754.

I am a resident of Monterey Park. My name is Francisco Medina, reside at 142 N. Nicholson Ave. #A Monterey Park, 91755.

This project will not only impact our comute but the Garvey area overall. This is why I strongly oppose the project.

Thank you for your consideration

Francisco Medina

I-4.1

Letter I-4

COMMENTER: Francisco Medina

DATE: April 7, 2021

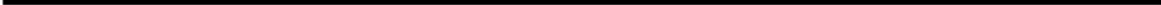
Response I-4.1

The commenter states that he strongly opposes the Project as it will have impacts on traffic and the overall Garvey community.

Refer to Response I-3.1, which presents information on the various transportation mitigation measures included in the EIR.

Letter I-5

From: [Wallace Wilson](#)
Sent: Wednesday, April 7, 2021 7:21 PM
To: [MPClerk](#)
Cc: iturner@phoenixcivil.com;
stopgoodviewdevelopment@fastmail.com
Subject: Objection on all proposition



[EXTERNAL EMAIL]

I am writing to object all propositions.

I-5.1

Wallace Wilson
[200 N Nicholson Ave, Apt A, Monterey Park, CA 91755](#)

Letter I-5

COMMENTER: Wallace Wilson

DATE: April 7, 2021

Response I-5.1

The commenter states that he objects all propositions relating to the proposed Project.

The commenter's position is noted. This comment raises no environmental issues specific to the proposed Project pursuant to CEQA but will be presented to the decisionmakers as part of the Final EIR for its consideration.

Letter I-6

From: Deborah Iwamoto <diwamoto1@aol.com>
Sent: Thursday, April 22, 2021 2:26 PM
To: Jon Turner, PE <jturner@phoenixcivil.com>
Subject: EIS- Monterey Park, Garvey/Abajo

Dear Jon Turner,

My name is Deborah Iwamoto. I've been living in Monterey Park since a toddler, since 1958. I now live on Sombrero Dr. I have grave concern about developing the area on Garvey/Abajo. I remember when after the Whittier earthquake, the condos on that corner were badly damaged and unlivable. Prior to that, the land was a trailer court, which seemed to be more stable than digging into the hillside for housing.

I think in the early 80's the property that we are talking about was being developed. I was in my 20's and did not enquire into the project. However, since that time, I've always wondered who would think of developing such a steep hillside? What happened to the developer? Did our city representatives monitor any studies that were done- soil?? Now that it's been decades of an eyesore- cement poured on the hillside, plastic wrap covering a massive portion of the hill, rows of vertical railroad ties holding back the crumbling hill, K - rails lining the major thoroughfare Garvey Ave(now with NO sidewalk) , from the freeway leading into Monterey Park. Those of us who live here are reminded daily of this huge devastation that occurred decades ago. We are holding the bag on securing the hillside since I believe the past developer has jumped ship.

I-6.1

Why even consider resurrecting's another disaster? My first residence on Brightwood St, built in 1958, a single story house, had a mudslide in the back yard toward College View Dr. in the 70's during heavy rain. My point is that the area doesn't have much of a slope, and disasters happen. With a steeper slope and larger 2 story homes my opinion is build homes elsewhere, like on Garvey, just west of Atlantic. There are 3 new houses being built on the north side. How about the south side? There used to be houses there that were torn down years ago

I-6.2

Thank you for taking the time to consider my opinion.

Respectfully,
Deborah Iwamoto

Letter I-6

COMMENTER: Deborah Iwamoto

DATE: April 22, 2021

Response I-6.1

The commenter states concern regarding development under the proposed Project. The commenter notes that the historical Whittier earthquake caused substantial damage to condominiums previously located on the Project site. The commenter also notes that the hillside of the Project site has become an eyesore to residents.

Refer to Response I-1.1. In addition, as discussed in Section 5.3, Geology and Soils, of the Draft EIR, the proposed Project would have less than significant impacts relating to seismic events as all building construction would be subject to the City's existing construction regulations, including those from the California Building Code as adopted by the Monterey Park Municipal Code.

Response I-6.2

The commenter suggests that development under the proposed Project be built in a different area of the community as the current Project site has potential for natural disasters including mudslides.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Letter I-7

From: David Almada <dralmada2002@yahoo.com>
Sent: Sunday, April 25, 2021 9:34 PM
To: Cindy <pipsqkcyee@hotmail.com>; jameswbradshaw@gmail.com; Jon Turner, PE <jturner@phoenixcivil.com>; Mitchellng@aol.com; gmoss21@charter.net
Cc: Paul Isozaki <pisozaki@gmail.com>; Lisa Yee (LisaMarieYee@gmail.com) <lisamariyee@gmail.com>; judy.isozaiki@gmail.com; carl yoshioka <cfishing247@gmail.com>
Subject: Re: Garvey/Abajo Development PROJECT

Make that reconstruction of Nightingale Jr.

On Sunday, April 25, 2021, 09:21:04 PM PDT, David Almada <dralmada2002@yahoo.com> wrote:

I have a Ph.D in Educational Administration from Claremont Graduate School (now Claremont Grsduate School). I earned this degree in 1974 at the age of 28. Previously I received my B.A. and M.A. from UCLA (1966 and 70). I have an extensive record of civil rights, community activism (in and out of Monterey Park), civic, and professional involvements over a long period of time. I am now retired from the Los Angeles Unified School District (since 2007): I served as a Social Studies teacher beginning in 1969 at Roosevelt High School in Boyle Boyle Heights and served as an assistant principal, principal and senior level administrator from 1974 to 2007. As a principal, I oversaw the construction of Florence Nighengale Junior High School in Cypress Park (1986-88) and that of Henry Gage Junior High School in Huntington Park (1988-1991)- actually was not only reconstruction but establishment of new buildings). I also was responsible for the finalization of the reconstruction and modernization of Gardena High School in the City of L.A. and birder of the City of Gardena (2001-04). I thus received much experience in building matters from my administrative experiences. This is why in part I was chosen to be responsible for these three schools). Although not a soils engineer, architect or scientist, my Monterey Park responsibilities and educational leadership positions have given me valuable experience in these related matters.

I-7a.1

On Sunday, April 25, 2021, 02:44:09 PM PDT, Gregory <gross21@charter.net> wrote:

Cindy,

Just out of curiosity, I saw that Mr. Almada had a PhD degree. What is his degree in?

So, I gather that the four clowns (excluding Fred) on the city council are pushing to do this development? I seem to recall that back about 2008, the corner of abajo and garvey were closed off to public access due to concerns by public works that the hill might be unstable due to the deluge of rain that we had around that time. So, where does the issue stand on this?

Sent from my Galaxy

----- Original message -----

From: Cindy <pipsqkcyee@hotmail.com>

Date: 4/25/21 2:00 PM (GMT-08:00)

To: jameswbradshaw@gmail.com, dralmada2002@yahoo.com, jturner@phoenixcivil.com, Mitchellng@aol.com

Cc: Paul Isozaki <pisozaki@gmail.com>, "Lisa Yee (LisaMarieYee@gmail.com)"

<LisaMarieYee@gmail.com>, judy.isoazaki@gmail.com, gross21@gross21@charter.net>, carlyoshioka@gmail.com <cfishing247@gmail.com>

Subject: Garvey/Abajo Development PROJECT

To ALL Concerned Residents in Monterey Highlands Area:

I totally support the email that Mr. Almada sent to Mr. Turner on April 24 (see below). I can add additional information in supporting his concerns. I have resided in Monterey Highlands for 46 years and have been a community activist not only for my area, but for all of Monterey Park.

With the advice from former Mayor Lily Chen, I communicated the lack of PROPER facility issues that Monterey Highlands Elementary School had back in the mid 80's. A very intelligent staff person in Assemblyman's Charles Calderon's office was able to communicate to Sacramento and secured \$1.7 million to get Monterey Highlands School completed. I worked with some community members to get rid of a Parole Office near the intersection of Garvey and Casuda Cyn. For the rest of Monterey Park, I presented a 3 min video on why billboards causes blight along our freeways. I was definitely against a casino within the borders of our city. That's how I met former Mayor Mitchell Ing and his wife before he ran successfully for many terms serving our city.

I was working against the Alhambra School District who was attempting to eminent domain homes in Rosemead for another high school when the need was really in Monterey Park. I worked with Mayor Maggie Clark of Rosemead way before she ran for office. With her grass-root residents, they contacted me regarding a hillside above Cadiz and De La Fuente. The owners of that property CVJ (Chu, Venti, & Jabin) were developers and residents who purchased the property in the early 70's. Prior to purchasing the Brightwood hills, they hired a geological firm called Pacific Soils and advised them NOT to purchase the Garvey/Abajo hill due to "prehistoric landslides and the possibility of geological disaster area". CVJ went on to build the homes on Barnum Way, Nachi Way, and Jade Tree. I met with these owners regarding a possible high school in the area. They whole-heartedly agreed with me and hired an independent high school planner from Sacramento who dealt with hillside property. The engineer drew up a feasibility study and topal ma. Willie

I-7b.1

I-7c.1

Lockman, an engineer from Monterey Park, presented the map to the school district. Mr. Lockman was very well-known back in the days. He is the guy who convinced the school district and the city to fill in the canyon on Casuda Cyn to build Monterey Highlands School. The school district had \$40 million dollars to eminent domain homes in Rosemead. CVJ only asked for \$4 million for their property on Cadiz. Currently, that property is now the only gated community in Monterey Park. Mark Keppel Alliance was born in my living room back in 1994. The rest is history.



I-7c.1
cont.

I have a cousin who has sold homes throughout the San Gabriel Valley for over 50 years. She told me that the blight on Garvey has caused clients to rethink purchasing a home in the Highlands area and that our property values is affected. She used to own the apartments next door to the Serbian Orthodox church on Garvey and across from the property in question. When the Whittier quake hit in 1987, not only did residents have to evacuate, she had to borrow funds from the federal government to retrofit the apartment buildings. I even remember the water tank obtained severe damage and water was flowing down Sombrero and onto Casuda Cyn and onto Garvey. This same cousin owns a home on the view side of Arriba. Due to slope and drainage failure, per property and several other homes had to pay for the cost of further erosion with no assistance from the city.



I-7c.2

It made no sense back then and no sense now to build on this property and putting the liability on city funds and the residents for any future lawsuits. Look at what CVJ, an American developer, who paid for geological studies before building verses a foreign developer. Why didn't our city go after them to clean up the hill slide? Is it because they are foreign and our city was unable to go after them? History always seems to repeat itself. How far down do they have to dig before big rock is found, if at all? Residents have been crying on deaf ears for a dog park. This hill side should be cleaned up and a beautiful hiking park and picnic areas should be developed for all of Monterey Park.



I-7c.3

Sincerely,

Cindy Yee

298 Barranca Dr.

Monterey Park, CA 91754

pipsqkcyee@hotmail.com

(626) 300-0828

To: J.Turner, Acting City Planner

Community and Economic Development

320 W. Newmark Ave.

Monterey Park CA 91751

RE: 1688 West Garvey Residential Development (SCH No. 2020070419)

I write this communication as a resident and former City of Monterey Park City Council Member (1982-86) and Mayor (1984-5). Previously to that I served as the City of Monterey Park Disaster Taskforce Chairperson (1980).



I-7d.1

In these two city government positions, as well as my experiences living at 1700 W. Sombrero Dr. from 1988 to the present, I have gained valuable experience in reference to the proposed hillside area that is located at 1688 W. Garvey Ave. and adjacent to Abajo Ave. and W. Sombrero Dr. Although not a soils engineer, geologist or scientist, I have over time gained valuable experience. This includes as a retired and long time administrator for the Los Angeles Unified School District (1974-2007), my City of Monterey Park official governmental positions and my past experiences living at 700 Ynez Ave. (1976-88), as well as at my present 1700 W. Sombrero home. I have gained over the years valuable experience in both land use, earthquake seismic effects, subsidence issues, land movement, mud slides and construction/reconstruction matters. In particular I am knowledgeable about the proposed W. Garvey/Abajo Ave hillside area.



I-7d.1
cont.

Basically these experiences have led me to object to the current proposed development at this site. In short this hill side land is very unstable and subject to seismic and subsidence effects. I have been aware of these issues since my 1980 experience as the Chairperson of the city formed Disaster Taskforce. This appointment was a direct result of the serious disastrous effects to a wide variety of city land and residential properties following six days of severe rainstorms. One of these areas involved the 1688 W. Garvey Ave. hillside area. As an elected councilman and mayor (1982-86), I continued to be involved in this proposed project area.

The Environmental Impact Report (EIR) on this proposed hillside development although mentioning several of the adverse effects on this land caused by past rainstorms and mud/soil movement, does not accurately or thoroughly spell out the true reality of this hillside's historical unstableness.

The following is an outline of my concerns:

I-7d.2

1. There was no effective public notification on this proposed development.
2. Historical instability of this land mass (a matter of past public record).
3. Seismic and subsidence issues past and potential future impacts.
4. The history of the current senior citizen housing complex on the corner of Abajo Ave. and W. Garvey Ave. The initial complex had to be demolished due to the adverse effects of the 1988 Whittier Earthquake.
5. The effects on current residences in the W. Sombrero Dr. and adjacent streets caused by building on land graded and compacted to the then existing building codes; now out-dated, and which cause a measure of instability.
6. The desperate need for truly open space in our city. Our city land is highly built up. There is a big need for open space that protects our environmental well being; as well as offering a sanctuary for diverse birds, other wildlife, plants and trees.
7. My ongoing concern for the stability and safety of the water tank situated at the top of our W. Sombrero Dr. hill. It is located adjacent to this proposed housing development.
8. The potential negative health on our nearby residents caused by the removal of a massive quantity of soil and thus the development of much dust and other potential toxins.

I-7d.3

I-7d.4

I-7d.5

I-7d.6

I-7d.7

I-7d.8

I-7d.9

9. The folly of referencing Garvey Ave. as a minor arterial thoroughfare. It is the major thoroughfare that runs through Monterey Park and proceeds for miles eastward.

I-7d.10

As the Chairperson of the 1980 City Disaster Taskforce following severe rainstorms that resulted in major flooding, mudslides, subsidence issues and the cause of much land and property destruction; as well as my followup experiences as a city council member and mayor with direct experience on this hillside land and issues, I believe that this proposed development will adversely impact our Highlands residential area and potentially impact our city legally as well of negatively affecting what little open space left in our city.

I-7d.11

I urge you to take an even closer look at the past history of this W. Garvey Ave. hillside. This hill additionally is a historical landmark of our city. It was an important part of "Coyote Pass" and Richard Garvey's role on horseback delivering mail to the City of Los Angeles. We need open space. We need to stabilize this area and keep it as open space. We thus can also protect our immediate Highlands community and city at large.

I-7d.12

Thank you and all involved in this critically important land use development matter.

David R. Almada, Ph.D.
1700 Sombrero Dr.
Monterey Park, CA 91754
dralmada2002@yahoo.com
626-533-3404 (c)

Letter I-7

COMMENTERS: David R. Almada (I-7a, I-7d), Gregory Moss (I-7b), Cindy Yee (I-7c)

DATE: April 24-25, 2021

Response I-7a.1

This comment raises no environmental issues specific to the proposed Project pursuant to CEQA but will be presented to the decisionmakers as part of the Final EIR for its consideration.

Response I-7b.1

This comment raises no environmental issues specific to the proposed Project pursuant to CEQA but will be presented to the decisionmakers as part of the Final EIR for its consideration.

Response I-7c.1

The commenter states support for the comments made by David Almada. This comment also states that previous studies had noted the Project site is located in an area where prehistoric landslides had been identified.

The City required new geology and geotechnical studies of the Project site and had these studies peer reviewed by a geology consultant hired by the City. The Draft EIR included these studies. The Geotechnical Report included in Appendix C of the Draft EIR concludes that development under the Project is feasible with the implementation of the recommended mitigation measures. Mitigation Measure GEO-1 would include proper site preparation, removal of unstable soils, retaining wall construction and design requirements to stabilize the hillside, fill slope construction and design requirements to reduce the potential for erosion, Restricted Use Areas (RUAs), drainage and landscaping, foundation design for the proposed single-family homes and proper site maintenance to maintain slope stability for the proposed single-family homes and to ensure the safety of adjacent properties. In addition, all grading would be completed under the Project's designated geotechnical consultant and in compliance with applicable law.

Response I-7c.2

The commenter states that property values in the area have been affected. The commenter notes that the 1987 Whittier Earthquake caused residents to evacuate and caused severe damage to a local water tank. The commenter also notes that property and homes located in a different area of the City experienced slope and drainage failure and further erosion with no assistance from the City.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Response I-7c.3

The commenter opposes the proposed Project and suggests the site be preserved as open space.

The commenter's position is noted. As discussed in Section 5.4, Land Use and Planning, of the Draft EIR, the Project site is currently zoned as R-3 (High-Density Residential), which permits a wide range of land uses, including single-family homes.

Response I-7d.1

The commenter objects to development under the proposed Project due to the unstable land and potential danger of seismic and subsidence events. The commenter notes that in the 1980s, a series of rainstorms caused severe damage to land and properties in the City, including the proposed Project site. The commenter states that the Draft EIR does not accurately or thoroughly describe the Project site's historical land instability.

The commenter's position is noted. As discussed in Section 5.3, Geology and Soils, of the Draft EIR, the proposed Project would have less than significant impacts relating to seismic events as all building construction would be subject to the City's existing construction regulations, including those from the California Building Code as adopted by the Monterey Park Municipal Code. In addition, impacts relating to subsidence events would be less than significant due to dense bedrock underlying the Project site and the planned soil removal depths.

Response I-7d.2

The commenter states that there was no effective public notification for the proposed Project.

As discussed in Section 2.0, Introduction, of the Draft EIR, the City circulated a Notice of Preparation of the Initial Study on July 22, 2020, for a 30-day public review period. In addition, a Notice of Availability of the Draft EIR was circulated on March 9, 2021, for a 45-day public review period.

Response I-7d.3

The commenter states concern regarding the historical instability of the land at the Project site.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Response I-7d.4

The commenter states concern regarding past and potential future seismic and subsidence issues.

Refer to Response I-7d.1, which presents information on Project impacts relating to seismic and subsidence events included in the EIR.

Response I-7d.5

The commenter notes that the existing senior citizen housing complex near the Project site was previously a complex that was demolished due to damage from the 1988 Whittier Earthquake.

This comment is noted and will be considered by City decision makers but does not pertain to the adequacy of the EIR and raises no environmental issues specific to the proposed Project. Nonetheless, as discussed in Section 5.3, Geology and Soils, of the Draft EIR, the proposed Project would have less than significant impacts relating to seismic events as all building construction would be subject to the City's existing construction regulations, including those from the California Building Code as adopted by the Monterey Park Municipal Code.

Response I-7d.6

The commenter states concern for the current residences on West Sombrero Drive and adjacent streets as the land is unstable due to being built on land that was graded and compacted pursuant to now outdated building codes.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Response I-7d.7

The commenter states that the City needs more open space.

This comment is noted and will be considered by City decision makers but does not pertain to the adequacy of the EIR and raises no environmental issues specific to the proposed Project. Nonetheless, as discussed in Section 5.4, Land Use and Planning, of the Draft EIR, the Project site is currently zoned as R-3 (High-Density Residential), which permits a wide range of land uses, including single-family homes.

Response I-7d.8

The commenter states ongoing concern for the stability and safety of a water tank located adjacent to the Project site at the top of West Sombrero Drive.

This comment is noted but does not pertain to the adequacy of the EIR and raises no environmental issues specific to the proposed Project.

Response I-7d.9

The commenter states concern regarding potential health impacts to nearby residents due to the removal of large amounts of soil during Project construction.

As discussed in Section 5.2, Air Quality, of the Draft EIR, the proposed Project would be required to adhere to SCAQMD Rule 403 (Fugitive Dust), which includes measures to prevent the generation of visible dust plumes. In addition, as discussed in Section 7.1, Effects Not Found to Be Significant, of the Draft EIR, implementation of the proposed residential development would not create or exacerbate a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Response I-7d.10

The commenter notes that Garvey Avenue should be referenced as a major arterial.

As stated in the Transportation Section of the EIR, “West Garvey Avenue is a four-lane divided roadway classified as a Minor Arterial on the General Plan Circulation Element. On-street parking is generally prohibited on this roadway near the Project site. Dedicated on-street bicycle lanes are not provided in the study area. Sidewalks are provided on the north side and south side of West Garvey Avenue. The posted speed limit is 40 miles per hour.” Therefore, currently, West Garvey Avenue is not categorized as a major arterial roadway in the City’s General Plan Circulation Element.

Response I-7d.11

The commenter states concern that the proposed Project will have adverse impacts on the surrounding community and potential impacts to the City.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Response I-7d.12

The commenter urges a closer examination of the history of the Project site. The commenter notes that this site is a historical landmark in the City that should be stabilized and kept as open space.

The proposed Project site was analyzed for potential cultural resources and no significant historic resources or history was identified relative to the Project site. Specifically, a cultural resource literature review and records search was conducted at the South Central Coastal Information Center

(SCCIC) at California State University, Fullerton. The SCCIS is one of twelve regional Information Centers that comprise the California Historical Resources Information System (CHRIS). CHRIS works under the direction of the California Office of Historic Preservation (OHP) and the State Historic Resources Commission (SHRC). The SCCIC houses information about historical resources (e.g., location, size, age, etc.) within Ventura, Los Angeles, and Orange Counties per CHRIS standards. Additional sources consulted during the cultural resource literature review and records search included the Office of Historic Preservation Archaeological Determinations of Eligibility and the Office of Historic Preservation Directory of Properties in the Historic Property Data File. The record search indicates that no historic resources have been documented within the Project area. The City currently recognizes two historically significant sites: a historic landscape containing a cascading waterfall that is maintained by the City, and the Jardin El Encanto, a former residence now owned by the City that functions as a rental property. Development in the area the Project site is located in began as early as 19061, and the Project site is not historically significant because of its location along Garvey Avenue.

¹ <https://www.montereypark.ca.gov/721/History-of-Monterey-Park>

Letter I-8

From: James Bradshaw <jameswbradshaw@gmail.com>
Sent: Sunday, April 25, 2021 4:33 PM
To: Jon Turner, PE <jturner@phoenixcivil.com>
Subject: 1688 Garvey

Mr. Turner and to whom this may concern,

I object to this project on numerous grounds. As a city spearheading such an ambitious project, one that could result in severe irreversible property damage to adjacent properties and create a life threatening catastrophe, I would think it would be important to provide personal notice. Considering the potential disasters that could result, it would behoove the city to provide real notice to affected landowners. Sufficient notice was not provided by the city to allow the citizens the opportunity to review this project adequately. Furthermore, most affected landowners are elderly and do not have access or know how to use the internet.

I-8.1

I-8.2

Moreover, this project is being pursued during a time where normal discourse is unavailable. The city cannot provide even zoom meetings for the public, the people who elect these officials.

I had lunch with Willie Lochman and his wife a few years ago after my father had passed, he was the city planner who helped develop the Highlands area. He personally disclosed to me the history of the whole project. He stated that further development on the other side of Sombrero and the area of hill across from the church was "problematic" and further development would have been "reckless".

I-8.3

When I asked him about the subsequent project that was approved by the city, he only stated that it was going to happen.(the slide) Despite our hubris, mother nature will persevere. That piece of land was never suitable for building.

In fact one could argue that this hill denotes the other pillar of the entrance to the San Gabriel valley and is historically valuable. Whenever I look at the history of the city on the internet I see a picture of that hill and a description of the pass that is now Mednick.

I-8.4

This "study" from my limited perspective contains many errors and omissions and is extremely flawed. This land from the city's own officials has been declared as "problematic". It was never meant to be developed. Yet 20 years later, disaster after disaster, does the city think no one remembers?

I-8.5

We have a history of no development and no problems. However, we have a history of trying to develop or interfere with this hill and resulting catastrophes. The next one could result in the loss of life.

Furthermore, the study cites Garvey as a minor artery through the city. This is patently false. This is the primary artery in and out of the city. It is our primary artery. It is the street upon which we hold our parades and festivals.

I-8.6

The study states that there is little seismic risk. The building across the street was condemned for almost a decade. It fell down in an earthquake due to substandard soil conditions. We live in constant threat from earthquakes. We lie adjacent to one of the nation's worst fault's, the Pico Rivera fault.

Seismic risk is substantial.

I-8.7

The soil is at risk of sliding if disturbed This risk is extremely high. Combine the risk presented by the soil and add the risk of seismic disturbance, and it would appear to be a highly risky venture. To ignore either one or both together is willful and rises above mere negligence.

Is the city willing to indemnify myself or other affected property owners should this fail AGAIN. Also the vibration from all the construction and repacking of the hillside may cause it to fail. Vibrations and noise will also interfere with the quiet peace and enjoyment of my property. Noise mitigation?

I-8.8

Further, it will disrupt a host of native animals that depend on that slippery slope for their survival. It is also a migratory outpost for birds that return there every year to nest. Here are a few; Roadrunners, CA Thrashers, American Kestrel, hawks, owls, orioles, also coyotes, racoons and so much more . It is one of the last pure open spaces in the city. It should remain open space. It was never meant to be developed.

I-8.9

Here is an opportunity for the city to properly invoke the power of eminent domain. Sadly it is often used to help developers to acquire land purely for profit for the city and new developers. This is what eminent domain is for. A blighted property resulting from previously allowed projects that should have never been allowed. Land that is not usable for construction for many reasons. This area with minimal cleanup, debris removal, removing plastics, plant hills with native grass could be both beautiful and safe. This hill was not a problem until we created it.

I-8.10

Why did they cut down every tree they could without any thought to the stability they provide ? Are you trying to create another slope failure? The trees were cut to sell this project. Healthy trees cut to create the dream view in order to sell this project. as a result 20 years of growth to help stabilize the hill, destroyed.

I-8.11

What is the fair market value of land that is unstable? What happened to the settlement agreement after the disasters ? After everything we know about the instability of this hill, I cannot believe that the city will entertain this notion again. A project to benefit the few at the cost burdening the many. Potentially catastrophic and deadly, with this knowledge known to you, I want total indemnification, as the city spearheading this project.

I-8.12

Moreover, this project could cause massive subsidence, endangering the water tower and the surrounding properties. Which would ruin the gem of Monterey Park, the Highlands.

I-8.13

I contend that such a massive project will cause traffic problems on our primary artery.

Any road carrying more than 5,000 vehicles a day up to 600 an hour requires 2 lanes, per CA State highway guidelines.

I-8.14

Finally as a citizen , property owner, community business owner, I am shocked that the city would push such a project given the history of the land the danger that could result with subsidence on this slope.

I-8.15

Thank you for the opportunity to voice my concerns, James Bradshaw

Letter I-8

COMMENTER: James Bradshaw

DATE: April 25, 2021

Response I-8.1

The commenter objects the proposed Project due to the potential life-threatening hazards and damage that could result.

The commenter's position is noted. As discussed in Section 5.3, Geology and Soils, of the Draft EIR, Project impacts associated with the direct or indirect cause of potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and landslides would be less than significant with the implementation of Mitigation Measure GEO-1. Mitigation Measure GEO-1 would include proper site preparation, removal of unstable soils, retaining wall construction and design requirements to stabilize the hillside, fill slope construction and design requirements to reduce the potential for erosion, Restricted Use Areas (RUAs), drainage and landscaping, foundation design for the proposed single-family homes and proper site maintenance to maintain slope stability for the proposed single-family homes and to ensure the safety of adjacent properties. In addition, all grading would be completed under the Project's designated geotechnical consultant and in compliance with applicable law.

Response I-8.2

The commenter states that the City did not provide residents sufficient notice of the proposed Project. The commenter notes that most affected residents are elderly and lack internet access.

Refer to Response I-7d.2, which presents information about the Project's public notification process to this point.

Response I-8.3

The commenter states that the Project is being pursued during a time when normal discourse is unavailable. The commenter also offers their opinion that the land at the Project site has never been suitable for development.

The City of Monterey Park City Council will hold a public hearing for this project on June 16, 2021. A public notice will be prepared and sent to surrounding property owners before the hearing.

The Geotechnical Report included in Appendix C of the Draft EIR concludes that development under the proposed Project is feasible with the implementation of the recommended mitigation measures. Mitigation Measure GEO-1 would include proper site preparation, removal of unstable soils, retaining wall construction and design requirements to stabilize the hillside, fill slope construction and design requirements to reduce the potential for erosion, Restricted Use Areas (RUAs), drainage and landscaping, foundation design for the proposed single-family homes and proper site maintenance to maintain slope stability for the proposed single-family homes and to ensure the safety of adjacent properties. In addition, all grading would be completed under the Project's designated geotechnical consultant and in compliance with applicable law.

Response I-8.4

The commenter notes that the Project site could potentially be considered "historically valuable."

Refer to Response I-7d.12, which presents information on the Project site's potential for cultural and historical resources.

Response I-8.5

The commenter states that the Draft EIR is extremely flawed and includes various errors and omissions. The commenter notes that the Project site has a history of failed attempts to develop and expresses concern that potential development could be life-threatening.

Refer to Response I-8.3, which presents information on the Project's feasibility with implementation of recommended mitigation measures described in the EIR.

Response I-8.6

The commenter notes that Garvey Avenue should be referenced as a major arterial.

Refer to Response I-7d.10, which discusses why West Garvey Avenue is not categorized as a major arterial street.

Response I-8.7

The commenter notes that seismic risk in the area is substantial. The commenter also notes that the soil has an extremely high risk of sliding if disturbed.

Refer to Responses I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties, and I-7d.1, which presents information on Project impacts relating to seismic and subsidence events included in the EIR.

Response I-8.8

The commenter states that vibration from construction of the proposed Project and repacking of the hillside may cause slope failure.

The Draft EIR addresses potential short noise and vibration effects from the proposed construction of the Project in Section 5.5, Noise. Based on the analysis presented in this section, no significant impacts will result with the implementation of the mitigation measures identified in the Draft EIR.

Response I-8.9

The commenter states that the proposed Project will disrupt native species in the area. The commenter also states that the Project site should remain as open space.

As discussed in Section 5.8, Biological Resources, of the Draft EIR, the proposed Project's impacts on substantial interference to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites would be less than significant because the Project site has been subject to substantial past disturbance from previous grading and development activities and is surrounded by existing developed areas. The Project site contains little native habitat that supports wildlife and is not located near any natural habitat areas.

During biological resource surveys conducted on the Project site, diagnostic signs (tracks, scat, burrows, etc.) were identified for only two mammal species, the coyote (*Canis latrans*), and pocket gopher (*Thomomys bottae*). The biological resource survey also notes that any mammal species found in the suburban areas of southern California may utilize or traverse the site on occasion including numerous rodent species, raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), and eastern fox squirrel (*Sciurus niger*). The biological resource survey also noted that while a variety of bird species was identified during the biological resource surveys of the Project site, none of none of the species observed on the Project site are considered particularly sensitive and none are specifically protected by State or federal law. For these reasons, the potential impact of the Project on wildlife was determined to be less than significant with implementation of the Mitigation Measures MM BIO-1 through MM BIO-3 to address potential impacts to bird species during construction of the Project.

Response I-8.10

The commenter restates that the Project site is not suitable for development and should be kept as open space.

Refer to Response I-7c.3, which discusses the land uses permitted under the Project Site's current zoning.

Response I-8.11

The commenter states that the trees previously removed from the Project site provided stability.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Response I-8.12

The commenter requests total indemnification from the City for the proposed Project as it may result in potentially dangerous events.

The proposed Project is located on private, not public, property. Any discretionary land use decisions including, without limitation, the draft Development Agreement, specifically require the Project applicant to defend and indemnify the City from consequences arising from construction of the Project. Additionally, a separate public entity, known as a Geologic Hazard Abatement District (or “GHAD”), will be created to ensure that all mitigation measures needed to stabilize the hillside will be properly maintained, repaired, and (if needed) replaced. Among other things, creation of the GHAD will transfer any potential risk from the City to the GHAD.

Response I-8.13

The commenter states that the proposed Project could cause massive subsidence, which would endanger the nearby water tower and surrounding properties.

Refer to Responses I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties, and I-7d.1, which presents information on Project impacts relating to seismic and subsidence events included in the EIR.

Response I-8.14

The commenter states that the proposed Project would impact traffic on local roadways.

Refer to Response I-3.1, which presents information on the various transportation mitigation measures included in the EIR.

Response I-8.15

The commenter restates that the proposed Project is located on a site with a history of dangerous conditions that could experience subsidence in the future.

Refer to Response I-7d.1, which presents information on Project impacts relating to seismic and subsidence events included in the EIR.

Letter I-9

From: bill chu <mspaccls@gmail.com>
Sent: Monday, April 26, 2021 10:57 PM
To: Jon Turner, PE <jturner@phoenixcivil.com>
Subject: Fwd: Fw: 1688 Garvey

To Whom It May Concern:

Many residents of Monterey Park Highland know about this unstable land for many decades. Mr. Bradshaw has pointed out many facts and evidence regarding dangerous, unstable ground, and some people are going against mother nature. The land will gradually slide away as many houses on Sombrero Drive are witnessing already. These houses are direct impact by the ground excavation. How many Monterey park city counsels live in Highland? It is a hazardous project, and we do not want to lose any lives with landslides. We will consult this project with our property insurance companies.

I-9.1

Thanks,

Bill

----- Forwarded message -----

Subject: Fw: 1688 Garvey
To: <mspaccls@gmail.com>

----- Forwarded Message -----
From: Doris Hirosawa <dhirosawa@hotmail.com>
To: evawongwong <evawong_wong@gmail.com>; sylvialane55 <sylvialane55@yahoo.com>; ronhirosawa <ronhirosawa@yahoo.com>; schu720 <schu720@gmail.com>; Doris Hirosawa <dhirosawa@hotmail.com>; ng1608 <ng1608@yahoo.com>; porschesix2003 <porschesix2003@yahoo.com>; rcfavela <rcfavela@hughes.net>; plaw3861 <plaw3861@hotmail.com>; thsullivangroup <thsullivangroup@gmail.com>; Carol Sullivan <carolasull@gmail.com>; Neil Hasuik <hasuik22@yahoo.com>; MattKaylee Wong <mwkk14@gmail.com>; Sheri Martinez <sheri4usc@gmail.com>; mihokawakami04@gmail.com <mihokawakami04@gmail.com>; Frank Kawakami <kawakamifk@gmail.com>; Ken & Lorena <hkenyit@gmail.com>; Joyce Amaro <joyceamaro826@gmail.com>; Paul Isozaki <pisozaki@gmail.com>; David Wong <teriyaki_dave@yahoo.com>; May Luo <jiemeiluo@yahoo.com>; Janet Tham <janet.tham@yahoo.com>; Christine Kimura <ckimura920@gmail.com>; Brian Kimura <briankimura1223@gmail.com>; Gloria Ing <gloria.ing@aol.com>; Alicia Laidlaw <aclaidlaw@yahoo.com>; Ben Wong <benwongsd@gmail.com>; Teresa Wong <teresawongmpk@gmail.com>; Maggie Li <happyfamily9310@gmail.com>; Paul Lee <pauldukelee@gmail.com>; Mikki Chun <mkchun2@gmail.com>; Hermik Shekerjian <hermikh@yahoo.com>; Ray Young <rayyoung23@yahoo.com>; Susie Young <dznyusuz@yahoo.com>; Selina Kwan <selinakwan2@yahoo.com>; Julia Bradley <julia91@charter.net>; Joyce Loo <jackpotjoyces007@gmail.com>; Marian Wong <mariwong@earthlink.net>; Reed LaTourette <reed.latourette@laliftservices.com>; P La Tourette <p.latourette@charter.net>; Liz Cuevas <lizecuevas72@gmail.com>; Sengduane & Ernie Tom <stom426@gmail.com>; Tina Lau Dunn <teelau@yahoo.com>; Susan Wu <susanwangwu@gmail.com>; Ivy Au <ivykte@yahoo.com>; Michael Lee <michael.lee.91803@gmail.com>; Linda & Tino Hu-Gabrie <jyhg@yahoo.com>; Bonnie Tam <bonnie0318@gmail.com>; sarasafa84@hotmail.com <sarasafa84@hotmail.com>; Monica G. Vargas <mgv333@outlook.com>; Sachi Hayashi <smochi5@gmail.com>; D Iwamoto <diwamoto1@aol.com>; Alex Tang <axtang@yahoo.com>; David Almada <dralmada2002@yahoo.com>; Jane Lim

I-9.2

<lim888@aol.com>; Pauline Wong <Pauline.yuen88@yahoo.com>; Doris Hirosawa <dhirosawa@hotmail.com>; June Ito <kangiku@charter.net>; Jen Chew <jensideas@yahoo.com>; John Bluke <mekpong@gmail.com>; Mayumi Wong <mayumiwong@aol.com>; Jack and Marie <dakessian1@charter.net>; Peter W. Chou <pwchou@yahoo.com>; Linda Chu <lindaccls@yahoo.com>; James Bradshaw <jameswbradshaw@gmail.com>; Reyna Orozco <queenorozco@gmail.com>; Marisol Cueva <marisolcueva@gmail.com>; Maria Cueva <mariaarcueva@gmail.com>; Rena Lum <lumrena@gmail.com>; Miko Lau <mikolau@earthlink.net>; Michael Lo <micolo1939@gmail.com>; Liz Canadas <eliz.canadas@gmail.com>; Louis Canadas <lcanadas@att.net>
Sent: Monday, April 26, 2021, 03:13:38 PM PDT
Subject: Fw: 1688 Garvey

Hello Neighbors.
FYI about the housing development.
Doris

From: James Bradshaw <jameswbradshaw@gmail.com>
Sent: Sunday, April 25, 2021 4:40 PM
To: Doris Hirosawa <dhirosawa@hotmail.com>
Subject: Fwd: 1688 Garvey

Here is my response to the city's request for comments on its EIS, re: 1688 Garvey. Thanks to everyone for speaking up. Now more than ever, we need to stay connected. Thank you again
James

----- Forwarded message -----
From: James Bradshaw <jameswbradshaw@gmail.com>
Date: Sun, Apr 25, 2021 at 4:35 PM
Subject: Fwd: 1688 Garvey
To: David Almada <dalmada2002@yahoo.com>

I will be looking forward to discussing this further. Best to you David

----- Forwarded message -----
From: James Bradshaw <jameswbradshaw@gmail.com>
Date: Sun, Apr 25, 2021 at 4:33 PM
Subject: 1688 Garvey
To: <jturner@phoenixcivil.com>

Mr. Turner and to whom this may concern,

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Moreover, this project is being pursued during a time where normal discourse is unavailable. The city cannot provide even zoom meetings for the public, the people who elect these officials.

I had lunch with Willie Lochman and his wife a few years ago after my father had passed, he was the city planner who helped develop the Highlands area. He personally disclosed to me the history of the whole project. He stated that further development on the other side of Sombrero and the area of hill across from the church was "problematic" and further development would have been "reckless".

When I asked him about the subsequent project that was approved by the city, he only stated that it was going to happen.(the slide) Despite our hubris, mother nature will persevere. That piece of land was never suitable for building.

I-9.2
cont.

In fact one could argue that this hill denotes the other pillar of the entrance to the San Gabriel valley and is historically valuable. Whenever I look at the history of the city on the internet I see a picture of that hill and a description of the pass that is now Mednick.

This "study" from my limited perspective contains many errors and omissions and is extremely flawed. This land from the city's own officials has been declared as "problematic". It was never meant to be developed. Yet 20 years later, disaster after disaster, does the city think no one remembers?

We have a history of no development and no problems. However, we have a history of trying to develop or interfere with this hill and resulting catastrophes. The next one could result in the loss of life.

Furthermore, the study cites Garvey as a minor artery through the city. This is patently false. This is the primary artery in and out of the city. It is our primary artery. It is the street upon which we hold our parades and festivals.

The study states that there is little seismic risk. The building across the street was condemned for almost a decade. It fell down in an earthquake due to substandard soil conditions. We live in constant threat from earthquakes. We lie adjacent to one of the nation's worst fault's, the Pico Rivera fault.

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Is the city willing to indemnify myself or other affected property owners should this fail AGAIN.

Also the vibration from all the construction and repacking of the hillside may cause it to fail.

Vibrations and noise will also interfere with the quiet peace and enjoyment of my property.

Noise mitigation?

Further, it will disrupt a host of native animals that depend on that slippery slope for their survival. It is also a migratory outpost for birds that return there every year to nest. Here are a few; Roadrunners, CA Threshers, American Kestrel, hawks, owls, orioles, also coyotes, racoons and so much more . It is one of the last pure open spaces in the city. It should remain open space. It was never meant to be developed.

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This is what eminent domain is for. A blighted property resulting from previously allowed projects that should have never been allowed. Land that is not usable for construction for many reasons. This area with minimal cleanup, debris removal, removing plastics, plant hills with native grass could be both beautiful and safe. This hill was not a problem until we created it.

Why did they cut down every tree they could without any thought to the stability they provide ? Are you trying to create another slope failure? The trees were cut to sell this project. Healthy trees cut to create the dream view in order to sell this project. as a result 20 years of growth to help stabilize the hill, destroyed.

What is the fair market value of land that is unstable? What happened to the settlement agreement after the disasters ? After everything we know about the instability of this hill, I cannot believe that the city will entertain this notion again. A project to benefit the few at the cost burdening the many. Potentially catastrophic and deadly, with this knowledge known to you, I want total indemnification, as the city spearheading this project.

Moreover, this project could cause massive subsidence, endangering the water tower and the surrounding properties. Which would ruin the gem of Monterey Park, the Highlands.

I contend that such a massive project will cause traffic problems on our primary artery.

Any road carrying more than 5,000 vehicles a day up to 600 an hour requires 2 lanes, per CA State highway guidelines.

Finally as a citizen , property owner, community business owner, I am shocked that the city would push such a project given the history of the land the danger that could result with subsidence on this slope.

Thank you for the opportunity to voice my concerns, James Bradshaw

I-9.2
cont.

Letter I-9

COMMENTER: Bill Chu

DATE: April 26, 2021

Response I-9.1

The commenter states that residents have known about the unstable land in the Project area for decades. The commenter refers to comments made by James Bradshaw, Letter I-8 above, and states concerns about the unstable land in the Project area and associated potential hazards including landslides.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

Response I-9.2

These comments have been provided for the public record; however, the comments from James Bradshaw are already included as Letter I-8 and responded to accordingly.

Letter I-10

From: Walt Nakano <gofish1350@msn.com>
Sent: Monday, April 26, 2021 3:58 PM
To: MPClerk <MPClerk@MontereyPark.ca.gov>
Subject: 1688 Garvey Avenue Project

[EXTERNAL EMAIL]

Voicing my opposition to this project of newly constructed homes at this location due to past and recent incidents of structure damage resulting from soil erosion and land slippage. The area has a history a previous condominium complex which was damaged and eventually totally removed as well as a single family home development which was halted and terminated. The City will endanger prospective home owners buying into the 1688 Garvey project as well as creating dangerous soil conditions for those current residents adjacent to the project area. The area of Abajo and Garvey was closed to through traffic for a considerable amount of time in the past because of soil erosion at that location. The City and those responsible for this project will create a hazardous and quite dangerous condition with this development. When an unfortunate event happens in the future, due to an act of God such as an earthquake or sustained heavy rains, the developer and those responsible within Monterey Park City government for this project might will be nowhere to be found to answer for their decision making for this 1688 Project. They will have pocketed their profit and probably offer an excuse that the Project created tax revenue for the City. How this project became to be requires transparency and accountability from all those involved because it will become a costly disaster in expenditures for the City from a probable law suit.

I-10.1

Sent from [Mail](#) for Windows 10

Letter I-10

COMMENTER: Walt Nakano
DATE: April 26, 2021

Response I-10.1

The commenter states that he opposes the proposed Project due to past and recent structure damage in the Project area resulting from soil erosion and land slippage. The commenter notes that previous developments in the Project area have been demolished due to structure damage. The commenter states concern regarding the safety of future and current residents adjacent to the Project site due to existing soil conditions. The commenter also requests that the Project process be more transparent.

Refer to Response I-1.1, which discusses measures, including Mitigation Measure GEO-1, that would reduce the potential for erosion, maintain slope stability, and ensure the safety of adjacent properties.

3.0 MITIGATION MONITORING PROGRAM

3.1 INTRODUCTION

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Monterey Park (City) is the Lead Agency for the Project and is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the mitigation measures (MM) identified to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the MMs identified for the Project.

3.2 ORGANIZATION

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- **Monitoring Agency:** the agency to which reports involving feasibility, compliance, implementation, and development are made.
- **Monitoring Phase:** the phase of the Project during which the MM shall be monitored.
- **Action Indicating Compliance:** the action by which the Enforcement or Monitoring Agency indicates that compliance with the required MM has been implemented.

3.3 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM has been implemented. The Applicant shall maintain records demonstrating compliance with each MM. Such records shall be made available to the City upon request.

3.4 PROGRAM MODIFICATION

After approval of the MMP, minor changes and modifications to the MMP are permitted, subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM shall not, in and of itself, require a modification to any Project discretionary approval unless the City also finds that the change to MM results in a substantial change to the Project or the non-environmental conditions of approval.

3.5 MITIGATION MONITORING PROGRAM

Geology and Soils

MM GEO-1: The Project must comply with all recommendations of the Geotechnical Report *Review of Vesting Tentative Tract Map 75033, 1688 West Garvey Avenue, Monterey Park, California*, dated April 14, 2020, including, without limitation, complying with recommendations from Advanced Geotechnical Solutions, Inc.

- **Monitoring Agency:** City of Monterey Park Public Works Department
- **Monitoring Phase:** Plan Check and Construction
- **Action Indicating Compliance:** Determination that construction plans incorporate all recommendations from applicable Geotechnical Reports prior to issuance of grading permit, field inspections during construction by City and geotechnical consultant, and inspection reports.

Noise

MM N-1: Construction Vibration - Limit the use of vibratory rollers to be no less than 150 feet away from the nearest sensitive receptor.

- **Monitoring Agency:** City of Monterey Park Building Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Field inspections during construction

Transportation

MM TR-1: Construction Management Plan - The Project Applicant must submit a Construction Management Plan to the City's Department of Public Works for review and approval before the start of construction. The Construction Management Plan must include:

- Identified hours of construction and hours for deliveries.
- Identified haul routes.
- Identified location of staff parking for the construction period. The Project must require the construction workers to park at a predetermined parking area specified by the Applicant in this plan.
- Identified the location of material storage.
- Details for the construction work to be completed.

The Project must require the construction workers to park at a predetermined parking area specified by the Applicant in this plan.

- **Monitoring Agency:** City of Monterey Park Department of Public Works
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Review and approval of Construction Management Plan prior to issuance of grading permit.

MM TR-2: Construction Traffic Control Plan - The Project Applicant must submit a Construction Work Site Traffic Control Plan to the Department of Public Works for review and approval before the start of construction. The Construction Traffic Control Plan needs to include:

- Identified location of any roadway, sidewalk, bike route, bus stop or driveway closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.
- Adherence of temporary traffic controls used around the construction area and construction activities to the standards set forth in the California Manual of Uniform Traffic Control Devices and applicable local ordinances.
- Details for the appropriate transportation permit for transportation of heavy construction equipment and or materials, which requires the use of oversized vehicles.
- Identified on-site construction circulation routes and a truck-turning template, determined by a field engineer.

- **Monitoring Agency:** City of Monterey Park Department of Public Works
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Review and approval of Construction Traffic Control Plan prior to issuance of grading permit.

MM TR-3: Construction Notification Procedures - Before construction, the Project Applicant must develop procedures to notify governmental agencies and the public of the following:

- Emergency services affected by construction including possible lane and local access closures and the potential for traffic delays during construction.
- Possible temporary traffic congestion.
- Construction limits/duration and timing of construction.

- **Monitoring Agency:** City of Monterey Park Building Division
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Review and approval of Construction Notification Procedures prior to issuance of grading permit.

MM TR-4 Gate Queuing - The Project Entry from West Garvey Avenue must be redesigned to include a primary entry lane and a second bypass lane to ensure vehicles entering the site can be contained within the driveway.

- **Monitoring Agency:** City of Monterey Park Department of Public Works
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Review and approval of construction plans prior to issuance of building permit.

MM TR-5 Sight Distance - The slope adjacent to the driveway entry on the site must be graded back to the fullest extent feasible and the landscape plan for the Project site must be designed consistent with sight distance principals to avoid placing obstructions, such as dense trees or monument signs, within the limited use area, defined as the area between the line of sight and the centerline of the nearest approaching lane. The limited use area for this Project site is defined as the 60 foot area starting from the end of both sides of the Private Drive. The limited use area must be kept clear of obstructions, including landscaping over 18 inches and trees.

Tribal Cultural Resources

- **Monitoring Agency:** City of Monterey Park Department of Public Works
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Review and approval of construction plans prior to issuance of building permit.

MM TCR-1 Before the commencement of any ground disturbing activity at the Project site, the Project Applicant must retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 - SB18 (the “Tribe” or the “Consulting Tribe”).

A copy of the executed contract must be submitted to the City Planner before the City issues any permit required to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, without limitation, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials

identified. The on-site monitoring must end when all ground-disturbing activities on the Project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project site have little to no potential for impacting Tribal Cultural Resources.

Upon discovery of any Tribal Cultural Resources, construction activities must cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities must be evaluated by the Tribal monitor approved by the Consulting Tribe and a qualified archaeologist if one is present. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes.

If human remains and/or grave goods are discovered or recognized at the Project site, all ground disturbance must immediately cease, and the county coroner must be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods must be treated alike per Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin (non-TCR) must be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it must be offered to a local school or historical society in the area for educational purposes.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Receipt of executed contract with Native America Monitor prior to issuance of permits allowing any ground disturbing activity

MM TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects - Native American human remains are defined in Public Resources Code (“PRC”) § 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal

completeness. Funerary objects, called associated grave goods in PRC § 5097.98, are also to be treated according to this statute. Health and Safety Code § 7050.5 requires any discoveries of human skeletal material must be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she must contact, by telephone within 24 hours, the NAHC and PRC § 5097.98 must be followed.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Notifications to the County Coroner and Native American Heritage Commission as required by the Public Resources Code and submission of report by project archaeology consultant documenting compliance with this measure.

MM TCR-3: Resource Assessment & Continuation of Work Protocol - Upon discovery of human remains, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 100 feet and place an exclusion zone around the discovery location.

The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by State law who will then appoint a Most Likely Descendent (MLD).

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Notification to City that human remains have been encountered and submission of report by project archaeology consultant documenting compliance with this measure.

MM TCR-4: Kizh-Gabrieleno Procedures for Burials and Funerary Remains - If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy must be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased,

and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Notification to City that human remains have been encountered and submission of report by project archaeology consultant documenting compliance with this measure.

MM TCR-5: Treatment Measures - Before the continuation of ground disturbing activities, the landowner must arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation must be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation must be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan must be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items

should be retained and reburied within six months of recovery. The site of reburial/repatriation must be on the Project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There must be no publicity regarding any cultural materials recovered.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Notification to City that human remains have been encountered and submission of report by project archaeology consultant documenting compliance with this measure.

MM TCR-6: Professional Standards - Native American and Archaeological monitoring during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of TCR's must be taken. The Native American monitor must be approved by the Gabrieleno Band of Mission Indians-Kizh Nation. Principal personnel for Archaeology must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Notification to City that human remains have been encountered and submission of report by project archaeology consultant documenting compliance with this measure.

Biological Resources

MM BIO-1: Conduct pre-construction surveys for nesting birds if vegetation removal or grading is initiated during the nesting season from January 1 through September 30. A qualified wildlife biologist must conduct weekly pre-construction bird surveys no more than 30 days before initiation of grading to provide confirmation on the presence or absence of active nests in the vicinity (at least 300 to 500 feet around the individual construction site, as access allows). The last survey should be conducted no more than three days before the initiation of clearance/construction work. If active nests are encountered, clearing and construction in the vicinity of the nests must be deferred until the young birds have fledged and there is no evidence of a second attempt at nesting. Nest detection and avoidance may be difficult or impossible on adjacent private properties. In these cases,

appropriate nest avoidance strategies may be determined by a qualified biological monitor who is on site if land clearance is scheduled during nesting season.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Plan Check
- **Action Indicating Compliance:** Submission of pre-construction nesting bird survey report prior to issuance of permits allowing any ground disturbing activity.

MM BIO-2: A minimum buffer of 300 feet (500 feet for raptor nests) or as determined by a qualified biologist (a biologist with at least a combined five years of academic training and professional experience in the appropriate field, biological sciences or natural resource management and at least two seasons conducting applicable species surveys.) must be maintained during construction depending on the species and location. The perimeter of the nest-setback zone must be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. Construction personnel should be instructed on the sensitivity of the area.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Submission of survey report by project biologist documenting compliance with this measure.

MM BIO-3: A survey report by the qualified biologist (a biologist with at least a combined five years of academic training and professional experience in the appropriate field, biological sciences or natural resource management and at least two seasons conducting applicable species surveys.) documenting and verifying compliance with the mitigation and with applicable State and federal regulations protecting birds must be submitted to the City. The qualified biologist must serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

- **Monitoring Agency:** City of Monterey Park Planning Division
- **Monitoring Phase:** Construction
- **Action Indicating Compliance:** Submission of survey report by project biologist documenting compliance with this measure.