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



Governor's Office of Planning & Research

**May 25 2021**

May 25, 2021

## STATE CLEARINGHOUSE

Makan Baranghoori  
 City of Los Angeles  
 Department of City Planning  
 201 N. Figueroa Street  
 Los Angeles, CA 90012  
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**Subject: Comments on Revello Drive and Tramonto Drive Residential Project, City of Los Angeles, Los Angeles County**

Dear Makan Baranghoori:

The California Department of Fish and Wildlife (CDFW) has reviewed the Revello Drive and Tramonto Drive Residential Project (Project) proposed by the City of Los Angeles (City; Lead Agency). Supporting documentation for the Project includes an Initial Study / Mitigated Negative Declaration (IS/MND) and *Biological Resources Letter Report for the Revello Drive and Tramonto Drive Residential Project, City of Los Angeles, California* (Dudek 2021). 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

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Makan Bharanghoori  
City of Los Angeles  
May 25, 2021  
Page 2 of 6

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

### **Project Description and Summary**

**Objective:** The Project proposes the construction of four single-family residences on 12 vacant parcels of land in the Pacific Palisades neighborhood of Los Angeles. During construction, there will be two primary staging and parking areas. The first staging area will be a large flat pad that is approximately 60 feet wide by 160 feet long. The second staging/parking area will be a relatively flat pad that is approximately 36 feet wide and 180 feet long. Project-related activities include grading, terracing, vegetation clearing, and house construction. Construction is planned to start in the middle of 2022 and estimated to conclude approximately 36 months from the start of construction.

**Location:** The Project is located in the neighborhood of Brentwood-Pacific Palisades in the City of Los Angeles, Los Angeles County. The Project is south of Tramonto Drive, west of Sunset Boulevard, and north of the Pacific Coast Highway (PCH) at approximately 0.2-mile northwest of the intersection of Sunset Boulevard and PCH. The Los Angeles County Accessor's Parcel Numbers (APN) associated with the Project are: 4416-011-003, 4416-011-004, 4416-011-006, 4416-021-003, 4416-021-004, 4416-021-005, 4416-021-006, 4416-021-007, 4416-021-008, 4416-021-015, 4416-021-016, and 4416-021-060.

### **Comments and Recommendations**

The City submitted Project-related documents for an informal consultation with CDFW on April 20, 2021 [CEQA Guidelines, § 15063(g)]. Biological surveys of the Project site were performed on November 12, 2019, June 16, 2020, and February 1, 2021 (Biological Resources Letter Report). The Biological Resources Letter Report (BRLR) was intended to “1) describe the existing conditions of biological resources within the project site in terms of vegetation, flora, wildlife, and wildlife habitats; 2) quantify impacts to biological resources that would result from implementation of the proposed project and describe those impacts in terms of biological significance in view of federal, state, and local laws and policies; and 3) recommend mitigation measures for impacts to sensitive biological resources.”

After reviewing the IS/MND and BRLR, CDFW offers the comments and recommendations below to assist the City in adequately identifying the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

### **Specific Comments**

1. Impacts to Sensitive Vegetation. According to *Table 3 – Impacts to Vegetation Communities and Land Cover Types in the Study Area* of the BRLR, the proposed Project will impact 0.56 acres of lemonade berry scrub (*Rhus integrifolia*). Lemonade berry scrub is considered by CDFW as a [Sensitive Natural Community](#) (CDFW 2021a) and is listed by California Native Plant Society (CNPS) as having a rarity ranking of S3 (CNPS 2021).

Makan Bharanghoori  
City of Los Angeles  
May 25, 2021  
Page 3 of 6

CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21 to 80 occurrences of this community in existence in California. Impacts to sensitive vegetation communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

Mitigation Measure MM-BIO-1 of the Initial Study/Mitigated Negative Declaration (IS/MND) offers three options for mitigation for impacts to special-status vegetation communities (i.e., lemonade berry scrub). They can be summed up as:

Option 1: Mitigation Bank Funding – Project proponent will purchase credits at a mitigation bank within City limits at a ratio of 1:1 for impacts to 0.56 acres of lemonade berry scrub. If purchasing credits at a mitigation bank outside of City limits, then credits will be sought at 2:1 (1.12 acres).

Option 2: Off-site Land Acquisition, Preservation, and In-Kind Habitat Creation/Restoration – Project proponent will purchase lands having either at least 0.56 acres (1:1 for acres impacted) of lemonade berry scrub or have the potential to support the creation of 0.56 acres of lemonade berry scrub on-site.

Option 3: Off-site Land Acquisition, Preservation, and Out-of-Kind Habitat Restoration – If acquisition of property within City limits with existing lemonade berry scrub or the potential to support creation of lemonade berry scrub is not feasible, Project proponent will purchase property at a ratio of 2:1 (1.12 acres) for another vegetation community within the California maritime chaparral group.

**Recommendation:** Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency (CEQA Guidelines, § 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). Therefore, CDFW recommends the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). CDFW recommends updating the MND to provide adequate and complete disclosure of information that would tie mitigation measures to the resources being impacted via the following:

- 1) What specific biological resources would the mitigation measures be protecting or conserving;
- 2) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 3) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4);
- 4) How suggested mitigation measures are designed to reduce impacts to below a level of

Makan Bharanghoori  
City of Los Angeles  
May 25, 2021  
Page 4 of 6

significance;

- 5) Where mitigation is intended to occur. If off-site, where land would be acquired or where the mitigation bank is located; and
- 6) When the mitigation efforts would begin and be completed in relation to timeline of the Project.

**Recommendation:** All mitigation measures should be clearly identified, defined, and executed prior to the initiation of Project-related activities.

**Recommendation:** CDFW recommends avoiding impacts to sensitive natural communities. If avoidance is not feasible, then on-site restoration or creation should be at least 2:1 (1.12 acres created for 0.56 acres impacted) to account for loss of impacted vegetation and temporal loss (at least 36 months). Should on-site restoration not be feasible, then purchase of mitigation credits or off-site land acquisition should be at least 3:1 to account for the loss of sensitive natural communities in proximity to the Project site.

**Recommendation:** Should the purchase of mitigation credits be used as mitigation for the Project, CDFW recommends purchasing restoration or creation credits and not enhancement or preservation. The City should further clarify the mitigation option to be chosen and identify the type of mitigation credits purchased in relation to this Project. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

2. Non-Native Plants and Landscaping. The proposed Project will involve significant landscaping throughout the Project site for aesthetic purposes. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. CDFW recommends using native, locally appropriate plant species for landscaping on the Project site, similar to species found in adjacent natural habitats.

**Recommendation:** If the Project may involve landscaping, CDFW recommends the IS/MND provide the landscaping plant palette and restrict use of species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2021). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

**Recommendation:** If non-native invasive plants are on site, CDFW recommends the IS/MND provide measures to reduce the spread of non-natives during Project construction and activities. Spreading non-native plants during Project activities may have the potential to impact areas not currently exposed to non-native plants. This could result in expediting the loss of natural habitats in and adjacent to the Project site and should be prevented.

## General Comments

1. Data. CDFW recommends the City report any special status plants and wildlife species, and sensitive plant communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021b).

Makan Bharanghoori  
City of Los Angeles  
May 25, 2021  
Page 5 of 6

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]. Mitigation measures must be feasible, effective, implemented, and fully enforceable by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). In preparation of an environmental document, CDFW recommends that the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6).

## Conclusion

CDFW appreciates the opportunity to provide early comments and recommendations regarding the Project to assist the City of Los Angeles in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW looks forward to reviewing an ensuing Project-related environmental document. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at [Andrew.Valand@wildlife.ca.gov](mailto:Andrew.Valand@wildlife.ca.gov) or (562) 292-6821.

Sincerely,

DocuSigned by:

*Erinn Wilson-Olgin*

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Environmental Program Manager I  
South Coast Region

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## References

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- [CDFW 2021a] California Department of Fish and Wildlife. 2020. Natural Communities. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
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Makan Bharanghoori  
City of Los Angeles  
May 25, 2021  
Page 6 of 6

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