

# **Response to Letter from the Department of Fish and Wildlife dated May 9, 2018**

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*Note that this letter was received after the end of the CEQA comment period, and, therefore, the letter and these responses are not included in the EIR, and no response is required under CEQA. However, for sake of complete analysis and consideration of all comments submitted, the City responds herein and this document is made part of the project staff report.*

Betty J. Courtney  
Environmental Program Manager I  
South Coast Region  
Department of Fish and Wildlife  
State of California—Natural Resources Agency  
3883 Ruffin Rd.  
San Diego, CA 92123-4813

## **Comment No. 1**

The California Department of Fish and Wildlife (CDFW) has reviewed the FEIR prepared by the City of Pasadena (City), as lead agency, for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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 ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources, and holds them in trust by statute for all the people of the State (Fish & Game Code, §§ 711.7, subd. [a] & 1802; Public Resources Code § 21070; CEQA Guidelines § 15386, subd. [a]. As trustee, CDFW 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). For purposes of CEQA, CDFW is mandated to provide, as available, biological expertise during public agency environmental review, focusing on projects/activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public 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 (LSA) regulatory authority (Fish & Game Code, § 1600 et seq.). 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 & Game Code, § 2050 et seq.) or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.) authorization from CDFW as provided by the applicable Fish and Game Code will be required.

### **Response to Comment No. 1**

This introductory comment providing an overview of the regulatory authority and role of the California Department of Fish and Wildlife (CDFW) is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Recognizing the role and authority of the CDFW, the City sent a copy of the Notice of Preparation of the Draft EIR requesting input for the Draft EIR analysis and subsequently a CD of the Draft EIR to the CDFW. No response from the CDFW was provided during the NOP comment period or Draft EIR comment period. The City also reached out to the CDFW during preparation of the Final EIR with regard to mapping of wildlife corridors within the Project vicinity and formal mapping by the CDFW was not available.

As discussed in Section IV.C, Biological Resources, of the Draft EIR and within the Biological Resources Assessment (BRA) included as Appendix D to the Draft EIR, the Project will comply with all relevant regulatory requirements regarding biological resources. In particular, ground disturbance within approximately 0.07 acre west of the South Building within the Hillside Campus located between a paved parking lot and a dirt maintenance road is proposed. Although not currently planned, pending final design of the Project, incidental encroachment into a CDFW jurisdictional area west of the South Building may occur. The jurisdictional area could also be indirectly impacted by dust, erosion, and water runoff caused by construction activities conducted adjacent to this area. If incidental encroachment into the jurisdictional area occurs as part of the Project, a Section 1602 Streambed Alteration Agreement from the CDFW and WDRs from the RWQCB would be required prior to construction.

## **Comment No. 2**

### **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Art Center College of Design

**Objective:** ArtCenter College of Design proposes a two-phase 15-year Master Plan. Hillside Campus, Phase I: demolition, renovations and additions to existing buildings; installation of photovoltaic solar canopies on the existing parking lots; modifications to the parking and circulation plan. Hillside Campus, Phase II: reconstruction and additions to the maintenance building; installation of a compressed natural gas (CNG) fueling facility. South Campus, Phase I: construction of two eight-story, 100-foot tall, buildings for academic programs and student housing; elevated open “quad” area over the Metro Gold Line; mobility hub below the quad area; installation of a CNG fueling facility; renovation and internal floor area addition to an existing two-story building; renovation of an existing six-story building (1111 S. Arroyo Pkwy.) for academic purposes, and installation of an 8,000 square foot digital gallery on the southeastern façade of 1111 S. Arroyo Pkwy. South Campus, Phase II: demolition of a one-story building and construction of four eight-story, 100-foot tall, buildings for academic programs and/or student housing and an elevated “quad” area. No development is proposed on the undeveloped portions of the Hillside Campus. Approvals necessary: (1) certification of a FEIR and adoption of a Mitigation Monitoring Reporting Program; (2) Master Plan; (3) Zoning Map Amendment to change the zoning designation of the properties located at 870 and 888 S. Raymond Ave. from Industrial (IG-SP-2-HL-56) and 1111 S. Arroyo Pkwy. from Central District (CD-6) to Public, Semi-Public (PS); (4) Private Tree Removal Permit for the removal of one protected tree on the Hillside Campus; (5) Resolution to allow the construction activities outside the hours specified in Section 9.36.070.B. (Noise Ordinance) of Pasadena Municipal Code for construction above the Metro Gold Line; (6) Development Agreement; and (7) Zoning Code Amendment to PMC Section 17.48.060 to allow an application for a digital gallery.

**Location:** Hillside Campus: 1700 Lida Street, South Campus: 870, 888, 950, 988 South Raymond Avenue and 1111 South Arroyo Parkway, Pasadena California.

### **Response to Comment No. 2**

This comment provides an overview of the Project as described in the Draft EIR. Note that installation of a compressed natural gas (CNG) facility is no longer proposed within the Hillside Campus and is not part of the project approvals before the City Council. In addition, as noted by the comment, no development is proposed within the undeveloped portions of the Hillside Campus. Improvements within the Hillside Campus would be limited to developed areas of the campus and would include removal of an existing building, enclosure of the existing open-air student pavilion, installation of PV canopies

within existing parking lots, renovation and expansion of the South Building, and modification to the parking and circulation plan.

### **Comment No. 3**

#### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's Significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

#### **Impacts to Regional Wildlife Movement Planning Efforts**

It is CDFW's understanding that the ArtCenter College of Design (ArtsCenter) at this time is not planning to develop the Hillside Campus area. The Hillside Campus area supports a significant area of natural wildlife habitat that CDFW is pleased the Project is not expected to impact at this time. Upon CDFW's review of the FEIR's response to comments regarding wildlife habitat value of the Hillside Campus, CDFW would like to provide some clarification on how this area may contribute to regional wildlife movement and overall conservation planning efforts in the region.

The Hillside Campus areal is located in and contributes to a regional wildlife movement/live-in habitat corridor and linkage complex that includes the Verdugo Mountains/San Rafael Hills (habitat core). The habitat core supports natural and other open space attributes that contributes to a high biological diversity. The habitat core facilitates the maintenance of biological diversity and healthy populations of plants and wildlife by allowing genetic flow (movement) between the habitat core and other adjacent areas of large expanses of natural open space. Areas of natural open space accessible from the habitat core include the Angeles National Forest (ANF) to the east, Big Tujunga Wash and the ANF to the north/northeast and along the Arroyo Seco south to the Los Angeles River and remaining open space habitat in areas such as Montecito Heights and the Santa Monica Mountains. The habitat core is considered a sensitive resource by CDFW because it is largely surrounded by urbanization and is extremely vulnerable to continued fragmentation and local extirpations of wildlife species such as mountain lion (*Felis concolor*) that require large areas of habitat to sustain viable populations. Understanding wildlife movement and use within and through the habitat core is slowly evolving as resource agencies, local conservancies and citizen scientists further document these activities. The habitat core's persistence is dependent on the preservation and enhancement of existing tenuous connectivity linkages and the creation of additional linkages within the habitat core and between the habitat core and the larger adjacent natural open space habitats mentioned above.

CDFW recommends that any activity that could result in the reduction, fragmentation or other degradation of habitat value within the habitat core be considered significant under CEQA. CDFW further recommends that any proposed unavoidable impacts to the habitat core within the City's lead agency CEQA purview be subject to conditions that will further verify wildlife movement and other habitat use values. Habitat use and impact assessments should be informed by efforts to further document wildlife movement through the habitat core using techniques such as but not limited to camera and tracking stations and radio telemetry conducted over at least a two-year period.

CDFW recommends that the City include a discussion on the habitat values and wildlife movement when considering any discretionary activities located within the habitat core including the ArtsCenter.

CDFW appreciates the opportunity to comment on the FEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Scott Harris, Environmental Scientist at (805) 644 -6305 or [scott.p.harris@wildlife.ca.gov](mailto:scott.p.harris@wildlife.ca.gov).

### **Response to Comment No. 3**

CDFW's comments regarding the Hillside Campus area's location within and contribution to a regional wildlife movement/live-in habitat corridor and linkage complex that includes the Verdugo Mountains/San Rafael Hills are acknowledged and will be forwarded to the decision-makers for review and consideration. As discussed above and within the Draft EIR, improvements within the Hillside Campus would be limited to portions of the campus that are already developed. A detailed analysis of potential impacts to biological resources associated with these improvements is included in Section IV.C, Biological Resources, of the Draft EIR and within the BRA included in Appendix D to the Draft EIR. The Biological Study Area (BSA) was delineated to encompass the direct Project impact area associated with the proposed improvements and a buffer to account for any potential for indirect impacts that could result from the Project. The BSA excluded areas of the Hillside Campus where no direct or indirect impacts on biological resources are expected to occur, because evaluation of such areas would not provide any informational value for purposes of project impact disclosure and mitigation or for the Project's decision making process.

As discussed in Section IV.C, Biological Resources, and within Appendix D of the Draft EIR, there is habitat within the Hillside Campus that could support common bird, mammal, and reptile species. Because there are large trees and shrubs in the BSA, there is potential for migratory birds and raptors to nest within these areas. Trees within the BSA

could also provide roosting habitat for bats. The surrounding native vegetation could support a more diverse array of native wildlife species and has greater habitat value than the developed areas within the Hillside Campus. Consistent with CDFW's comments herein, the Draft EIR states that this habitat is part of the last remaining natural habitat found in the City.

As discussed in Section IV.C, Biological Resources, of the Draft EIR and within the BRA included in Appendix D of the Draft EIR, immediately adjacent to the BSA are undeveloped hillsides, and deer were observed playing/foraging along the hillsides within the BSA. A complete list of wildlife species observed in the BSA is included in Attachment B of the BRA, and photographs of the BSA are provided in Attachment C of the BRA. In addition, the BRA states that the BSA is likely used for local wildlife movement in the immediate area. According to the CDFW BIOS Habitat Connectivity Viewer, the BSA is not within an essential connectivity area. As discussed above, the CDFW was contacted during preparation of the Final EIR to obtain specific mapping information to provide a more comprehensive description of the potential for wildlife movement within the Hillside Campus; however, copies of any formal mapping by the CDFW were not available. Regardless, as discussed in the Draft EIR, although the BSA is likely to be used for local wildlife movement of birds and small wildlife, it is likely that regional wildlife movement of larger mammals would remain along the perimeter of the developed campus and within the undeveloped hillsides where human activity is limited. The Project would not add buildings or structures within the Hillside Campus that would impede or reduce the ability for wildlife to move around the perimeter of the campus or through the undeveloped hillsides. Furthermore, the Project would comply with all relevant regulatory requirements and would implement Mitigation Measures C-1 through C-11 included in Section IV.C, Biological Resources, of the Draft EIR to ensure that any temporary construction-related impacts to biological resources within the BSA would be less than significant. These mitigation measures include completion of pre-construction surveys for both wildlife and sensitive plant species; protective measures for any special status plant species; implementation of best management practices to minimize dust, dirt, and construction debris; stabilization of disturbed areas; measures to address wildlife species, should they be identified in an active work area; surveys and measures to address any potential coastal California gnatcatcher habitat; measures to address trimming and removal of trees during the bird nesting season and construction within 500 feet of trees and vegetation that may provide nesting habitat; measures to address the potential presence of bats; silt fencing installation along the jurisdictional area; and measures to address vegetation in any jurisdictional area that may be disturbed. As such, given the already developed nature of the improvement areas and implementation of regulatory requirements and mitigation measures, improvements within the developed portions of the Hillside Campus proposed by the Project would not result in significant impacts to biological resources, including regional wildlife movement.

# **Attachment A**



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California Department of Fish and Wildlife  
Comment Letter



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

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



May 9, 2018

Mr. David Sinclair  
City of Pasadena Planning Division  
175 North Garfield Avenue  
Pasadena, CA 91101  
Email: dsinclair@cityofpasadena.net

**Subject: Final Environmental Impact Report (FEIR) for ArtCenter College of Design  
Two-Phase 15-year Master Plan (Project), SCH # 2016091009**

Dear Mr. Sinclair:

The California Department of Fish and Wildlife (CDFW) has reviewed the FEIR prepared by the City of Pasadena (City), as lead agency, for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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.

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*Conserving California's Wildlife Since 1870*



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Sincerely,

  
for Betty J. Courtney  
Environmental Program Manager I  
South Coast Region

ec: Betty Courtney, CDFW, Santa Clarita  
Erinn Wilson, CDFW, Los Alamitos  
Andrew Valand, CDFW Los Alamitos  
Kelly Schmoker, CDFW Laguna Niguel  
John Howell, Arroyos and Foothill Conservancy, [johnhowell@arroyosfoothills.org](mailto:johnhowell@arroyosfoothills.org)

cc: Arts Center College of Design  
c/o Montgomery Clark Advisors  
10877 Wilshire Boulevard, Suite 1103  
Los Angeles, CA 90024