



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

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



May 25, 2021

Sonya Lui  
City of Whittier  
13230 Penn Street  
Whittier, CA 91709  
[SLui@cityofwhittier.org](mailto:SLui@cityofwhittier.org)

**Subject: Notice of Preparation of a Program Environmental Impact Report for the General Plan Update and Housing Element Update (2021-2029), SCH #2021040762, City of Whittier, Los Angeles County**

Dear Ms. Lui:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) from the City of Whittier (City; Lead Agency) for the General Plan Update and Housing Element Update (2021-2029) (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

*Conserving California's Wildlife Since 1870*

Tina Lui  
City of Whittier  
May 25, 2021  
Page 2 of 14

## Project Description and Summary

**Objective:** The Whittier General Plan and Housing Element contain goals, policies, and programs for long-range planning related to physical development and public services. A comprehensive update of the General Plan and Housing Element would serve as the guide for future growth and development. The 2040 planning horizon for the City of Whittier is estimated to result in increases of approximately 472 single family dwellings, 7,023 multifamily dwellings, 828,448 square feet of office space, 193,819 square feet of industrial space, and a reduction of 300,102 square feet of commercial space. An estimated increase of approximately 20,190 residents and 1,396 jobs is projected for the 2040 horizon year. Planned developments identified in the Land Use Element would accommodate the Regional Housing Needs Allocation goal of 3,439 housing units, which represents a 11.5 percent increase from the existing number of housing units within City of Whittier.

**Location:** The Project is located within the City of Whittier, located approximately 12 miles southeast of downtown Los Angeles. The Project comprises a total of 21.8 square miles. The City of Whittier encompasses 14.6 square mile, most of which is developed with urban land uses. The remaining 7.2 square miles are with the City of Whittier's unincorporated Sphere of Influence and use City of Whittier's services and community facilities.

## Comments and Recommendations

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.

## Specific Comments

- 1) Open Space and Natural Habitats. According to Exhibit 3 in the NOP and the Land Ownership dataset available in the [California Natural Diversity Database in BIOS](#), the Project area includes open space, natural habitats, and conservation easements (CDFW 2021a). Per the Project's proposed General Plan Designations (Exhibit 4 in the NOP), areas currently designated as open space, primarily around Hellman Park, would be rezoned to Medium High Density Residential, Low Density Residential, or Hillside Residential. The areas proposed for rezoning are potentially a part of the Puente Hills Preserve.
  - a) CDFW recommends the City analyze and discuss the Project's impacts on open space/natural habitats within the Project area. This includes Puente Hills Preserve; Hellman Wilderness Park; Sycamore Canyon Open Space; Turnbull Canyon Open Space; Hacienda Hills Open Space; Arroyo Pescadero; and Arroyo San Miguel Open Space; and lands owned, operated, and/or conservation easements held by CDFW. The Project could result in additional loss of open space/natural due to fuel modifications and introduction of non-native, invasive plants facilitated by the Project. The PEIR should disclose the amount of open space/natural habitats lost as a result of the proposed General Plan Designations, including all areas subject to fuel modifications and grading to accommodate development.

Tina Lui  
City of Whittier  
May 25, 2021  
Page 3 of 14

- b) CDFW recommends the Project avoid developing and encroaching onto open space/natural habitats. Encroachment onto open space/natural habitats creates an abrupt transition between two different land uses. Encroachment onto open space/natural habitats could affect environmental and biological conditions and increase the magnitude of edge effects on biological resources (see Comment #5). CDFW recommends the PEIR provide alternatives to the Project that would not result in conversion of open space/natural habitats into developed areas. Pursuant to CEQA Guidelines section 15126.6, an EIR “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasible attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives.” Furthermore, an EIR “shall include sufficient information about alternatives to allow meaningful evaluation, analysis, and comparison with the proposed project” (CEQA Guidelines, § 15126.6) (see General Comment #6).
  - c) If avoidance is not feasible, CDFW recommends the PEIR provide measures to mitigate for impacts to open space/natural habitats. There should be no net loss of open space/natural habitats. CDFW recommends the PEIR provide measures where any future development facilitated by the Project mitigates (avoids first if feasible) for project-level impacts on open space/natural habitats not previously identified in the PEIR. CDFW recommends the PEIR provide a measure where any future development facilitated by the Project establishes unobstructed vegetated buffers and setbacks. The PEIR should provide standards for an effective buffer and setback; however, the buffer and setback distance should be increased at a project-level as needed. The PEIR should provide justifications for the effectiveness of all proposed mitigation measures. The PEIR should provide sufficient information and disclosure to facilitate meaningful public review, analysis, and comment on the adequacy of proposed mitigation measures to offset Project-related impacts on open space/natural habitats.
- 2) Fire. The Project proposes to increase development in a ‘Very High’ Fire Severity Zone (County of Los Angeles 2021). Development in the wildland urban interface could increase fire frequency and intensity, thus impacting biological resources. Moreover, fuel modification would need to occur within the footprint of the development site. Fuel modification would increase habitat loss. CDFW recommends the PEIR provide a discussion as to how the Project may impact open space/natural areas with respect to intensifying land use in areas that are highly susceptible to fire.
  - 3) Development and Conservation. CDFW recommends the City modify the Project to maximize development where it already exists in order to protect natural and working lands from development, habitat loss, and climate change. CDFW recommends the City consider regional and State-wide natural resource conservation strategies outlined in the following reports: [Safeguarding California Plan: 2018 Update](#) (CNRA 2018); [California State Wildlife Action Plan: A Conservation Legacy for Californians](#) (CDFW 2015); and, [California 2030 Natural and Working Lands Climate Change Implementation Plan: January 2019 Draft](#) (CalEPA et al. 2019).
  - 4) Impacts on Wildlife Corridors. The Project proposes to increase development into open space/natural habitats part of the Puente-Chino Hills Wildlife Corridor, an unbroken zone of natural habitat extending nearly 31 miles from the Cleveland National Forest in Orange

Tina Lui  
City of Whittier  
May 25, 2021  
Page 4 of 14

County to the west end of the Puente Hills above Whittier Narrows. The Project could impact the ecological integrity and function of the wildlife corridor supporting resident and transient wildlife movement. Moreover, development of Hellman Wilderness Park could add even more barriers to possible wildlife dispersal between the Puente-Chino Hills Wildlife Corridor and Whittier Narrows Recreation Area.

This Puente-Chino Hills corridor provides food, cover, breeding grounds, and refugia to wildlife. The corridor contributes to species diversity, dispersal routes for juveniles, home ranges, and transfer of genetic material which helps maintain healthy populations (LSA 2007). Increased development surrounding and within the Puente-Chino Hills, including those areas adjacent to the Puente Hills Preserve, has increasingly fragmented the area, resulting in isolated islands of habitat (LSA 2007). Habitat fragmentation threatens the viability of remaining natural resources. Maintaining wildlife corridors and habitat continuity is essential for wildlife survival and is increasingly important considering habitat loss and climate change.

- a) CDFW recommends the City analyze whether the Project would impact wildlife corridors (see General Comment #5e). Impacts include (but are not limited to) habitat loss and fragmentation, narrowing of a wildlife corridor, and introduction of barriers to wildlife movement. CDFW recommends such an analysis be supported by studies to document wildlife activity and movement through Project area where development is proposed. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment of significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, §15147). "Technical data and analyses shall be readily available for public examination and shall be submitted to the State Clearinghouse" (CEQA Guidelines, §15147).
  - b) CDFW recommends the Project avoid developing and encroaching onto wildlife corridors. If avoidance is not feasible, CDFW recommends the PEIR provide measures to mitigate for the Project's significant impacts on wildlife corridors (see General Comments #10 and #11). CDFW also recommends the PEIR provide measures where any future development facilitated by the Project mitigates (avoids first if feasible) for project-level impacts on wildlife corridors not previously identified in the PEIR.
- 5) Impacts on Wildlife. The Project's proposal to increase development in the wildland urban interface could impact wildlife. Impacts could result from increased human presence, traffic, noise, and artificial lighting. Increased human-wildlife interactions could lead to wildlife injury or mortality. For instance, as human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety.

CDFW recommends City analyze whether the Project may have direct and indirect impacts on wildlife resulting from increased human presence, traffic, noise, and artificial lighting (also see General Comment #5e). An assessment of impacts on wildlife should also provide a discussion of edge effects, including (but not limited to) introduction and invasion of non-native plant species into natural areas; attraction for wildlife with food or backyard conditions; predation and disease by domestic animals; and habitat fragmentation caused by volunteer trails.

Tina Lui  
City of Whittier  
May 25, 2021  
Page 5 of 14

- 6) Coastal California Gnatcatcher. The Project area contains critical habitat for the coastal California gnatcatcher (*Polioptila californica californica*), a California Species of Special Concern (SSC) and a species listed as threatened under the Endangered Species Act (USFWS 2021). CDFW recommends the PEIR discuss the Project's potential impacts on coastal California gnatcatcher and habitat. The PEIR should provide measures to avoid those impacts or measures to mitigate for impacts if avoidance is not feasible.
- 7) Jurisdictional Waters. Exhibit 2 in the NOP shows multiple rivers, creeks, and water bodies within the Project area.
  - a) CDFW recommends the City identify and delineate all streams within the Project area and provide a thorough discussion of the Project's potential impacts on streams. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the PEIR discuss whether impacts on streams within the Project area would impact those streams immediately outside of the Project area where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed.
  - b) CDFW recommends the Project avoid impacting streams and associated vegetation. Herbaceous vegetation, woody vegetation, and woodlands adjacent to streams serve to protect the integrity of these resources and help maintain natural sedimentation processes. Where development may occur near a stream but may avoid impacts, the PEIR should provide a justification as to why the chosen setback distance of the proposed development(s) would be effective to avoid impacts on streams and associated vegetation. Furthermore, CDFW recommends the PEIR provide minimum standards for effective unobstructed vegetated buffers and setbacks adjoining streams and associated vegetation for all development facilitated by the Project. The buffer and setback distance should be increased at a project-level as needed. The PEIR should provide justification for the effectiveness of chosen buffer and setback distances.
  - c) If avoidance is not feasible, the PEIR should include measures where future housing development facilitated by the Project provides the following:
    - A stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification;
    - A Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* if applicable. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW. CDFW's issuance of a LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible

Tina Lui  
City of Whittier  
May 25, 2021  
Page 6 of 14

Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021b).

- As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project area. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the project-level CEQA document discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 8) Los Angeles County Significant Ecological Areas (SEAs). The Project area contains the Puente Hills SEA. [Los Angeles County Significant Ecological Areas](#) are officially designated areas within Los Angeles County identified as having irreplaceable biological resources (LACDRP 2019). These areas represent the wide-ranging biodiversity of Los Angeles County and contain some of Los Angeles County's most important biological resources. Therefore, CDFW recommends the PEIR provide a discussion of Project impacts on the Puente Hills SEA.
- 9) Nesting Birds. The Puente-Chino Hills is an [Important Bird Area in California](#) as identified by the California Audubon Society (Audubon 2021). The Project proposes to develop within or adjacent to the Important Bird Area. Accordingly, the Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
- a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
  - b) CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. CDFW recommends the PEIR include a measure where future development facilitated by the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
  - c) If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the PEIR include measures where future development facilitated by the Project mitigates for

Tina Lui  
City of Whittier  
May 25, 2021  
Page 7 of 14

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

- 10) Loss of Bird and Raptor Nesting and Breeding Habitat. The Project proposes to develop within or adjacent to the Important Bird Area.
- a) CDFW recommends the PEIR analyze and discuss the Project's impacts on bird and raptor nesting and breeding habitat. Edge effects should also be analyzed and discussed (see Comment #5). CDFW recommends the PEIR disclose the amount of bird and raptor nesting and breeding habitat that would be impact and lost as a result of the proposed Project.
  - b) CDFW recommends the Project avoid developing and encroaching onto the Important Bird Area. If avoidance is not feasible, CDFW recommends the PEIR provide measures to mitigate for impacts on bird and raptor nesting and breeding habitat. Depending on the status of the bird or raptor species impacted, replacement habitat acres should increase with the occurrence of a Species of Special Concern. Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.
  - c) CDFW recommends the PEIR provide measures where future development facilitated by the Project avoids removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density. CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, and shrubs). If trees are removed, CDFW recommends future development facilitated by the Project provides replacement to compensate for temporal or permanent loss habitat within a project site. CDFW recommends planting native tree species preferred by birds and are native to the area.
- 11) Bats. Bats, including some SSC, have been documented in the open space/natural areas adjacent to the Project area (Remington 2006). Project construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts. Accordingly, CDFW recommends the PEIR provide measures where future development facilitated by the Project avoids potential impacts on bats.
- a) Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Additionally, some bats are SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a

Tina Lui  
City of Whittier  
May 25, 2021  
Page 8 of 14

mandatory finding of significance (CEQA Guidelines, § 15065).

- b) CDFW recommends the PEIR provide measures where future development facilitated by the Project provides surveys for bats and roosts. The project-level environmental document should disclose and discuss potential impacts on bats/roosts. If necessary, to reduce impacts to less than significant, the project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

### **General Comments**

- 1) Disclosure. An environmental document should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency "shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures" (Pub. Resources Code, § 21081.6). CDFW recommends that the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
  - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to a project site and where a project may result in ground disturbance. The

Tina Lui  
City of Whittier  
May 25, 2021  
Page 9 of 14

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

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. An environmental document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2021c);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where project activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a project. CDFW's [California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2021d). An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA

Tina Lui  
City of Whittier  
May 25, 2021  
Page 10 of 14

Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2021e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 4) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2021f). The City should ensure data collected for the preparation of any Project-related environmental document be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
  - 5) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The PEIR should address the following:
    - a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the PEIR;
    - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
    - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
    - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;

Tina Lui  
City of Whittier  
May 25, 2021  
Page 11 of 14

- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the PEIR; and,
  - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the environmental document should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the PEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas; access routes to the construction and staging areas; fuel modification footprint; and grading footprint;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
  - c) A range of feasible alternatives to the Project location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City consider alternatives that would fully avoid impacts to such resources. CDFW also

Tina Lui  
City of Whittier  
May 25, 2021  
Page 12 of 14

recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.

- 7) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 9) Compensatory Mitigation. An environmental document should include mitigation measures for adverse project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

Tina Lui  
City of Whittier  
May 25, 2021  
Page 13 of 14

10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an environmental document should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## Conclusion

We appreciate the opportunity to comment on the NOP for the General Plan Update and Housing Element Update (2021-2029) to assist the City of Whittier in identifying and mitigating Project impacts on biological resources. 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](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562)-619-2230.

Sincerely,

DocuSigned by:

*Erinn Wilson-Olgin*

B6E58CFE24724F5

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

cc: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)

Victoria Tang, Los Alamitos – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)

Ruby Kwan-Davis, Los Alamitos – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)

Andrew Valand, Los Alamitos – [Andrew.Valand@wildlife.ca.gov](mailto:Andrew.Valand@wildlife.ca.gov)

Felicia Silva, Los Alamitos – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)

Frederic Rieman, Los Alamitos – [Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov)

Susan Howell, San Diego – [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)

CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## References

Audubon Society. 2021. Important Bird Areas, California. [Accessed 21 May 2021]. Available from: <https://www.audubon.org/important-bird-areas/state/california>

[Cal EPA] California Environmental Protection Agency, California Natural Resources agency, California Department of Food and Agriculture, California Air Resources Board, and California Strategic Growth Council. 2019. Draft California 2030 Natural and Working Lands Climate Change Implementation Plan. Available from: <https://ww2.arb.ca.gov/resources/documents/nwl-implementation-draft>

[CDFW] California Department of Fish and Wildlife. 2021. California Natural Diversity Database. [Accessed: 20 May 2021]. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data#43018408-cnddb-in-bios>

Tina Lui  
City of Whittier  
May 25, 2021  
Page 14 of 14

- [CDFWb] California Department of Fish and Wildlife. 2021. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
- [CDFWc] California Department of Fish and Wildlife. 2021. Natural Communities. Accessed at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
- [CDFWd] California Department of Fish and Wildlife. 2021. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFWe] California Department of Fish and Wildlife. 2021. Survey and Monitoring Protocols and Guidelines. Available from: <https://wildlife.ca.gov/conservation/survey-protocols>
- [CDFWf] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at:
- [CDFW] California Department of Fish and Wildlife. 2015. SWAP Final 2015 Document. Available from: <https://wildlife.ca.gov/SWAP/Final>
- [CDFW] California Department of Fish and Wildlife. 2013. CDFW Departmental Bulletin. Human/Wildlife Interactions in California: Mountain Lion Depredation, Public Safety, and Animal Welfare. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68271&inline>
- [CFGc] California Fish and Game Commission. 2020. Policies. Retention of Wetland Acreage and Habitat Values. Accessed: <https://fgc.ca.gov/About/Policies/Miscellaneous>.
- [CNRA] California Natural Resources Agency. 2018. Safeguarding California Plan: 2018 Update. California's Climate Adaptation Strategy. Available from: <https://files.resources.ca.gov/climate/safeguarding/>
- County of Los Angeles. 2021. Open Data. Fire Hazard Severity Zones. [Accessed 21 May 2021]. Available from: <https://data.lacounty.gov/dataset/Fire-Hazard-Severity-Zones/jwg2-9k5y>
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service. FWS/OBS-79/31. Washington, DC.
- [LACDRP] Los Angeles County Department of Regional Planning. 2019. Significant Ecological Areas Program. Maps. Available from: <https://planning.lacounty.gov/site/sea/maps/>
- [LSA] LSA Associates, Inc. 2007. Final Resources Management Plan. Submitted to Puente Hills Landfill Native Habitat Preservation Authority. Available from: <https://www.habitatauthority.org/resource-management-plan/>
- Remington, S. 2006. Bat Surveys of the Puente Hills (Whittier Hills, Hacienda Heights, La Habra Heights, and Rowland Heights). Final Report. Conducted for The Puente Hills Landfill Native Habitat Preservation Authority. Available from: <https://www.habitatauthority.org/studies/>
- Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2009. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.
- [USFWS] U.S. Fish and Wildlife Service. 2021. USFWS Threatened & Endangered Species Active Critical Habitat Report. Online Mapper. [Accessed 21 May 2021]. Available from: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>

May 30, 2021

**Response to the NOP of the EIR on the General Plan revision, City of Whittier:  
Anticipated mitigation measures**

Submitted by the Historic Resources Commission

Original draft by Karen Bennett and Linda de Vries

Approved by Karen Bennett, Linda de Vries and Andrew Pryor, Commissioners' Meeting in September 2018

Current draft by Linda de Vries

Shared with the entire HRC

(City Attorney Richard Jones has opined that sharing does not violate Brown; letter available on request)

The Historic Resources Commission (HRC) was not allowed by City staff to meet to discuss suggestions for the revision of the General Plan. The commission voted unanimously at the end of a meeting in 2016 to create a sub-committee to request permission to meet. The result was a letter from City Attorney Richard Jones to the HRC on January 9, 2018 supporting most of the HRC requests. Staff, however, did not comply.

Consequently, the sub-committee of Karen Bennett and Linda de Vries wrote the General Plan Revision suggestions, shared them with the Commission via email, and presented them at the September 5, 2020 Commissioners' Meeting at Parnell Park. A third member, Andrew Pryor, was also present at that meeting. The HRC submission was approved by that quorum of the HRC. That is that final submission that I restate here. The original is the final appendix on the *Envision Whittier* website.

CEQA guidelines define the first step in an EIR process as the Initial Study. A Lead Agency, however, does not need an Initial Study if they know there is going to be an EIR. Whittier did not prepare an Initial Study. Neither did the City publish a Checklist for all Elements of the plan. I asked the designated contact at City Hall, Planner Sonya Lui, to which document we should respond. She referred me to the state website containing the NOP. When asked again, a clerk attempted to arrange a conference call with Ms. Lui and the Director of Community Development, but Ms. Lui decided she was too busy.

Without an Initial Study or a Checklist, or a draft of the revisions, it is difficult for HRC to anticipate areas of negative impact in Cultural and Historical Resources that might require mitigation. I have used the documents the City *has* published on the General Plan on the *Envision Whittier* website and compared them to the both the current Cultural Section of the General Plan, [accomplishments and changes in historic preservation since the Atlas was compiled in blue](#), and [the best HRC guess as to areas where mitigation might be required in red](#).

**Mitigation Evaluation**

	Potentially Significant Impact	Potentially Significant Unless Mitigation	Less Than Significant Impact	No Impact
CULTURAL RESOURCES -- Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resources defined in §15064.5?	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

- a. Section 15064.5 of the CEQA Guideline defines a historic resource as a resource that is (1) listed or determined eligible for listing in the National Register of Historic Places (National Register); (2) listed or determined to be eligible for listing in the California Register of Historical Resources (California Register); (3) included in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code; (4) identified as significant in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code); (5) any object, building, structure, site, area, place, record or manuscript that a lead agency determines to be historically significant (generally, this means it is historically significant if it meets the criteria for listing in the California Register); (6) contributing resources in designated historic districts; (7) both contributing and non-contributing resources in historic districts if the two categories have not been differentiated.

The Whittier *Local Official Register of Historic Resources*, when brought up to date, will include over 500 protected historic resources, in five or more historic districts and the area of the Uptown Specific Plan. Any threat to these properties caused by neglect, inaccurate application of the law and Code, or any significant change in the Code, would require mitigation.

The HRC has heard the staff say for the past six years that they would like to make changes in order to “streamline,” but they have come forth with no open and specific proposals. Indeed, five requests from council for more information on such revisions have gone unanswered. In a meeting of November 2020, the City Manager and the Director of Development expressed a lack of knowledge of much of the law and the Code and requested information from the commission and the Conservancy.

Staff has, however, tried a variety of “creative” ways to skirt the law. There is not a certified historian or architectural historian on staff. A consultant has been hired without consulting the Commission or the Conservancy, but she is state-certified as an archeologist and paleontologist, not as an historian. In contrast, two, perhaps three, members of the commission are qualified in history, with extensive research and writing in the field of preservation, and a fourth is a landscape architect.

In addition, Council members have expressed their confusion over and misunderstanding of preservation and preservation law. They seem to think that what is “historic” is open to the casual interpretation of lay individuals, and do not understand that the law is infinitely more specific. “I don’t think it’s historic” is not a legally acceptable judgment.

Whittier is in a situation even before the revision of the General Plan that requires mitigation to correct the mistakes and omissions currently existent. A score of procedural errors have been documented regarding the way in which the City processes applications. Multiple goals in the current General Plan and Uptown Specific Plan have not begun. The mitigation of these conditions must be a part of the revision of the General Plan before we address provisions designed for improvement.

When a comprehensive survey is that fulfills the requirement of the ordinance of at least 50 years old, bringing the date to 1970, that number will increase significantly, constituting a potential negative impact if not correctly handled.

The mitigation is elementary—the City needs to commit to complying with state law (Brown and CEQA), the City Charter, and Municipal Code; direct and train staff to follow the law; let the HRC perform its codified duties (including the publication of a simple manual coupled with an accurate Local Register of Historic Resources. The Whittier Conservancy has even volunteered to pay for the in-service training.

- b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?

Section 15064.5(a)(3)(D) of the CEQA Guidelines defines archeological resources as any resource that “has yielded, or may be likely to yield, information important in prehistory or history.” Archeological resources are features such as tools, utensils, carvings, fabric, building foundations, etc. that document evidence of past human endeavors and that may be historically or culturally important to a significant earlier community. Whittier is highly urbanized, and has been subject to grading and development in the past. Thus, archeological resources that may have existed at one time have likely been previously disturbed. Nevertheless, almost one third of the City is scheduled for development. Thus, demolition and excavation over the life of the General Plan could have the potential to disturb previously undiscovered archeological resources. The EIR also needs to provide further analysis of Tribal cultural artifacts, particularly in light of the passage of AB 52.

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontological resources are the fossilized remains of organisms that have lived in a region in the geologic past and whose remains are found in the accompanying geologic strata. This type of fossil record represents the primary source of information on ancient life forms, since the majority of species that have existed on earth from this era are extinct. Again, almost one third of the City is scheduled for development. Thus, demolition and excavation over the life of the General Plan could have the potential to disturb previously undiscovered archeological resources. The EIR also needs to provide further analysis of Although the Project site has been previously graded and developed, the project would have the potential to disturb undiscovered paleontological resources that may exist in the City. Therefore, the EIR should provide further analysis to the potential impact on paleontological resources.

- d. Disturb any human remains, including those interred outside of formal cemeteries?

No known traditional burial sites have been identified in the General Plan area. Nevertheless, given the breadth of development, the potential exists for uncovering human remains. Therefore, the EIR should provide further analysis.

### ***Atlas of Existing Conditions, 2017***

Neither the Historic Resources Commission nor the sub-committee that prepared the HRC submission had any input into the *Atlas of Existing Conditions*. There are some significant differences in key considerations between the two documents. Mitigation measures are built in to the plan submitted by HRC. Should any of those measures be compromised in the General Plan revision, protection of Historic Resources would be lessened and CEQA procedures would automatically be invoked.

### ***The environmental resources:***

- The historic resources element establishes goals and programs related to cultural, archeological, paleontological, and historical resources.
- The General Plan contains goals, policies and implementation measures that address the issues of greatest concern to the Whittier community. There has been minimal input from citizens on historic resources, both as a result of the City not allowing the HRC to meet and hear comment from the

public (there has not been one HRC meeting dedicated to asking opinions from the public regarding the Cultural element of the plan) and lack of an aggressive outreach on the part of the City. Comment from a wider population should be sought in the final sessions on the General Plan revision.

- Whittier's long history has produced many important cultural and historical structures.

A "Landmark" is a physical element that provides a point of reference or serves as a community identity marker. A landmark can be a structure, space, or natural feature. Landmarks also provide an opportunity to showcase local cultural assets and features. Table 2-11 identifies key historic, civic, natural and commercial landmarks.

This definition of "landmark" is unconnected to the definition of "landmark" in the City's historic preservation ordinance. When referring to cultural resources, the appropriate definition should be used: "Historic landmark" means any singular historic resource that has been designated as such pursuant to this chapter (WMC 18.84.040(I)). This difference in definition must be emphasized because the City has been sued twice recently for using incorrect procedures arising from casual and inaccurate usage. The courts chastised the City for imprecise use of "the plain language.". The City had best not repeat that mistake in its General Plan.

Several items listed in a review of the current Historic Resources Element on page 2-43 of the *Atlas*, require mitigation now and will continue to do so:

- (1) The Historic Resources Commission has not been allowed to meet to discuss its codified duties for almost six years. The failure to complete these tasks has resulted in a score of "mistakes" that have over-burdened staff and citizen alike and need to be corrected now.
- (2) The *Local Official Register of Historic Resources* is out of date, incomplete, and unavailable to the public and staff in the code-designated locations, making it virtually impossible for anyone to be certain what is or is not "historic." The HRC has asked to be allowed to complete this task they are assigned and have been denied.
- (3) Of the "four designated historic districts" only two have contributing and non-contributing resources differentiated, which leads to confusion on the part of staff, even though the law (CEQA) is clear, as to how to handle applications regarding them.
- (4) The residential survey performed by Chattel is not complete. The adopted report states that it only looked at architecture in relation to National Register standards, and that all properties to which a 6L status code had been applied needed an additional survey. This needs immediate mitigation. The non-residential Galvin survey was not adopted by the Council and only a small number of properties were landmarked. This, too, requires the mitigation of immediate completion.
- (5) Two people on the current planning staff have "a background" in historic preservation since they have been on staff in Whittier, but no one on staff meets the state standards for preservation experts. Members of the HRC and the Whittier Conservancy do meet the state standards, but they are not consulted. The City Manager has hired a consultant to perform undefined and uncoded tasks, but her expert qualifications are in archeology and paleontology, not history or architecture.
- (6) The historic preservation information on the webpage is contradictory, outdated, and in conflict with the ordinance. The HRC has requested a revision of the webpage to mitigate these errors.
- (7) There is a map in the Uptown Specific Plan that identifies historic resources in the plan area that staff refuses to accept as resources. They are at risk and mitigation is required.

#### **Key Considerations on page 2-46**

This section contains several points that are at odds with the key considerations listed in the HRC submission. City Staff or Council and HRC have had no shared discussion of these. Given that there is

no revision of the preservation ordinance underway, and depending on the General Plan revision, there could be a need for mitigation arising from these assumed principles.

- (1) "Historic preservation . . . it is just one of the many tools in the larger land use and planning tool box." This may well be true, but CEQA and the City's preservation ordinance as an element of the General Plan is focused solely on preservation. It is the job of the commission to abide by the ordinance and protect historic properties, not to perform duties that are the proper sphere of other agencies. Any measure that weakens the protections currently in place regarding historic resources invokes CEQA and requires mitigation.
- (2) "Preservation practices that work in one community may not be suited for another." There is one law, CEQA, in the state of California, and it applies to any ordinance in any city. The flexibility to "customize" it is written into the law, consistently upheld by the courts. Diminishing protection invokes CEQA procedures.
- (3) "Update of the Historic Resources element will allow Whittier to consider its current programs and practices and lay out a path for future programs or changes to policies that will allow for the best practices in historic preservation." HRC suggestions for the revision begin with "keep the present ordinance" and make slight changes for clarification. Indeed, examination of the ordinance in light of recent HRC decisions on staff recommendations has demonstrated that the ordinance strong, consistent, comprehensive and clear. As three judges said, it is "plain language." Changes would require mitigation.
- (4) "Review current policy that requires Certificate of Appropriateness Application for all buildings constructed before 1941." This is not a "policy" in that it is not in the ordinance. HRC has recommended for years and as recently as January 8, 2020 that this language be removed from the website. The ordinance (WMC 18.84.030) applies to "all historic resources and structures that are at least fifty years old within the city," which *necessitates* "a historical survey of Whittier's post-World War II neighborhoods." Again, the ordinance is accurate and complete. The mitigation needed is to follow practices that match its policies. The HRC has a list of the adjustments that need to be made to achieve this mitigation that is needed immediately.
- (5) "Research other communities" is what the HRC does continually, as evidenced by the process used on the brochure the commission recently produced. Some of the items listed under this topic are not, however, variable. Definitions of "tiered categories of resources," "district contributors," and "specific guidelines and policies for these various designations" exist in CEQA, the law our code is obliged to follow. The HRC has been requesting for six years that staff follow the law. The courts have supported this position. CEQA and SHPO recommend the City of San Diego as a model for their publications explaining these practices. Any variation from CEQA guidelines as embodied in WMC 18.84 would require mitigation.
- (6) "Determine best ways forward to assess historic resources. . . ." All of these are described in CEQA and in SHPO bulletins. The City does not need to devise new methods that might actually violate the law. The errors the City makes arise from not understanding the law and the code. The needed mitigation is training of staff, Council and HRC and the publication of an easy-to-follow manual for planners with whom the public makes initial contact. The manual was an idea first mentioned by City Manager Jeff Collier in 2015. Its time has come.
- (7) "Work collaboratively with area organizations. . . ." This collaboration is strong. The HRC produced a preservation brochure in 2018 that is being distributed by the Whittier Conservancy. Members of the HRC work regularly with the Whittier Conservancy and one commission member is on the Advisory Council of the Conservancy. This same member has written materials for the Library Foundation Board, *Sustainable City News*, and the Facebook group, *Whittier, Our Home Town*. Another HRC member writes regularly for the Whittier Historical Society and *Whittier, Our Home Town*, and is past president of the Whittier Historic Neighborhood Association. The Conservancy is

spear-heading the re-location of the historic Nixon House at 15844 Whittier Boulevard to Parnell Park, including a significant contribution to moving costs. The Conservancy is also paying for the design and milling of the lumber as a donation to the Library rehabilitation for doors and furniture for the children's section, and has secured a grant that pays for a sizeable tree donation to the City every year. These are just a few of the collaborative projects.

**Guiding Principles, Workshop Summary, June 20, 2018, on page 3**

**Include this Guiding Principle in the revised General Plan:**

"Whittier strives to preserve its historic landmarks and districts, protect its hillsides, grow local businesses, and promote quality neighborhood character while encouraging complementary, managed and sustainable growth." (Workshop Guiding Principles Summary)

"Guiding Principle: Whittier strives to preserve its historic landmarks and districts, protect its hillsides, grow local businesses, and promote quality neighborhood character while encouraging complementary, managed, and sustainable growth. Ten people liked this principle, one thought it could use work. Ideas to improve the principle included:

- Preserve only the essential history of Whittier: everything old is not necessarily relevant
- Emphasize quality entertainment (e.g., a Laemmle Theater)
- Ensure historic landmarks and districts are identified"

The first point listed is an area that might require mitigation. Whittier has a preservation ordinance. Such ordinances are subject to CEQA. The City is bound to follow that law, and it defines an "historic resource." Whittier's HRC may determine whether an improvement is an "historic resource" and eligible for landmark designation, and the City's Council may designate "landmarks", but the City is not free to simply make up new definitions and new sets of rules. Mitigation is required when any decision would lessen the protection of historic resources.

The underlying problem with this suggestion is that it reflects an ongoing problem in the City that requires mitigation now: The City uses the term "historic resource" incorrectly, confusing it with "landmark." This was the decision in *Salamone v. City of Whittier* at trial and on appeal, supported by judicial review. The City needs to mitigate the negative impact of its error. Lastly, this suggestion is irrelevant, because CEQA cities already know the boundaries of discretion. They are defined in CEQA.

**Commissions Public Workshop, Summary September 2018**

Prior to the workshop, the City provided the Commissions/Boards with a "homework" assignment (page 3) with questions and topics for each commissioner to consider in the preparation of HRC suggestions for revision. References to this "homework" are incorporated into the annotated HRC submission at the end of this document. "Committee" refers to the combined submission by the sub-committee of Bennett and de Vries.

The members of HRC came to this meeting with eight key points identified out of the commission's complete submission. During the course of the meeting, the consultants as us to distill the eight to three. Those three head the annotated updated HRC submission, the final item of this document.

**Breakout Discussion**

These points overlap with several made in the *General Discussion*, so I have combined them here.

- **Criteria must be clear to all; Encourage property owner participation through streamlining, fee reduction, information access; Promote, encourage, assist and undertake public education about history, heritage, and historic resources of the City.**

All of these points fall under an Education Program. The HRC has begun this with the brochure they produced, but it needs to be accompanied by additional materials and a program of public information sessions and wider distribution to property owners, staff, community organizations and realtors. Of the eight key points in the HRC suggestions submitted for this meeting, #8, which refers to “HRC New Policies 3.1 and 3.2” refers to the education program.

Most importantly, study or training sessions among council, staff, and the HRC need to occur so that terms and procedures are understood in the same way by all who make discretionary decisions regarding historic resources, and to ensure that staff applies the law accurately. HRC Key point #4 refers to **“HRC new policies 1.1, 1.2 and 1.3,”** and emphasizes a **“study session with commissioners and City staff to clarify, streamline and amend the Historic Resources ordinance. Amendment, as stated earlier, is no longer seen as necessary. The current ordinance could be tweaked for greater precision, but is accurate, current and needs no major revision.**

- **Define what is contributing and non-contributing in some existing historic districts; Consider historic district for Uptown.**

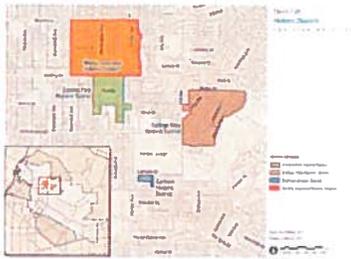
Determining contributing and non-contributing resources in the Hadley-Greenleaf and Central Park Districts must be done immediately in order to comply with CEQA and apply the law equally. The City has misunderstood the difficulty and expense of this process and actively campaigned against it for six years. The HRC is capable of doing it, using data from three previous surveys.

Whittier is not the only city to face this situation, but SHPO recognizes the City of San Diego as a model that Whittier can follow in order to comply with the law and treat property owners equally.

Lastly, the City must follow the law. If no distinction has been made in a district, every property is treated as a contributing resource and USSI standards enforced. This has been the policy applied by the City for three decades, but over the past four months, with no ordinance change or discussion, staff has brought to HRC applications based on the opposite assumption, that every property is non-contributing and therefore has no protection under CEQA. This is a clear violation of the law, as the Conservancy’s attorney has attested, and needs immediate mitigation.

The Uptown Specific Plan already defines the area as an historic district. Indeed, leveraging historic resources for future prosperity is the KEYSTONE of the Uptown Specific Plan. Unfortunately, the City has ignored its code by failing to implement parking and the parking fund, metering, micro transportation, lighting, complete streets, to name a few

*Envision Whittier* includes a map showing the four historic districts. Unfortunately, it does not include the outline of the USP area (see HRC brochure map) nor does it identify Uptown Historic Resources (see USP map with historic resources in orange). These resources need to be accepted immediately. Of the eight key points HRC submitted, #6 emphasizes additional districts.



There are two proposed new historic districts outlined in green but difficult to see within the Uptown Specific Plan area, one in the northeast upper quadrant and the other in the southeast quadrant, that should be implemented immediately as well.

### 135 Specific Plan Consistency Program

The City will continue to implement the two existing Specific Plans (Uptown Whittier and the Quad at Whittier) and undertake the preparation of the Specific Plan for Whittier College.

Timing: 1993-1994

Agency: Planning Department, Public Works Department, Community Development Department

Funding: General Fund (Chapter 10, Implementation, edited)

**There is a third specific plan now, The Lincoln Specific Plan covering the development called The Groves. Retail has changed drastically since 1993 and businesses have closed at the Quad, so it is probable that that specific plan needs significant revision. The Uptown Specific Plan definitely needs mitigation in that its provisions need to be accomplished: parking, parking fund, transportation, complete streets, lighting, beautification, and historic resources. Historic Resources need immediate mitigation.**

- **Consider East Whittier carefully; Consider citywide comprehensive survey; Consider using community experts to save costs; Consider catalog for easy access**  
 Yes, completion of the comprehensive survey is needed. This should include all of Whittier up to 1970. The HRC has long campaigned for this and has suggested using volunteer organizations such as the Whittier Conservancy and WHNA to assist. The Whittier Conservancy has recently been in dialogue with consulting firms who have worked with the City before regarding reduced cost of updating the surveys. The Conservancy is also willing to fund portion of an update. HRC Key Points #5 and #7 refer to this issue in “HRC New Policies 1.4 and 2.6”
- **Explore the City becoming a Certified Local Government**  
 The HRC supports this and discusses it in “HRC New Policy III.”

## HRC Submission for the General Plan Revision – September 2018

Legend: Blue is updated material, including additions from “homework”

Red is policies that may require mitigation, including additions from “homework”

Yellow high-lighted material are additions to the 1993 GP recommended by HRC

Green shaded boxes contain implementation items that involve the HRC

Pink shaded boxes contain implementation items assigned the HRC

\*\*\*Before an item indicates that it is one of eight (8) key points HRC identified

Note: The policy numbering has changed slightly from the September 2018 submission

**This is the document, with the addition of updates and potential mitigation, the sub-committee plus Andrew Pryor presented and unanimously approved at the Commissioners’ meeting September 2018**

### *Eight Key Points Distilled to Three*

- Foster a more encouraging environment for historic preservation by revising City processes, such as clarification (forms) and fee reduction
- Update ordinance in line with best practices
  - Clarify criteria, including evaluating and nominating procedures
  - Update definitions and procedures
  - Historic Resources Commission has a role to play
- Retain the historic resources section of the current General Plan with additional policies recommended by the Historic Resources Commission

Bullet point #3 was first in importance to the HRC, because it refers to the entirety of the packet submitted by the commission, which is updated below.

Bullet point #1 has seen dramatic improvement since 2018: The HRC has published a brochure that clarifies definitions, incentives and procedures property owners must follow. The brochure clarifies what our historic resources and landmarks are. The brochure is meant, however, to be accompanied with an updated version of the *Local Official Register of Historic Resources*, and the City has not allowed the HRC to meet to undertake that revision, with which it is charged in the Municipal Code. Fees for COA, Landmark and Mills Act applications have been waived since 2018. “Forms” refers to COAs and Landmark and Mills Act applications. The city incorrectly uses the COA for all three, causing confusion that needs immediate mitigation.

See discussion of bullet point #2 under Policy 1.3 Below.

## **HISTORIC RESOURCE MANAGEMENT PLAN (GOALS AND POLICIES)**

The Management Plan comprises three areas:

1. Resource identification, which contains the means for developing a listing of structures as suitable candidates for preservation, criteria for evaluating historical significance;
2. Resource preservation, which includes programs to minimize the alteration and prevent the destruction of significant structures, objects or sites;
3. Public awareness, which includes the creation of education programs, publications and material on the City’s website to aid citizens in understanding the values of preservation and the processes by which they might preserve their own potentially historic property.

## **Issue: Historic Resource Identification**

### **Goal 1 Determine the nature and extent of Whittier's physical and cultural heritage.**

**\*\*\*Policy 1.1:** The City will retain the historic resources element of the current General Plan, with additional policies recommended by the HRC, and with revisions of the Historic Resources Ordinance, primarily structural rather than substantive, that will increase efficiency in the handling of historic properties while maintaining crucial citizen oversight.

**\*\*\*Policy 1.2:** The City will ensure that the Historic Resources Commission set its agenda, meet monthly and publish minutes arising from codified duties assigned it in WMC 2.50.040. **This requires immediate mitigation.**

**\*\*\*Policy 1.3:** The City will ensure that the definitions of categories in its Historic Resources Ordinance maintain currency with evolving preservation practices, and are used with consistency throughout its documents and website.

Bullet point #2, updating the ordinance, noted above in the three key HRC goals, should be reconsidered in the light of staff submissions and HRC decisions over the past year. The ordinance stands up well. It is consistent with CEQA and current national and state laws and practices. It is internally consistent, with the exception of (1) slight variations between definitions in Article I and their repetition in later Articles, and (2) confusion between 18.84.400 and 18.84.410.

The problem is not the ordinance, but the inaccurate application of terms and procedures by the City. Four key terms—*historic resource*, *landmark*, *eligible* and *designated*—have been the subject of court decisions and require immediate mitigation.

**The definition of terms and procedures are accurate and clear. The problem is that the City does not use the language nor apply the procedures in line with the Ordinance consistently and across all platforms. The City website and all City documents need to be edited to reflect accurately Ordinance 18.84. The non-codified terms “vintage” and “1941” need to be eliminated in all documents and on the website. Research into the ordinances and practices of other cities and tweaking WMD 18.84 for even more clarity (particularly Certificate of Economic Hardship) are fine, but the primary mitigation needed is agreement among Council, Staff and HRC and training of staff.**

As a result of its “testing” this year, the ordinance WMC 18.84 really does not require revision to bring it up to date and consistent with best practices of other cities. *Definitions, criteria* and *procedures* are in line with CEQA, consistent with one another in the Code as written, and function well.

The City has, however, ignored some portions of the ordinance, and that requires mitigation: complete and accurate applications, reporting and monitoring that allows for appeal, monitoring of COA compliance, code enforcement, and clear use and lines of reporting waivers and COAs. The City simply needs to follow the law.

The administrative code WMC 2.05.050, however, requires immediate mitigation. It was revised in 2020 in a “language cleanup” that resulted, perhaps unwittingly, in a policy change, and it now

violates the Brown Act, City Charter, and Municipal Code in relation to HRC rules and regulations, and needs immediate reversal.

“Historic Resources Commission has a role to play” refers to the fact that the City refuses to let the commission call meetings, contribute to agendas, take attendance, publish reports in the form of minutes, or control the management of its meetings. Tasks assigned to the HRC are going undone, to the detriment of the environment, the citizens, and staff and commission. This requires immediate mitigation. The City needs to follow the Brown Act.

**\*\*\*Policy 1.4:** The City will clarify the criteria and procedures for assigning properties to codified categories: *historic resource, contributing resource, non-contributing resource, and landmark.* **As with Policy 1.3, the problem is not the ordinance itself, but the failure to apply it consistently. These are the areas of mitigation needed:**

- a. Correct the mistaken use of the Certificate of Appropriateness application
- b. Cease using the term “non-historic properties” and use only the codified terminology listed
- c. Eliminate the non-codified “1941”
- d. Retain WMC Section 18.84.030 that applies to all historic resources and structures that are at least fifty (50) years old
- e. Let HRC bring the *Local Official Register of Historic Resources* up to date, and make sure 18.84.110 is accurate.
- f. Eliminate 18.84.140, since there are no longer any development funds
- g. Correct the mistaken understanding of “6L” properties and eliminate the erroneous statement “There is now a clear distinction between “historical” and “vintage” residential properties (2016 proposal by Jeff Collier,” by dispensing with the term “vintage” and applying WMC as written, based on facts:
- h. Add this sentence to the criteria for landmark status: “Should the city council decide not to grant landmark status to a nominated eligible historic resource, the property will nevertheless remain eligible for future listing,” in order to comply with CEQA.

**\*\*\*Policy 1.5:** The City will ensure consistent and discrete use of the Nomination for Landmark Status and the Certificate of Appropriateness.

1. **Create a Nomination for Landmark Status form *different from* the Certificate of Appropriateness (website and staff now erroneously conflate the two forms, leading to procedural confusion for council, staff, HRC, and property owners.**
2. **Distinguish clearly on the website (as the Ordinance already does) between a Certificate of Appropriateness for work to be done on a property, a Waiver of C of A, and a Certificate of Economic Hardship; clarify the purpose of a Certificate of Economic Hardship. See WMC 18.84.150 –Certificate of Appropriateness Requirements and WMC 18.84 – Certificate of Economic Hardship Requirements.**
3. **Define the follow-up process used when a Waiver is issued, and use the process.**

**\*\*\*Policy 1.6:** Identify buildings, sites, objects, neighborhoods, landscaped areas, and gardens that have special significance to the history and/or character of Whittier.

1. Devise methods, within the City’s budget, for completion of the comprehensive survey of historic resources and designation of contributing resources within historic districts, residential and non-residential properties 50 years old or older (1970).
2. In completing a survey of historic resources, the General Plan should give immediate and special attention to documents *adopted but never fully implemented or never adopted:*

- a. Elements of the current General Plan itself
- b. The 2008 (revised. 2014) Uptown Specific Plan (USP)
  - (1) Properties labeled “historic assets” will be correctly defined as “historic resources”
  - (2) The two additional historic districts identified in the USP should be designated
- c. The 2015 Non-Residential Survey (presently pending) should be completed
  - (1) City Hall and the adjoining library are designs of architect William H. Harrison. City Hall is a designated landmark. The Library, pending, should be designated a landmark forthwith.
  - (2) The City should create a Civic Center Specific Plan so that any remodeling of these two structures is consistent with the U.S. Secretary of Interior Standards.

**#20 Comprehensive Historic Survey**  
 A number of studies and field surveys have been made on Whittier’s historic structures, but a comprehensive survey needs to be done. While the City may not have the resources to complete the survey, there are [*the members of the Historic Resources Commission*], community groups and interested individuals who could assist the City in this program. The City will combine past surveys and studies and work with community groups on preparing a comprehensive survey of cultural and historic resources in the City.  
 Timing: 2019-2020  
 Agency: Historic Resource Commission, Department of Community Development  
 Funding: General Fund (Current Whittier GP 10-6, timing dates changed; italics mine)

**#19 Community Participation Program**  
 The City of Whittier encourages community participation and input into City programs and ordinances. This leads to programs that reflect citizen interests and meet their needs. It also develops pride and commitment from its residents. By involving residents in the decision-making process, equal opportunity is promoted and the sense of community is strengthened. The City will disseminate information by cable television and other media to encourage community participation in all City programs  
 Timing: Ongoing  
 Agency: Planning Department, Transit Department, Library  
 Funding: General Fund

**Policy 17: Require investigations for new development during the environmental review to evaluate the potential for archaeological and paleontological resources.**

**#25 Cultural Resources Preservation Methods**  
 Many archeological and paleontological resources are overlooked or damaged during grading and excavation activities. The City will monitor excavation activities so that any fossils found may be quickly and safely recovered.  
 Timing 2019  
 Agency Planning Department  
 Funding General Fund (Current Whittier GP, 10-8, slightly edited)

**#131 Site Investigations and Surveys**  
 The City will maintain current information on sensitive sites to use for reference in future review.  
 Timing: Ongoing  
 Agency: Planning Department  
 Funding: General Fund (Chapter 10, Implementation, edited)

**Issue: Historic Preservation**

**Goal 2** Develop an historic resources preservation program, recognizing that effective utilization of the City’s historic resources supports community identity and appeal, social and economic vitality, and neighborhood stability.

**Policy 2.1** Update the City’s historic resources ordinance as needed to protect identified historic buildings, sites, trees, gardens, and neighborhoods.

**Policy 2.2:** Once revisions for clarification are in place, the City will reduce fees for Nomination for Landmark Status and Certificate of Appropriateness, and eliminate the non-codified requirement of the property owner paying an independent “expert,” to provide supporting data for the nomination, thereby ensuring consistency.

**Policy 2.3:** The City will “include language in the WMC that would allow historic properties to apply for a conditional use permit to operate as a non-conforming use if that helps preserve the integrity of a designated resource.” (City Manager’s proposal of 10/25/16)

**\*\*\*Policy 2.3:** Establish Historic Districts, as appropriate, to protect Whittier’s historic neighborhoods, and to preserve and enhance the distinctive visual and functional image of Whittier.

1. The Historic Resources Commission will meet to rectify inconsistencies of identified contributing resources among the historic districts and recommend codification of its findings.
2. The Historic Resources Commission will recommend codification of the additional historic districts identified in the USP.

<p><b>#53 Historic District Designation</b></p> <p>Historic Districts are overlay zones in the Zoning Ordinance that designate areas where historic preservation efforts will be focused. The Hadley/Greenleaf Historic District was established to preserve and enhance the architectural and historical character of the Hadley/Greenleaf residential neighborhood. The District sets standards for the preservation of significant structures and ensures that new development is compatible with the existing community character. With the number of historic structures in the City, it is expected that new historic districts will be established. If the Citywide survey shows that a number of historic structures are located within a neighborhood or near one another, a historic district designation may help preservation efforts. Historic districts protect structures from demolition or remodeling that erases their historical significance. The City will identify and designate additional historic districts. The City will identify potential areas for historic districts. In order to make property owners understand the benefits of historic designation, the City needs to be sensitive to their needs and will prevent undue hardships. The City will work with property owners to designate Historic Districts, as appropriate.</p> <p>Timing 2019</p> <p>Agency Historic Resources Commission, Department of Community Development</p> <p>Funding General Fund (Current Whittier GP, 10-17)</p>
--

**Policy 24:** Encourage new development near historic structures, sites or districts to be compatible with the existing significant structures in scale, material, and character.

1. The City will give special consideration in this regard to the Hadley-Greenleaf intersection and the entire Hadley corridor from Greenleaf to Whittier Boulevard.
2. The City will develop implementation plans for this policy

- a. Ensure the hiring of at least one dedicated City Planning staff person with a background and focus in historic preservation who informs and participates in decision-making and in the project review process.
- b. Promote sustainable development and adaptive re-use of historic buildings whenever possible
- c. Adhere to the GP and all specific plans and not give developers variances that depart from those plans
- d. Ensure that new development should take into account nearby historic properties so as not to deny potential adaptive re-use.

**#29 Design Standards within Historic Districts**  
 To promote the integrity of historic districts, new structures will be compatible in terms of scale and character. Design guidelines can assist developers in planning a project that would complement existing buildings, instead of clashing with them. **The City will develop design standards for new development near historic buildings or districts.** With design guidelines for historic districts in place, the City can review development projects for compatibility with adjacent structures and the neighborhood identity. This review does not require structures to reflect historic architectural styles, but only to promote the character of the place. **The City will evaluate new development for compatibility with adjacent historic structures or districts.**

**Timing:** 1995-1996  
**Agency:** Planning Department, Historic Resource Commission  
**Funding:** General Fund

**\*\*\*Policy 2.5: The City will nominate buildings and neighborhoods of historic significance to the National Register and State Historic [and local] Landmark Programs.**

**#139 State and Federal Preservation Programs**  
 State and Federal Programs provide a means for historic preservation and additional protection for structures and landscapes (street trees, gardens, etc.) with identified historical significance. The City of Whittier can avail of these benefits by applying for the designation of important structures. The City will nominate buildings and neighborhoods of historic significance to the National Register and State Historic Landmarks programs.

**Timing:** 2019  
**Agency:** Historic Resource Commission  
**Funding:** General Fund (Whittier current GP, 10-47, unedited)

**Policy 2.6: Facilitate adaptive re-use of existing historic structures through the creation of incentives for developers.**

The USP defines the tasks:

- Adaptively reuse existing buildings
- Use existing buildings as catalysts for future development
- Plan for infill with appropriate size, scale, massing and design compatible with historic structures
- Use the existing historic built form to influence new buildings
- Use existing historic land use patterns to inform future decisions (e.g. civic, institutional, residential, and commercial)

**#62 Incentives for Historic Preservation**  
 The preservation of historic structures, when appropriate, will be accomplished by the rehabilitation of existing structures for adaptive reuse. This may include structural restoration to

its original architectural design and form. Volunteers and financial loans can facilitate historic rehabilitation in Whittier. The City will use volunteer labor, loans, and grants to encourage the rehabilitation of historic structures. The cost of historic preservation can be reduced by tax incentives and financing options available through State, local, and private agencies. The City will promote preservation by disseminating information of available incentives, loans, and financing programs for historic structures. The City will feature available tax incentives and financing options for historic structures in a brochure or handout at City Hall. The City will provide economic incentives for historic site preservation efforts. This may include reduced taxes, transfer development rights, direct compensation, reduced parking requirements, etc. The City will prioritize sites for funding based on the findings of the historic resource surveys undertaken as part of the Comprehensive City survey. The City will work with appropriate public and private organizations to obtain funds for the preservation of significant structures, sites, and landscaped areas in the City.

Timing 2019

Agency Department of Community Development, Historic Resource Commission

Funding General Fund (Whittier current GP 10-20, unedited)

**Policy 2.7: The City will disseminate standards for adaptive reuse of historic structures.**

**#136 Standards for Adaptive Reuse**

The adaptive reuse of historic structures will lead to greater historic preservation efforts in the City. It encourages property owners to preserve historic structures and at the same time provides options for changing the use of the structure. By establishing guidelines and standards for adaptive reuse, there will be greater awareness of opportunities for rehabilitation. The City will develop standards for the reuse of historic structures. The standards will include incentives to encourage adaptive reuse and discourage lot splits.

Timing 2019

Agency: Planning Department

Funding General Fund (Whittier current GP 10-45, unedited)

**Policy 2.8 The City will require compliance with State and Federal cultural and historic resource preservation standards and regulations, including the following, updated annually.**

**#38 Environmental Review Program**

The California Environmental Quality Act (CEQA) is a state law that was adopted to protect the quality of the environment. CEQA requires all new development projects to be subject to environmental review and an environmental impact report (EIR) to be prepared for projects that may have a potential for environmental impacts. The EIR identifies the environmental setting, potential impacts, and mitigation measures that will prevent or reduce impacts on a wide range of issue areas.

Any environmental review must also consider cumulative and growth-inducing impacts and alternatives to the project. **The City will comply with the requirements of CEQA on the conduct of environmental review prior to development approval. In compliance with CEQA, the City will allow the Planning Department to review roadway projects for potential environmental impacts.** An environmental review prior to street construction will determine potential impacts on existing wildlife and vegetation, population, housing and the economic impacts of street improvement projects. The review must provide adequate migration.

**Timing:** Ongoing

**Agency:** Planning Department

**Funding:** General fund (Whittier current GP 10-45—47, unedited)

**The HRC should regularly review the City's Historic Resources Register and work with Planning or Code Enforcement when historic resources change ownership or deteriorate. Requires mitigation. This is an area that requires immediate mitigation. See the discussion above.**

**#138 State and Federal Preservation Law**

The city will require compliance with State and Federal cultural resources preservation standards and regulations. [There is a long list of regulations the City adopts each year]

**Timing:** Ongoing

**Agency:** Community Development Department

**Funding:** General Fund (Chapter 10, Implementation, edited)

**Policy 2.9:** The City will ensure that after environmental review the identified mitigation measures are made conditions of approval for the project and the responsibilities of monitoring are assigned.

**#78 Mitigation Monitoring**

Amendments to CEQA have required a monitoring and reporting program for ensuring compliance with the mitigation measures. While the EIR serves primarily as an informational document, mitigation monitoring provides it with the mechanism to reduce or eliminate potential environmental impacts. Specific mitigation measures, the individuals responsible for implementing the measures, the time frame for implementation and the agency responsible for monitoring compliance will be made as conditions of approval. In this way, there is greater accountability for compliance. The City will ensure that after environmental review the identified mitigation measures are made conditions of approval for the project and the responsibilities of monitoring are assigned.

**Timing:** Ongoing

**Agency:** Planning Department

**Funding:** Private funds and General Fund

**Policy 2.10:** The City will continue to require adequate notice prior to the demolition of historic structures.

**#27 Demolition Notice**

The demolition of historic structures may sometimes go unnoticed. With greater notification efforts and longer periods, more historic structures may be preserved. The City will continue to require adequate notice prior to the demolition of historic structures to solicit interest in moving the structure to another site for possible rehabilitation or alternate methods of preservation.

**Timing:** 1994

**Agency:** Planning Department

**Funding:** General Fund

**Policy 2.11** Encourage the preservation of open areas around historic buildings.

**\*\*\*Policy 2.12:** The City will strengthen preservation qualifications of development staff and Historic Resources Commission:

- a. **The City will appoint a fifth member of the Historic Resources Commission with high priority given to those who have expertise in preservation.**

This has been done.

- b. The city will hire or pay to train a staff person with professional qualifications in preservation planning.

This has been done, but she is not yet on the job. She is a state-certified archeologist and paleontologist, but is not certified in history or architectural history.

- c. The City will ensure that planning practices meet the highest and most current standards of preservation through continuing education of staff and HR Commissioners.

This continues to require mitigation. It is urgent.

**Policy 2.13: The City will improve code enforcement**

<b>#16</b>	<b>Code enforcement</b>
Without property maintenance, housing units look unsafe and could deteriorate faster. The City has established minimum standards for maintenance to protect public safety and enhance neighborhood quality. The standards help conserve the housing stock and maintain property values. The City will enforce the property maintenance standards. The City will continue the code enforcement of nuisances (inoperable vehicles, alleys, property maintenance) and illegal housing units and garage conversions.	
<b>Timing</b>	Ongoing
<b>Agency</b>	Code Enforcement Division, Community Development Department, Building & Safety, City Attorney, Planning Department
<b>Funding</b>	General Fund, Special Revenue Fund
<b>This policy requires immediate mitigation; i.e., Code enforcement officers are insufficiently trained and little code enforcement occurs. Serious degradation is underway and the City depends too much on stop-work orders rather than prevention.</b>	

**Policy 2.14:** After adoption of the revised General Plan and future General Plan amendments, the City will review the zoning ordinance for consistency with the General Plan land use policy.

<b>#46</b>	<b>General Plan and Zoning Ordinance Consistency Program</b>
A major component of the Land Use Element is the Land Use Plan, which regulates the location and intensity of development in the City. The designation contained in the Plan reflect the Land Use policy of the City. The Zoning Ordinance is the primary implementation measure for the Land Use Plan. The Zoning Ordinance regulates the type and intensity of development and contains development standards for lot coverage, building height, signs, landscaping, floor area, etc. As the major tools for land use control, the General Plan Land Use Policy and Zoning Ordinance implement a number of policies relating to the distribution and type of land uses in the City. After adoption of the revised General Plan and future General Plan amendments, the City will review the zoning ordinance for consistency with the General Plan land use policy.	
<b>Timing:</b>	1993-1995
<b>Agency:</b>	Planning Department
<b>Funding:</b>	General Fund

**Issue: Public Awareness**

**Goal 3 Promote public awareness of Whittier's history and heritage.**

**\*\*\*Policy 3.1:** The City will explore Certified Local Government (CLG) participation at the state and federal level, giving Whittier a chance to apply for grant funds for focused preservation activities.

**\*\*\*Policy 3.2 (was 3.1)** Promote, encourage, and assist, as appropriate, efforts to educate the public about the history, heritage, and resources of Whittier.

1. **The HRC and city staff will work together to ensure common understanding of all terms and processes in the HR Ordinance, and create a public education program, which shall:**
  - a. **Correct inaccuracies and inconsistencies on the city's documents and website**
  - b. **12Provide clear links to all downloadable brochures, applications, and procedures**
  - c. **Create a manual that lists all of the historic resource materials available on the website. A member of the HRC and the Conservancy are collaborating on the manual.**
  - d. **Identify historic district and Uptown Specific Plan boundaries with street signage. This has been completed through action and donation from the Whittier Conservancy.**
  - e. **Create a brochure for each district that identifies landmarks, contributing resources, and benefits and incentives available for residents. A first, general brochure has been created, the rest are yet to come.**
  - f. **Place maps of the historic districts in City Hall for reference by both public and staff. The brochure contains a map; it is the responsibility of staff to place them in City hall, but the Conservancy has volunteered to distribute them to the public. *Distribution has been delayed by staff not allowing the HRC to meet and complete the comprehensive survey and the Local Official Register.***
2. **The city will consult with local organizations like the Whittier Conservancy, the Whittier Historic Neighborhood Association, and the Whittier Historical Society and Museum, which can be helpful in assisting the city and the HRC in preparing updated inventory additions. These relationships are strong and consistent.**
3. **The HRC should regularly study current trends and best practices in preservation and make recommendations to the city council that allow City policies and procedures to reflect them. *The HRC needs to be allowed to meet and perform codified duties.***

**#54 Historic Resource Promotion**

The colorful history of the Whittier area and the variety of historical structures and sites that presently exist can be used to market the City as a desirable place to live or to invest. Preservation programs can be tied with efforts to attract homebuyers, developers and investors into the City. It will continue to support cultural activities (such as Founders Day, field trips, presentations, street fairs, etc.) and educational and promotional materials (videos, articles, brochures, etc.) to expand public awareness in the City. The City will work with the Board of Realtors and other local groups for promoting the historic resources of the City, to market it to potential investors, residents, and visitors.

Timing 2019

Agency Historic Resources Commission, City Manager, Community Development Department

Funding General Fund (Whittier current GP, 19-17—18, unedited)

**#105 Public Awareness of Significant Historic Resources**

Public awareness can help in the City's historic preservation effort. Education and information programs can rally support for preservation issues in the City. The City will expand its cultural awareness programs and work with public and private organizations interested in cultural resource management and education. The City will work with other agencies to prepare a brochure of Whittier's cultural resources. The promotion of Whittier's cultural resources through public information can be expanded by prominent identification of historic sites and structures. This will generate greater interest and knowledge of the area's history and heritage.

The City will work with public and private organizations in providing historic buildings with signs and monuments for identification.

Timing 1995-1996

Agency Department of Community Development

Funding: General Fund

**Policy 3.3:** The City will work collaboratively with area organizations to] provide information to the public on tax incentives and financing available for historic preservation activities.

1. Formulate outreach programs informing community members about programs, like the Mills Act, that can benefit property owners.
2. Ensure consistency in the issuance of Certificates of Appropriateness and Waivers, to avoid unequal application of the law that could put the city in a position of risk regarding possible litigation.
3. Post discretionary decisions on the part of staff in a prominent place so citizens have the opportunity to appeal.
4. Send periodic notices to owners of landmark properties or properties within a district reminding them

#### **#144 Support Organizations**

The City has limited resources to be involved in development projects. It is primarily in the hands of private developers to bring in new development to the city. The City of Whittier recognizes that by working with local organizations, it can promote development and new investment in the City. The City will coordinate with local organizations to promote the development of quality projects in the City.

Timing: Ongoing

Agency: Community Development Department, City Manager

Funding: General Fund

**\*\*\*Policy 3.4: The City will direct a study session with the Historic Resource Commission and staff on WMC 18.84 and attendant documents in order to clarify and amend the Ordinance as necessary to implement all the policies noted below and to create consistency among all City documents and material on the website.**





**COUNTY OF LOS ANGELES  
FIRE DEPARTMENT**

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401  
www.fire.lacounty.gov

*"Proud Protectors of Life, Property, and the Environment"*

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

**BOARD OF SUPERVISORS**

HILDA L. SOLIS  
FIRST DISTRICT

HOLLY J. MITCHELL  
SECOND DISTRICT

SHEILA KUEHL  
THIRD DISTRICT

JANICE HAHN  
FOURTH DISTRICT

KATHRYN BARGER  
FIFTH DISTRICT

May 26, 2021

Sonya Lui, Principal Planner  
City of Whittier  
Community Development Department  
13230 Penn Street  
Whittier, CA 90602

**RECEIVED**

JUN 01 2021

**PLANNING DEPT.**

Dear Ms. Lui:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT, "GENERAL PLAN UPDATE AND HOUSING ELEMENT," THE COMPREHENSIVE UPDATE OF THE WHITTIER GENERAL PLAN AND HOUSING ELEMENT SERVES AS THE GUIDE FOR THE CITY'S FUTURE GROWTH AND DEVELOPMENT, THE GENERAL PLAN AND HOUSING ELEMENT CONTAIN GOALS, POLICIES, AND PROGRAMS THAT WILL PROVIDE CITY STAFF AND DISCRETIONARY BODIES WITH A FOUNDATION FOR DECISIONS FOR LONG-RANGE PLANNING RELATED TO PHYSICAL DEVELOPMENT AND PUBLIC SERVICES, WHITTIER, FFER 2021004757**

The Notice of Preparation of a Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

**PLANNING DIVISION:**

We have no comments.

For any questions regarding this response, please contact Kien Chin, Planning Analyst, at (323) 881-2404 or [Kien.Chin@fire.lacounty.gov](mailto:Kien.Chin@fire.lacounty.gov).

**SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:**

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY  
CALABASAS

CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY  
DIAMOND BAR  
DUARTE

EL MONTE  
GARDENA  
GLEN DORA  
HAWAIIAN GARDENS  
HAWTHORNE  
HERMOSA BEACH  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY

INGLEWOOD  
IRWINDALE  
LA CANADA-FLINTRIDGE  
LA HABRA  
LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER

LAWNDALE  
LOMITA  
LYNWOOD  
MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT

PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
VERNON  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

**LAND DEVELOPMENT UNIT:**

The Land Development Unit is reviewing the proposed "GENERAL PLAN UPDATE AND HOUSING ELEMENT 2021-2029" Project for access and water system requirements. The Land Development Unit comments are only preliminary requirements. Specific fire and life safety requirements will be addressed during the review for building and fire plan check phases. There may be additional requirements during this time.

The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants.

**ACCESS REQUIREMENTS:**

The proposed development will require multiple ingress/egress access for the circulation of traffic and emergency response issues.

1. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
  - a. The Fire Apparatus Access Road shall be cross-hatch on the site plan with the width clearly noted on the plan.
2. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
3. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
4. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official.
5. Single-Family Detached Homes shall provide a minimum unobstructed access width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building.
6. Attached Multi-Family Units: Where the highest roof surface exceeds 30 feet. For buildings where the vertical distance between the access roadway and the highest roof surface exceeds 30 feet, an approved Fire Apparatus Access Roadway with a minimum width of 28 feet, exclusive of shoulders, shall be provided in the immediate vicinity of the building or portion thereof. This roadway shall have an unobstructed clearance of clear to the sky. 503.2.1.2.

7. 503.2.1.2.1 Where the highest roof surface does not exceed 30 feet. For buildings where the vertical distance between the access roadway and the highest roof surface does not exceed 30 feet, Fire Apparatus Access Roads shall have an unobstructed width of not less than 26 feet, exclusive of shoulders, and an unobstructed clearance of clear to the sky.
8. Proximity to Building. At least one required access route meeting this condition shall be located such that the edge of the fire apparatus access roadway, not including shoulder, that is closest to the building being served, is between 10 feet and 30 feet, from the building, as determined by the fire code official, and shall be positioned parallel to one entire side of the building. The side of the building on which the Fire Apparatus Access Road is positioned shall be approved by the fire code official.  
503.2.1.2.2.1.
9. If the Fire Apparatus Access Road is separated by island, provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building.
10. Dead-end Fire Apparatus Access Roads in excess of 150 feet in-length shall be provided with an approved Fire Department turnaround. Include the dimensions of the turnaround, with the orientation of the turnaround shall be properly placed in the direction of travel of the access roadway.
11. Fire Department Access Roads shall be provided with a 32-foot centerline turning radius.
12. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 lbs. and shall be surfaced with all-weather driving capabilities. Fire Apparatus Access Roads having a grade of 10 percent or greater shall have a paved or concrete surface.
13. A minimum 5-foot wide approved firefighter access walkway leading from the Fire Department Access Road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes.
14. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Fire Code Section 503.2.1 shall be maintained at all times.

#### **WATER SYSTEM REQUIREMENTS:**

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Code.

2. The development may require fire flows up to 4,000 gallons per minute at 20 pounds per square inch residual pressure for up to a four-hour duration. Final fire flows will be based on the size of buildings, the installation of an automatic fire sprinkler system, and type(s) of construction used.
3. All required public fire hydrants shall be installed and tested prior to beginning of construction.
4. The fire hydrant spacing shall be every 300 feet for both the public and the on-site hydrants. The fire hydrants shall meet the following requirements:
  - a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
  - b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

For any questions regarding the report, please contact FPEA Claudia Soiza at (323) 890-4243 or [Claudia.soiza@fire.lacounty.gov](mailto:Claudia.soiza@fire.lacounty.gov).

#### **FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

For any questions regarding this response, please contact Forestry Assistant, Nicholas Alegria at (818) 890-5719.

#### **HEALTH HAZARDOUS MATERIALS DIVISION:**

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

Sonya Lui, Principal Planner  
May 26, 2021  
Page 5

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or [Perla.garcia@fire.lacounty.gov](mailto:Perla.garcia@fire.lacounty.gov) if you have any questions.

If you have any additional questions, please contact this office at (323) 890-4330

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald M. Durbin". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

RONALD M. DURBIN, CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

RMD:ac





May 19, 2021

Ref. DOC 6166326

Ms. Sonya Lui, Principal Planner  
Community Development Department  
City of Whittier  
13230 Penn Street  
Whittier, CA 90602

Dear Ms. Lui:

**NOP Response for the Citywide General Plan Update and Housing element (2021-2029) Update**

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation of a Draft Environmental Impact Report (NOP) for the subject project on May 4, 2021. The City of Whittier (City) is located within the jurisdictional boundaries of Districts Nos. 2, 15, and 18. We offer the following comments regarding sewerage service:

1. The Districts own, operate, and maintain the large trunk sewers that form the backbone of the regional wastewater conveyance system. Local collector and/or lateral sewer lines are the responsibility of the jurisdiction in which they are located. As such, the Districts cannot comment on any deficiencies in the sewerage system in the City except to state that presently no deficiencies exist in Districts' facilities that serve the City. For information on deficiencies in the City sewerage system, please contact the City Department of Public Works and/or the Los Angeles County Department of Public Works.
2. The Districts should review individual developments within the City to determine whether or not sufficient trunk sewer capacity exists to serve each project and if Districts' facilities will be affected by the project.
3. The wastewater generated by the City is be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 million gallons per day (mgd) and currently processes an average flow of 259.7 mgd, or the Los Coyotes Water Reclamation Plant located in the City of Cerritos, which has a capacity of 37.5 mgd and currently processes an average flow of 21.3 mgd.
4. In order to estimate the volume of wastewater a project will generate, go to [www.lacsd.org](http://www.lacsd.org), under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the [Table 1, Loadings for Each Class of Land Use](#) link for a copy of the Districts' average wastewater generation factors.
5. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is used by the Districts to upgrade or expand the Sewerage System. Payment of a connection fee may be required before a project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to [www.lacsd.org](http://www.lacsd.org), under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more

specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717 or at [araza@lacs.org](mailto:araza@lacs.org).

Very truly yours,



Adriana Raza  
Customer Service Specialist  
Facilities Planning Department

AR:ar

P: (626) 381-9248  
F: (626) 389-5414  
E: info@mitchtsailaw.com



155 South El Molino Avenue  
Suite 104  
Pasadena, California 91101

---

**VIA U.S. MAIL & E-MAIL**

June 1, 2021

Sonya Lui  
City of Whittier  
13230 Penn Street  
Whittier, CA 91709  
slui@cityofwhittier.org

RE: General Plan Update and Housing Element Update (2021-2029)

Dear Ms. Lui,

On behalf of the Southwest Regional Council of Carpenters (“**Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of Whittier’s (“**City**” or “**Lead Agency**”) Notice of Preparation of an Environmental Impact Report (“**NOP**”) (SCH No. 2021040762) for the General Plan Update and Housing Element Update Project (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning, addressing the environmental impacts of development projects and equitable economic development.

Individual members of the Southwest live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the environmental impact report (“**EIR**”) submitted prior to certification of the EIR for

the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Applicant to provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

## I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

### A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).<sup>3</sup> “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only

---

<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/defaultsource/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

<sup>3</sup> The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 et seq, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal. 3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).

B. The EIR Should Review the Project’s Consistency with Regional Housing Plans

CEQA Guidelines section 15125(d) requires that an environmental impact report “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. The EIR should thoroughly evaluate the impact that this Project will have towards meeting the City’s Regional Housing Needs Assessment targets, especially as to meeting needs by income level.

In particular, the City should address its affordable housing deficit under the City’s General Plan – Housing Element. State Housing Element Law requires SCAG to prepare a Regional Housing Needs Assessment (RHNA) every eight years to identify existing and future housing needs. SCAG’s 6<sup>th</sup> Cycle Draft Allocation for Whittier is 3,439 units (1,025 for very low income; 537 for low income; 556 for moderate-income; and 1,321 for above moderate-income).<sup>4</sup> As part of the General Plan Update, the City should require any future residential development projects include an adequate number of affordable housing units to address its RHNA allocations under SCAG’s regional plan and state housing law.

---

<sup>4</sup> SCAG 6<sup>th</sup> Cycle Draft RHNA Allocation Based On RC-Approved Final RHNA Methodology, available at <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1616462966>

### C. Climate Action Plan and Greenhouse Gas Mitigation Measures

A local climate action plan (CAP) is a document that provides a roadmap of local policies that are intended to reduce greenhouse gas (GHG) emissions. Localities should consider including the following elements in a CAP:

- An emissions inventory and projection,
- Emission targets,
- Enforceable GHG control measures,
- Implementation, and
- Monitoring and reporting of GHG emission levels.

CAPS also may provide a means for streamlining the analysis of GHG emissions under CEQA for future projects. A CAP that meets specific criteria may provide the basis for CEQA review of GHG emissions for projects consistent with the plan. CEQA Guidelines §15183.5(b)(1).

To develop an enforceable CAP that qualifies for a streamlining analysis, the City needs to develop a CAP that includes an emissions inventory, targets, enforceable control measures, monitoring of emissions and reporting of emissions, and some implementation plans.

The City should also seriously consider all feasible GHG reduction measures and require them to be applied to all future development projects and incentivize retrofit of existing buildings to more efficient “green” building standards. Specific measures that may be included that could apply to City planning generally or to specific projects are:

- Residential and non-residential photovoltaics;
- Solar hot water heaters;
- Conversion to renewable forms of energy supply and requirement that the City transition to 100% renewables by a set target date;
- Measures to reduce indoor and outdoor water use, reduce solid waste entering landfills, capture landfill emissions, and capture emission from wastewater treatment facilities;

- Reduction of residential indoor water consumption through implementation of a water and conservation strategy with a specific target reduction and date;
  - Adoption of policies and strategies to divert waste from landfills and capture emissions (e.g., promote zero waste or require a minimum percentage of construction and demolition waste be recycled or re-used; food recycling programs);
  - Adoption of policies and strategies to capture emissions from wastewater treatment;
  - Expansion of alternative fuel infrastructure, improve transit efficiency, preferential parking for clean vehicles, and support regional and local TDM improvements;
  - Increase mass transit ridership through the implementation of specific goals and strategies such as funding for rapid buses and improving connectivity to popular destinations;
  - Expand and improve bicycle roadways and incorporate a “complete Streets” approach in designing roadways, and explore a bicycle master plan for the City that connects popular destinations to residential areas and transit stops;
  - Improvement of pedestrian infrastructure through the incorporation of a “complete streets” approach to planning; and development of a pedestrian master plan to improve and identify mobility linkages to improve walkability;
  - Incentivization of telecommuting and alternative work schedules; and
  - Development of an Urban Tree Planting Program.
- D. The EIR Should Review Local Hire and Local Skilled and Trained Workforce Requirements, As Well as Other Regional and Project-Specific Mitigation Measures as a Means to Mitigate the Project’s Significant Greenhouse Gas and Transportation Impacts.

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. PRC §§ 21002.1(a), 21061. To implement this statutory purpose, an EIR must describe any feasible

mitigation measures that can minimize the project's significant environmental effects. PRC §§ 21002.1(a), 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible”<sup>5</sup> and find that “specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment.” PRC § 21081(b). “A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

The Project’s NOP and Initial Study conclude that the Project may result in significant greenhouse gas and transportation impacts. As noted earlier, local hire and local skilled and trained workforce requirements can result in demonstrable reductions in VMT as well as associated greenhouse gas emissions.<sup>6</sup>

There are many well-documented regional and project-level VMT mitigation strategies not discussed in the DIER. See, for example, a recent report created by Fehr & Peers titled “Los Angeles County Senate Bill (SB) 743 Implementation and CEQA Updates Report” which details some of the additional VMT mitigation measures.<sup>7</sup>

The DEIR needs to be revised to reflect substantive consideration of the many measures available to mitigate VMT impacts, including the use of local skilled professions on all construction projects. Furthermore, the DEIR must be revised to require the application all feasible measures to reduce the Project’s significant

---

<sup>5</sup> CEQA Guidelines § 15092(b)(2)(A).

<sup>6</sup> March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling; California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wpcontent/uploads/2020/09/Putting-California-on-the-High-Road.pdf>; South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=8>

<sup>7</sup> Fehr & Peers (June 2020) Los Angeles County Senate Bill (SB) 743 Implementation and CEQA Updates Report, available at <https://pw.lacounty.gov/traffic/docs/Implementation-Report.pdf>

transportation impacts. As noted by South Coast Air Quality Management District “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>8</sup>

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai  
Attorneys for Southwest Regional  
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

---

<sup>8</sup> South Coast Air Quality Management District at p. 1961.

**EXHIBIT A**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

2656 29<sup>th</sup> Street, Suite 201  
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.  
(949) 887-9013  
[mhagemann@swape.com](mailto:mhagemann@swape.com)

Paul E. Rosenfeld, PhD  
(310) 795-2335  
[prosenfeld@swape.com](mailto:prosenfeld@swape.com)

March 8, 2021

Mitchell M. Tsai  
155 South El Molino, Suite 104  
Pasadena, CA 91101

**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

---

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

### Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

---

<sup>1</sup> “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>2</sup> “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>3</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$$

Where:

$n$  = Number of land uses being modeled.”<sup>5</sup>

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$  = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$  = emission factor for running emissions.”<sup>6</sup>

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

## Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the

---

<sup>4</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14-15.

<sup>5</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.

<sup>6</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

### Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

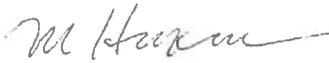
This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

<sup>14</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

## Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

**EXHIBIT B**

---

***Paul Rosenfeld, Ph.D.*****Chemical Fate and Transport & Air Dispersion Modeling***Principal Environmental Chemist***Risk Assessment & Remediation Specialist****Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

**Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

## Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
UCLA Institute of the Environment, 2001-2002; Research Associate  
Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
National Groundwater Association, 2002-2004; Lecturer  
San Diego State University, 1999-2001; Adjunct Professor  
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
King County, Seattle, 1996 – 1999; Scientist  
James River Corp., Washington, 1995-96; Scientist  
Big Creek Lumber, Davenport, California, 1995; Scientist  
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermoc and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.**, J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.**, and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E.**, Grey, M. A., Sellow, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.**, Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office, Publications Clearinghouse (MS-6)*, Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.**, and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

**Rosenfeld, P.E.**, C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.**, and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

### **Presentations:**

**Rosenfeld, P.E.**, Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.,** Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld, P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld, P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

### **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

### **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## **Deposition and/or Trial Testimony:**

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido"  
*Defendant*.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warm Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

- In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017
- In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015
- In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015
- In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action NO. 14-C-30000  
Rosenfeld Deposition, June 2015
- In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 2015
- In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015
- In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014
- In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City  
Landfill, et al. Defendants.  
Case No. 5:12-cv-01152-C  
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.  
Case Number cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*  
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division  
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.  
Case 3:10-cv-00622  
Rosenfeld Deposition: February 2012  
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland  
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants  
Case Number: 03-C-12-012487 OT  
Rosenfeld Deposition: September 2013

**EXHIBIT C**



1640 5<sup>th</sup> St., Suite 204 Santa  
Santa Monica, California 90401  
Tel: (949) 887-9013  
Email: [mhagemann@swape.com](mailto:mhagemann@swape.com)

**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.  
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist  
California Certified Hydrogeologist  
Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

#### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

#### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F., 1992.** Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.



NATIVE AMERICAN HERITAGE COMMISSION

May 3, 2021

Sonya Lui, Principal Planner
City of Whittier
13230 Penn Street
Whittier, CA 90602

RECEIVED
Community Development
MAY - 0 2021

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Meri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Ahebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Jule Tumamait-
Stensile
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

Re: 2021040762, General Plan Update and Housing Element Update (2021-2029) Project, Los Angeles County

Dear Ms. Lui:

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

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

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

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

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

## AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

**7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a. Avoidance and preservation of the resources in place, including, but not limited to:
  - i. Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i. Protecting the cultural character and integrity of the resource.
  - ii. Protecting the traditional use of the resource.
  - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

## SB 18

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

Some of SB 18's provisions include:

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

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

## NAHC Recommendations for Cultural Resources Assessments

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

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







# Puente Hills Habitat Preservation Authority

Endowment Provided by the Puente Hills Landfill

May 20, 2021

Sonya Lui, Principal Planner  
City of Whittier  
Community Development Department, Planning Services Division  
13230 Penn Street  
Whittier, CA 90602  
slui@cityofwhittier.org

**Re: Comments on NOP of a DEIR for the City-wide General Plan Update and Housing Element (2021-2029) Update for the City of Whittier, SCH # 2021040762**

Dear Ms. Lui:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of Whittier's General Plan Update and Housing Element (2021-2029) Update (Project) released April 30, 2021. The Board of Directors for the Habitat Authority met on May 20, 2021 and is submitting these comments for your consideration.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation.

In the Puente Hills, the Habitat Authority manages the open space in its ownership as well as open spaced owned by the City of Whittier and Sanitation Districts, totaling over 3,880 acres, within the Cities of Whittier, La Habra Heights and the County unincorporated area known as Hacienda Heights. These lands are collectively referred to as the Puente Hills Preserve (Figure 1). The proposed Project pertains to lands that are managed by the Habitat Authority through Agreement with the City of Whittier, A97-172 and A15-128. Upon review of the NOP and associated exhibits, we found that the proposed land use designations (Exhibit 4 of the NOP) for those lands owned and/or managed by the Habitat Authority have changed from "Open Space" on the existing land use plan designations (Exhibit 3 of the NOP) to the following:

- The northern portion of Hellman Park (1), the Turnbull trailhead parcel (2), and the former McFarland parcel (3) are proposed as "Park" designation.

A Joint Powers Agency created pursuant to California Government Code §6500 *et seq.*  
7702 Washington Avenue, Suite C, Whittier, CA 90602 • Phone: 562 / 945 - 9003 • Fax: 562 / 945 - 0303



Printed on recycled paper

- The former Hall/Childs Estate parcel (4), the southern portion of Hellman Park (5), the Worsham Canyon parcel (6) and the former Canlas parcel (7) are proposed as “Hillside Residential” designation.

Each parcel referenced numerically above is identified by that same number on the attached map of the Puente Hills Preserve (Figure 1).

We request that the proposed land use designations be changed back to “Open Space” in the General Plan Update for all lands owned/managed by the Habitat Authority in Whittier to be consistent with their management as preserved lands. We also request that the definition of “Open Space” be clarified to be reflective of current preservation and passive recreation uses, and specify if production of resources will remain as an allowed use.

Thank you for your consideration of our comments on the NOP. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Hughes".

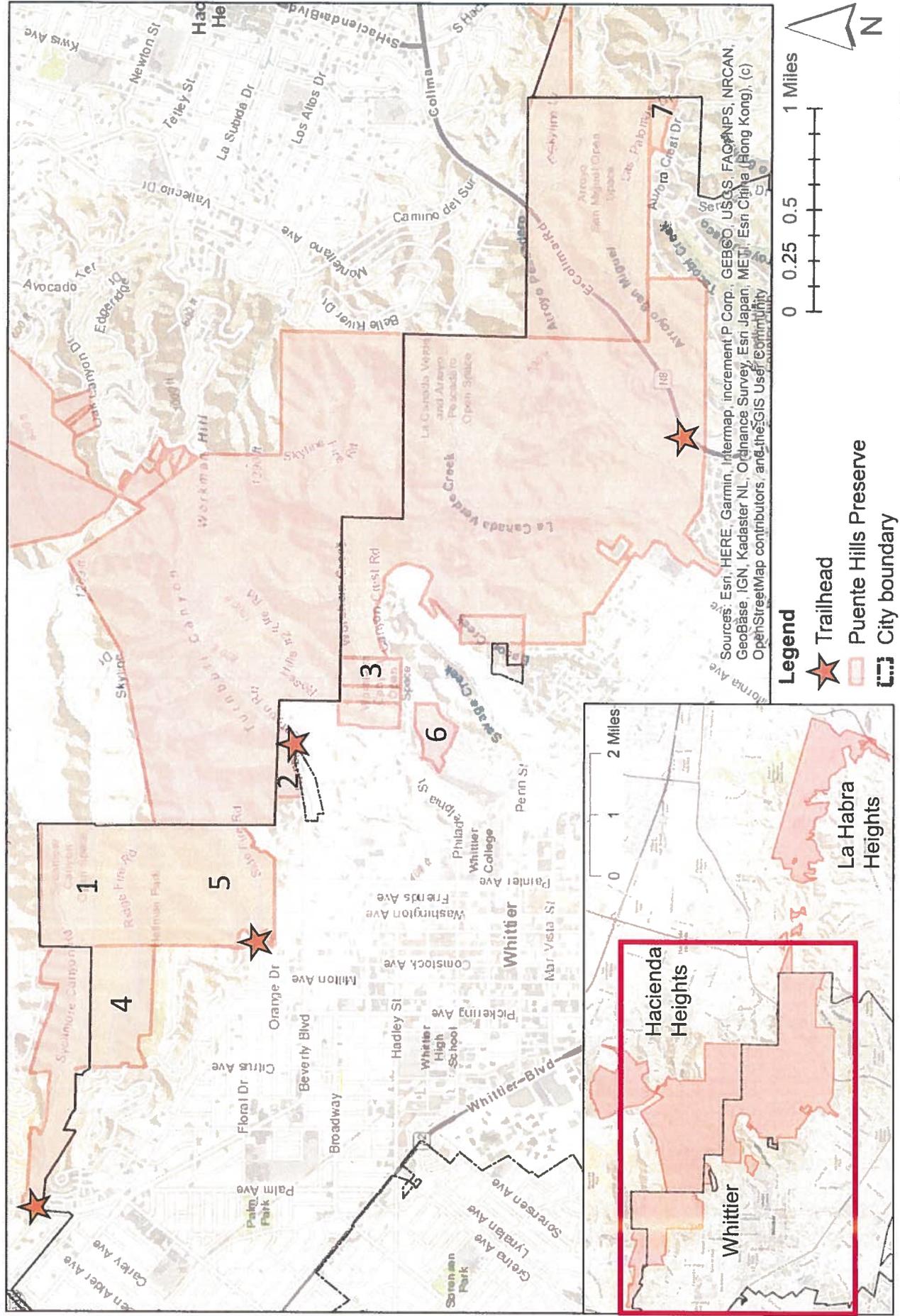
Mike Hughes  
Chair

cc: Board of Directors  
Citizens Technical Advisory Committee



**Puente Hills  
Habitat Preservation Authority**  
Endowment Provided by the Puente Hills Landfill

**Figure 1- Puente Hills Preserve, Los Angeles County  
Open Space Managed by the Habitat Authority (3,880+ ac)**







SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
900 Wilshire Blvd., Ste. 1700  
Los Angeles, CA 90017  
T: (213) 236-1800  
www.scag.ca.gov

REGIONAL COUNCIL OFFICERS

- President  
**Clint Lorimore, Eastvale**
- First Vice President  
**Jan C. Harnik, Riverside County  
Transportation Commission**
- Second Vice President  
**Carmen Ramirez, County of Ventura**
- Immediate Past President  
**Rex Richardson, Long Beach**

COMMITTEE CHAIRS

- Executive/Administration  
**Clint Lorimore, Eastvale**
- Community, Economic &  
Human Development  
**Jorge Marquez, Covina**
- Energy & Environment  
**David Pollock, Moorpark**
- Transportation  
**Sean Ashton, Downey**

June 1, 2021

Ms. Sonya Lui, Principal Planner  
City of Whittier, Community Development Department, Planning Services Division  
13230 Penn Street  
Whittier, California 90602  
Phone: (562) 567-9320  
E-mail: [slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Whittier General Plan Update and Housing Element (2021-2029) Update [SCAG NO. IGR10400]**

Dear Ms. Lui,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Whittier General Plan Update and Housing Element (2021-2029) Update ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.<sup>1</sup>

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Whittier General Plan Update and Housing Element (2021-2029) Update in Los Angeles County. The proposed General Plan Update incorporates statutory requirements from the 2017 General Plan Guidelines and state law requirements legislated since 2017; strategies to address greenhouse gas reduction, climate change, and climate planning; and the 6th Cycle 2021-2029 General Plan Housing Element.

**When available, please email environmental documentation to [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov) providing, at a minimum, the full public comment period for review.**

If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Senior Regional Planner, at (213) 236-1874 or [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov). Thank you.

Sincerely,

Rongsheng Luo  
Acting Manager, Compliance and Performance Monitoring

<sup>1</sup> Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
WHITTIER GENERAL PLAN UPDATE AND HOUSING ELEMENT (2021-2029) UPDATE [SCAG NO. IGR10400]**

**CONSISTENCY WITH CONNECT SOCIAL**

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with Connect SoCal.

**CONNECT SOCIAL GOALS**

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

<b>SCAG CONNECT SOCIAL GOALS</b>	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS	
Goal	Analysis
Goal #1: <i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2: <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

**Connect SoCal Strategies**

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

Since this project includes “strategies to address greenhouse gas reduction, climate change, and climate planning,” SCAG staff would like to call your attention to resources available from SCAG’s [Regional Climate Adaptation Framework](#) including the [Southern California Climate Adaptation Planning Guide](#), [Communication and Outreach Toolkit](#), and [Library of Model Policies](#).

**DEMOGRAPHICS AND GROWTH FORECASTS**

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve

Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Whittier Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	89,731	93,320	96,023	98,904
Households	6,333,458	6,902,821	7,170,110	7,633,451	30,472	31,661	32,539	33,474
Employment	8,695,427	9,303,627	9,566,384	10,048,822	36,393	37,224	37,644	38,900

**MITIGATION MEASURES**

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

**REGIONAL HOUSING NEEDS ALLOCATION**

On March 4, 2021 SCAG’s Regional Council adopted the [6<sup>th</sup> cycle Final Regional Housing Needs Assessment \(RHNA\) Allocation Plan](#) which covers the planning period October 2021 through October 2029. The 6<sup>th</sup> cycle Final RHNA allocation for the applicable jurisdiction is below.

SCAG 6 <sup>th</sup> Cycle Final RHNA Allocation for City of Whittier	
Very low income	1,025
Low income	537
Moderate income	556
Above moderate income	1,321
Total RHNA Allocation	3,439

Sixth cycle housing elements are due to the California Department of Housing and Community Development (HCD) by October 15, 2021. SCAG encourages jurisdictions to prepare the draft housing element in advance of the due date to ensure adequate time to address HCD comments and adopt a final housing element. Jurisdictions that do not have a compliant housing element may be ineligible for certain State funding and grant opportunities and may be at risk for legal action from stakeholders or HCD.

**ENVIRONMENTAL JUSTICE**

Per Senate Bill 1000 (SB 1000), local jurisdictions in California with disadvantaged communities are required to develop an Environmental Justice (EJ) Element or consider EJ goals, policies, and objectives in their General Plans when updating two or more General Plan Elements. SCAG staff recommends that you review the Environmental Justice Technical Report and the updated Environmental Justice Toolbox, which is a resource document to assist local jurisdictions in developing EJ-related goals and policies regarding solutions for EJ-related community issues.





# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL:

[slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)

Sonya Lui, Principal Planner  
City of Whittier, Community Development Department  
13230 Penn Street  
Whittier, California 90602

June 1, 2021

## Notice of Preparation of a Draft Environmental Impact Report for the General Plan Update and Housing Element (2021-2029) Update (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

### CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and

<sup>1</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>4</sup> South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*<sup>6</sup> is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory<sup>7</sup>. The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>8</sup> includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook<sup>1</sup>, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan<sup>9</sup>, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy<sup>10</sup>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC210504-10

Control Number

---

<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>7</sup> CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

<sup>8</sup> South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

<sup>9</sup> South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

<sup>10</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).



**Torrance Pipeline  
Company LLC**  
12851 East 166th Street  
Cerritos, CA 90703  
(310) 212-4468 Telephone  
(310) 212-1788 Facsimile  
[www.pbfenergy.com](http://www.pbfenergy.com)

May 13, 2021

Attn: Ms. Sonya Lui, Principal Planner  
City of Whittier  
Community Development Department,  
Planning Services Division  
13230 Penn Street  
Whittier, CA 90602

**Re: City-wide General Plan Update and Housing Element (2021-2029) Update**

**Our File: 21-7646**

Dear Ms. Lui:

Pursuant to your request dated April 30, 2021, pertaining to the above referenced project, please be advised that Torrance Pipeline Company LLC maintains one active 6-inch pipeline (M-24), one abandoned 6-inch pipeline (M-24), one idle 3-inch pipeline (G-50) and one abandoned 3-inch pipeline (G-50) within the vicinity of your proposed project. Additionally, Torrance Pipeline also maintains approximately twenty-three (23) Electrolysis Test Stations (ETS) locations within the vicinity of the proposed project. We are prepared to mark our facilities upon receiving 48-hour advanced Underground Service Alert (USA) notice.

Enclosed for your information are Torrance Pipeline drawings 4-A-2184, 4-A-2185, 4-A-2186, 4-A-2187, 4-A-2188, 4-A-2189, 4-A-2190, 4-A-2191, 4-A-2192, 4-A-2193, 4-A-2194, 4-A-2195, 4-A-2196, 4-A-1082, 4-A-1083, 4-A-1083A & 4-A-1083B that depicts the general alignment of the above referenced pipelines. Upon completion of your final project drawings, we will look to you to provide us a detailed set of your plans for our review to determine if there is a conflict with our existing facilities.

Torrance Pipeline requires a representative to be on site during construction activities near our facilities. Therefore, you or your contractors are hereby notified to contact, in addition to the above referenced USA notice, Torrance Pipeline's designated representative at (310) 212-1842 or (714) 296-6259 between the hours of 6:30 A.M. and 3:30 P.M., Monday through Friday, a minimum of 48 hours in advance of commencing said construction activities.

YOU ARE ADVISED THAT NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, IS CONVEYED, AS TO THE ACCURACY OR COMPLETENESS OF ANY RECORDS OR INFORMATION HERETOFORE OR HEREAFTER FURNISHED TO THE CITY OF WHITTIER IN CONNECTION WITH THE TORRANCE PIPELINE COMPANY LLC ASSETS AND ANY RELIANCE ON OR USE OF THE SAME SHALL BE AT THE CITY OF WHITTIER'S SOLE RISK. Additionally, any and all Torrance Pipeline facilities identified as "Active", "Idle", or "Abandoned", unless otherwise clearly specified, remain the property of Torrance Pipeline Company LLC, and that all activities affecting these facilities must be approved and controlled by Torrance Pipeline. Should it be determined that such Torrance Pipeline facility potentially interferes with your project this office must be notified immediately, at which time Torrance Pipeline personnel will review the issues to determine what actions will be necessary to identify and resolve any conflicts.

Please submit future project notifications to the undersigned at [TOR.ROW@pbfenergy.com](mailto:TOR.ROW@pbfenergy.com). If you have questions or require additional information regarding this submittal, please contact Ms. Eleanor Marx at (310) 212-2914.

Very truly yours,

Suzy Husner  
Right of Way Agent

Cc: D. Alvarado  
C. Hilyar  
J. Acuna  
N. Flaniken  
A. Horton



## General Plan Update

### Environmental Impact Parameters for the NOP for the EIR

RE: re-zoning of Penn Street from Painter Avenue east to College Avenue  
and Franklin Street to mid-block

In 1993, residents on Penn St. and Franklin St. urged the City to “down-zone” both streets from high-density residential to medium-density residential (R-4 to R-2). At that time, we cited the destruction of the ambiance of the neighborhood caused by demolishing single-family homes and replacing them with multi-family apartment buildings. Many of these buildings had been erected in the 1960s and 1970s without adequate parking, further congesting our streets.

The 1993-1994 General Plan—current law in Whittier—successfully ended the rampant incompatible construction frenzy of previous decades. In the past few years, since the City of Whittier discarded its own trash collection, we have seen an uptick in trash on the sidewalks (including mattresses, discarded furniture, and unwanted belongings) due to the revolving tenancy in the massive apartment facilities.

THE LAST THING OUR NEIGHBORHOOD NEEDS OR WANTS IS AN INCREASE IN DENSITY THAT IS PROPOSED IN THE NEW GENERAL PLAN UPDATE. This would take us back to the time when unwarranted construction and increased traffic, noise, pollution, trash, and general degradation of our area becomes commonplace once more.

We are asking that the high-density designation for the south side of Penn St. from Painter to College Ave. be reassigned to “medium-density” in the new General Plan to retain the current zoning in place.

Penn Street also includes two Historic Landmark properties (including the entirety of Penn Park) and part of a Landmark Historic District, all designated within the past 10 years. The environmental impacts to these places would need to be fully addressed in the EIR along with the increase in the noise, pollution, trash, and other activities that accompany increased density.

Another concern is the trash trucks. Penn St., Franklin, and College Ave. are the paths taken by all trash trucks and other vehicles going to the city landfill on Penn St. just east of College Ave. These trucks consistently run up the middle of the street, straddling the yellow line, as they are too big for the narrow, residential street. There is “no parking” on the south side of Penn St. to accommodate the width of these trucks. That means we already have minimal street parking in an area already crowded with high-density apartment buildings. More density would exacerbate this problem and would have to be addressed in the EIR. Penn St and Franklin St. also have steep inclines going up a hill, resulting in gasps of pollutants trailing the big trash trucks as they plow uphill. More density would only put more people in the path of that pollution.

Finally, Penn and Franklin Streets, as well as College Avenue, provide direct pedestrian access to historic Penn Park, where hundreds of children walk to and from every day, especially in the summer months. Increased traffic that would be generated by increased density would compound an already precarious situation, as there is a sidewalk on only one side of these streets.

WE DON'T WANT MITIGATION FOR HIGHER DENSITY ZONING. WE WANT TO RETAIN THE EXISTING R-2 ZONING IN OUR ADJOINING NEIGHBORHOOD. PLEASE ELIMINATE THE HIGH-DENSITY DESIGNATION AS PROPOSED.

<u>PRINT Signed:</u>	<u>ADDRESS</u>	<u>SIGN</u>
KATHERINE LEUSCHNER	13953 PENN ST.	
Tim Leuschner	13953 Penn St.	
Timothy Leuschner	13953 Penn St.	
Emily Lamar	13963 Penn St.	
Brian Lamar	13963 Penn St.	

WE DON'T WANT MITIGATION FOR HIGHER DENSITY ZONING. WE WANT TO RETAIN THE EXISTING R-2 ZONING IN OUR ADJOINING NEIGHBORHOOD. PLEASE ELIMINATE THE HIGH-DENSITY DESIGNATION AS PROPOSED.

Signed:

Pamela Reed  
13619 Franklin St  
Whittier, CA 90602

The last time our city council went on a high density development crusade the citizens of Whittier voted them all out of office.

Whittier citizens are starting to become aware of your plans and they are not happy.

WE DON'T WANT MITIGATION FOR HIGHER DENSITY ZONING. WE WANT TO RETAIN THE EXISTING R-2 ZONING IN OUR ADJOINING NEIGHBORHOOD. PLEASE ELIMINATE THE HIGH-DENSITY DESIGNATION AS PROPOSED.

Signed:

  
Frances Orteaga

13727 Franklin St.  
Whittier

WE DON'T WANT MITIGATION FOR HIGHER DENSITY ZONING. WE WANT TO RETAIN THE EXISTING R-2 ZONING IN OUR ADJOINING NEIGHBORHOOD. PLEASE ELIMINATE THE HIGH-DENSITY DESIGNATION AS PROPOSED.

Signed:

A handwritten signature in black ink, appearing to read "M. Rozek", written in a cursive style. Below the main signature is a smaller, less distinct scribble or second signature.

Michael and Kimberly Rozek  
13733 Franklin St.

WE DON'T WANT MITIGATION FOR HIGHER DENSITY ZONING. WE WANT TO RETAIN THE EXISTING R-2 ZONING IN OUR ADJOINING NEIGHBORHOOD. PLEASE ELIMINATE THE HIGH-DENSITY DESIGNATION AS PROPOSED.

Signed:

A handwritten signature in black ink, appearing to be 'J. [unclear]', written over the word 'Signed:'.

13719 Franklin St.  
Whittier, CA 90602

WE DON'T WANT MITIGATION FOR HIGHER DENSITY ZONING. WE WANT TO RETAIN THE EXISTING R-2 ZONING IN OUR ADJOINING NEIGHBORHOOD. PLEASE ELIMINATE THE HIGH-DENSITY DESIGNATION AS PROPOSED.

Signed:   


13723 Franklin St.





May 28, 2021

Sonya Lui

Community Development Department

City of Whittier

Dear Sonya,

Here are our Scoping Comments for the EIR for the General Plan Update. Please let us know when the General Plan is released to the public and when the draft EIR will be published.

If you have any questions, please call me at (562) 644-4882 or email me: [gormansullens@gmail.com](mailto:gormansullens@gmail.com)

Thank you,

A handwritten signature in cursive script that reads "Mary".

Mary Sullens

President

## General Plan---Envision Whittier---Comments by the Whittier Conservancy

*Our comments are in italics.*

### Historic Resources Element:

The initial report indicates that, "...the City has acted proactively, particularly with adoption of a Historic Resources Element in 1993."

*The City is not acting "proactively." The City is suppressing preservation efforts and actively degrading the protection of historic resources in Whittier. For example, the City has recently reversed 30 years of protection of resources within the two oldest historic districts by faulty determination that contributing resources which have not been delineated are not actually historic resources at all. This essentially leaves 90% of the historic resources within those districts completely unprotected and subject to inappropriate action.*

***The EIR needs to address this reversal in policy and correct it in its recommended implementation measures.***

The report states that, "Significant historic and cultural resources and historic preservation effort by the City include:

- Historical Resources Element in the 1993 General Plan

*In fact, the first Implementation Measure (p. 9-4) requires a Comprehensive Survey of historic resources in the city. This has never been done, making the identification, prioritization, and preservation of the city's iconic historic features still vulnerable to inappropriate action.*

*To date, the only survey adopted by the City Council is a partial residential - -survey that was limited to architecture only for the purposes of identifying landmarks and did not address the other criteria necessary for a full, comprehensive accounting of eligible homes.*

*This survey was further limited by its timeframe of only pre-1941 homes. There has never been a comprehensive survey that addresses homes through the 50-year period (now 1971) that deals with any of the other required criteria other than architectural significance.*

*EIR needs to address this omission, assess the environmental impacts of this policy, correct it, and include in Implementation measures.*

*The non-residential survey was completed in 2015, adopted by the Historic Resources Commission, but never brought forth for adoption by the Council. This inaction has left most of the city's historic resources without the protection that both the General Plan and Historic Resources Ordinance require.*

*In 2018, the City Council adopted only a small portion of the recommended non-residential survey, and landmarked 8 sites, including City Hall. The most significant non-residential structures in Whittier are, therefore, left unprotected---even after a taxpayer-funded survey was completed.*

*The EIR needs to address this issue, make recommendations for mitigation, and include remedies in its Implementation measures.*

- Historic Resources Ordinance in Municipal Code Chapter 18.84, adopted in 1986, and subsequently updated. It applies to historic properties; it includes preservation guidelines.

*Significant amendments were included in a 2001 update that gave more protection and better definition to the cause of preservation. However, the appropriate section of the code for designation is Article II, yet the city is using the Certificate of Appropriateness procedure in Article III. There is currently no application available to the public for designation purposes.*

*There is an application for designation, but it is erroneously listed as a Certificate of Appropriateness application; this puts the designation process under the incorrect procedure, leading to confusion and unnecessary appeals.*

*The City's application for the Mills Act is also erroneously processed under a Certificate of Appropriateness procedure, leading to the same problems discussed above.*

**EIR needs to address the significant environmental impacts of these inaccurate procedures, mitigate them through policy changes, and add to the Implementation measures.**

- **Historic Resources Commission established under the Historic Resources Ordinance.**

*This is correct. However, the commission rarely meets, despite the requirement that they meet at least once per month (per City Administrative Code 2.50).*

*For the past six years, the commission has asked to meet to review procedures, applications processes, and definitions in order to coordinate understanding with staff. They have been refused such meetings and the public has virtually no access to the commission to bring forth concerns relative to preservation in the community. Lack of access presents a Brown Act violation by not giving the agency (Historic Resources Commission) access to public comments in a public forum where they can put something on a future agenda. Commission has been denied ability to meet or to agendaize items of interest or concern to the public.*

**This policy diminishes the protection of historic resources. EIR needs to address, mitigate, and suggest appropriate corrective action in Implementation measures.**

- Local Register of Historic Resources with information on the historic resources.

*This is incomplete per our comments above.*

*The City has an outdated and incomplete list of historic resources and does not recognize large swaths of already adopted resources, like those within the Uptown Specific Plan, the oldest and most at-risk trove of historic resources in the city. Of the already adopted districts, landmarks, and professionally surveyed resources (estimated to be about 750 plus an additional 400 as 6Ls), the city currently recognizes only about 200 historic resources. This has put the vast majority of the city's significant resources in peril.*

*The Commission has asked to be able to update the inventory (as part of their codified responsibilities), but city has not permitted this review. Without an agreed-upon list of what is/is not a historic resource in Whittier, most of the significant resources of the community are being left unprotected, even though they have already been adopted.*

**EIR needs to address, mitigate, and impose remedies in Implementation measures.**

- Four designated historic districts and preservation programs.

*This is correct. However, additional districts and the expansion of the Central Park Historic District were proposed within the new Uptown Specific*

*Plan (adopted 2008) and, to date, this recommendation has not come before the commission.*

*Recent city changes in preservation policy and practice have eliminated most of the historic resources in the Central Park and Hadley/Greenleaf Historic Districts from being included as “contributing resources,” thus leaving the vast majority of the resources in both of these defined and adopted historic districts without the oversight and protection they have been subject to for the past three decades.*

***EIR needs to address the significant negative impacts of these decisions, mitigate, and suggest appropriate Implementation measures to assure compliance with CEQA and the Whittier Municipal Code.***

- Whittier Residential Historic Resources Survey, 2013, and the subsequent addition of 61 identified resources to the Local Register.

*This is correct. However, as noted above, this survey was limited to architectural significance only and did not include anything with regard to the other criteria established under the code. It was also limited to those structures built before 1941, an arbitrary date that has eliminated all consideration for post-war projects.*

***EIR needs to address, correct through mitigation that brings historic resource inventory to 1971, and remedy in Implementation measures.***

- Whittier Non-Residential Historic Resources Survey, 2015, including resources related to the Modern Movement

*The survey was completed, adopted by the Historic Resources Commission with the exception of the churches, yet never sent to the Council for adoption. So, none of these identified historic resources are on the city’s*

*inventory as required. In addition, several others are now beyond the fifty year mark and should now be added.*

*Both City Hall and the adjoining library are mid-century designs of noted architect William H. Harrison and have been included in the list of buildings eligible for landmark designation. This is significant due to the recent efforts by the city to enlarge the library in a manner that is out of conformance with the Secretary's standards.*

*In late 2018, the Council adopted 8 of the 57 properties in the survey and landmarked them. All of the remaining significant non-residential historic resources, although professionally surveyed and recommended for inclusion by the HRC (commission), are now left with little protection or oversight other than CEQA compliance. It does not appear that city staff are aware of the CEQA status of these resources, so it is up to the public to keep track. Since the survey was completed in 2015, there are another crop of potential resources that should be updated to add to the survey.*

*The City has since landmarked City Hall, but the Central Library still needs to be processed for landmark designation.*

*EIR needs to address the significant impacts of rejecting the findings of the survey correct the action through appropriate mitigation by bringing the survey back for adoption, and listing the adoption of the survey as an Implementation measure.*

- Dedicated City Planning staff with a background and focus in historic preservation to inform and participate in decision-making and project review process

*There is no staff with either a background or any experience or expertise in preservation planning.*

*This is an ongoing problem that is getting worse and severely compromising the historic resources of Whittier. Current staff---because they have no expertise in preservation planning or law---are unable to understand and carry out the policies and procedures codified as part of Whittier Municipal Code Zoning laws. Lack of expertise continually costs the city/taxpayers in unnecessary staff time and legal fees to compensate for inaccurate staff reports and staff decisions that have had significant detrimental effects on historic resources.*

***EIR needs to address, mitigate by suggesting remedy of hiring a qualified staff person, and list such in Implementation measures.***

- Historic preservation webpage on the City's website communicating information about historic districts, individual historic resources, and historic preservation programs and tools

*The website is helpful, but somewhat limiting and finite.*

*The website publishes outdated and erroneous information, including fee structures. The list of historic resources is incomplete and incorrect and the public is continually misled by conflicting information.*

*It is also almost impossible for the average citizen to navigate the city's website to obtain information. Historic Preservation guidelines can only be accessed if one knows to go to "community development" and then "planning," and then "historic preservation"---which the average resident would not know.*

***EIR should address, mitigate, and implement.***

- *"A Brief History of Whittier to 1970" informs the community about important historic events and individuals that have shaped Whittier's past. Probably the most significant event that has shaped the second century of Whittier's history and development as a community is the Whittier Narrows Earthquake of 1987. There was also an earthquake in 1971 that resulted in the destruction of the historic Quaker Meeting House. So, events over the past half century are crucial to the understanding of Whittier's political and environmental setting and part of its ongoing history.*

*There are many written accounts of Whittier's past that include:*

*Pioneer Families of Whittier, Volumes I and II, by Virginia Mathony*

*Old Whittier, 1904 reprinted by Whittier Historical Society*

*Post Cards of Whittier, by Rudy Valdez*

*Whittier College, The First Century of the Poet Campus, by Charles Elliott*

*Images of America, Whittier, by Mike Garabedian and Rebecca Ruud*

*The A. Wardman Story by Professor Charles W. Cooper, 1961*

*The Whittier Conservancy Newsletters published and online 1988-2018*

*Whittier's history does not just start with the founding of the city in 1887. The history of the Gabrielino Indians should be just as much as important to the cultural background of the community and should be addressed.*

- City of Whittier Library's History Room

*Here can be found telephone books, newspaper articles, obituaries, and numerous references essential to the understanding of Whittier's history*

- Mills Act Contracts on 36 properties that provide property owners with a financial incentive to preserve their historic buildings

*Mills Act applications have dwindled considerably due to dis-incentives such as high fees.*

*Application fees have been waived since 2019. However, the two oldest historic districts, Central Park and Hadley/Greenleaf, contain the bulk of the city's residential homes that would benefit from Mills Act participation, but the city's erroneous new policy is that nothing in these two districts is historic unless it is an individual Landmark. This eliminates 95% of the qualified homeowners from applying for the Mills Act, resulting in deterioration of the city's historic housing stock.*

**EIR should address, mitigate, and implement appropriate changes.**

- Uptown Specific Plan's goals and policies relating to the older commercial centers' revitalization. For Example, one policy in the Specific Plan is to invest in historic preservation by promoting restoration and rehabilitation of existing buildings

*The UPS is an overlay of the 1887 map of the fledgling town; therefore, almost all of the still-existing buildings that predate World War II are part of the historic fabric of Whittier. The adopted 2008 Specific Plan identifies "historic assets" as the key to the vitality and identity of Uptown. Yet, the city does not equate "historic assets" with its synonym, "historic resources". The UPS identifies these historic resources as essential to the revitalization of Whittier's historic core. It also identifies two additional potential historic districts for codification and protection. Without a mutual understanding of the language and definitions of both the terms and the value of those identified resources, planning cannot take place that will ensure the protection of these resources. In recent years, three of these resources have been demolished without the appropriate procedure due to the inconsistencies in the city's interpretation and understanding of the UPS historical component guidelines.*

The City refuses to acknowledge or protect most of the historic resources withing the Uptown Specific Plan, which are mostly historic residences. Over 200 structures, both residential and commercial, have been professionally surveyed and adopted by the City Council in 2008. Current Planning staff will not recognize these resources nor require them to adhere to the Certificate of Appropriateness procedures necessary to protect their integrity. This lack of oversight has resulted in illegal demolition of 3 historic resources in recent years and no adherence to codified procedures that oversee inappropriate construction and alterations that are detrimental to the integrity of these buildings. This oldest area of town is being degraded bit by bit---even though rules are in place that should protect it, if followed and practiced.

This erroneous interpretation of the USP poses the most egregious significant impact to the oldest concentration of historic resources in the city. EIR needs to address this gross omission, suggest corrective mitigation such as acknowledging the fully-surveyed resources within the USP, and demand adherence to the current policies governing those resources, as they are being degraded continually. Implementation measures should include some kind of flow chart and statement of adherence and oversight to each listed resource and that should be made available to the public.

\*\*\*\*\*

Suggestions for inclusion in environmental impact considerations:

The Whittier Conservancy, committed to the preservation and protection of Whittier's unique cultural, natural, and historic resources, is offering the following suggestions:

1. Most important, the city needs to hire a professional staff person with a background in preservation planning. We feel it is impossible to implement the goals/policies of the Historic Resources Element of the GP without such professional expertise on hand to do both the city's preservation work and be able to respond appropriately to the needs of

the public. *Failure to have professional oversight has been and will continue to have significant negative environmental impacts on historic resources and needs to be addressed in the EIR.*

2. *The Historic Resources Commission needs to meet regularly/monthly, as clearly specified in the Whittier Municipal Code and City Charter, to fulfill its duties and responsibilities as outlined in the Historic Resources Ordinance, to study ongoing issues related to preservation other than permits or designations, and to be available to the public who have concerns that need to be brought to the attention of the commission, which is a citizen-based advisory group. The commission should be available to offer adjustments to the ordinance when appropriate and advise the council on such. *Failure to have regular HRC meetings leaves the public no opportunity to raise concerns relating to historic resources. This ongoing issue has had and will continue to have a significant environmental impact on historic resources and needs to be addressed in the EIR, mitigated, and corrections implemented.**
3. *The city should consider programs to consult, work with, and utilize the expertise of local organizations like the Whittier Conservancy and the Whittier Historic Neighborhood Associations that can be of value in assisting the city and the commission in preparing updated inventory additions and current trends in preservation tools and best practices.*
4. *We recommend a reduction in and re-alignment of fees for Certificates of Appropriateness, Mills Act, appeals, nominations, and other applications in accordance with other cities that have historic ordinances. Whittier's fees are far and above those of comparative locales, and the community finds these fees punitive and unreasonable. This inequity promotes a dis-incentive for preservation compliance and puts restoration efforts and historic district residents at odds with preservation groups. Fees have been waived temporarily, but need to be waived permanently in order to avoid significant impacts to historic resources.*

5. Designated landmarks should automatically qualify for Mills Act without additional application fees.
6. Historic Districts and the Uptown Specific Plan boundaries should be identified through street signage and brochures should be printed that outline each district and identify the landmarks, contributing resources, and benefits/incentives available for residents. *Brochures have been printed, but not distributed to the public.*
7. Discretionary decisions made by the Director of Community Development with regard to historic properties (such as demolition, waivers, approvals or denials) should be posted on the city's website and in the review box at the front of City Hall so that citizens are apprised of such decisions and offered an opportunity for appeal. Currently, there is no way of knowing what discretionary decisions are being made as they are not published.  
*This is a huge environmental impact that must be address in the EIR because it affects the vast majority of decisions made by the Planning Staff. If the public and the commission don't have knowledge of discretionary decisions that are impacting the vast majority of decisions on the integrity of historic resources, then the significant impacts of those decisions cannot be adequately assessed.*  
*Discretionary decisions that result in significant impacts to historic resources need to be addressed in the EIR and corrected through code revision and clarification and implemented via timeline.*
8. The HRC recommendations in the already-approved non-residential survey should be sent to the City Council forthwith for action. The non-residential survey, paid-for by the taxpayers, should be re-considered by both the Commission and the Council for further action. *Not doing so constitutes a significant environmental impact that reduces protection for historic resources and should be addressed in the EIR, mitigated by completion of the adoption of the survey, and implemented through a flow-chart of necessary actions.*

9. A Comprehensive residential survey should be completed forthwith. Failure to complete an inventory of the city's historic resources poses as significant environmental impact that leaves these resources unprotected and should be addressed in the EIR. Should be mitigated by completing the survey, thus mitigating impacts to historic resources, and done via specific timeline in implementation measures.

10. Any individual historic resources (such as the Five-Points Car Wash) that have been already been identified and recommended for designation by the HRC should be sent to the Council for action forthwith.

Any historic resources that have already been determined to be eligible, but not yet designated a local historic landmark should be designated via a city initiative.

11. Maps of historic districts should be posted in City Hall for easy review and reference by both the public and the staff.

12. We recommend that a master plan be developed for the civic center in order to capture the value of the landmark structures that form its core. Previous features such as the wading pool and park have already been turned into a parking lot. A master plan would allow for cohesive rather than piecemeal development of the city's center.

13. We recommend that the Historic Resources Commission meet once per year with both preservation groups to assess the needs of the community with regard to preservation issues and to recommend to the City Council those findings which the commission agrees to prioritize.

## Conservation:

**Suggestion:** We would like to see the city adopt an Urban Forest Management Program that better implements the city's Tree Policy/Ordinance and provides for ongoing maintenance and cultivation of the city's tree canopy through best practices.

## ***Open Space/Parkland/Community Services***

### 4-8 Key Considerations

In the city's southeastern area -including several neighborhoods such as Friendly Hills, Sun Gold, and Whittwood---residents are not within one-half mile walking distance of a park.

*While this may be true, the Friendly Hills area consists of very large lots with plenty of open space, with a population density much lower than any other area of town. The most under-served area BY POPULATION is the "Lower Uptown area" and the entire city population south of Whittier Blvd.---from east to west. There is virtually NO open space or parkland south of the boulevard.*

## Suggestions:

- 1.) *That parkland be considered by population density rather than by geography.*

- 2.) *That city-owned property in the Uptown area (old Alpha Beta site) be considered for a badly-needed playing field. It has the advantage of being vacant, city-owned, is the only appropriately sized piece of real estate available, and is within walking distance the most densely-populated and under-served area in Whittier.*
  
- 3.) *That development fees be adjusted to be consistent with the estimated population of 3 persons per household as confirmed in the Housing Element.*