



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
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September 6, 2023

Alison Becker
1414 Mission Street
South Pasadena, CA 91030
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Subject: Draft Environmental Impact Report for the South Pasadena General Plan and Downtown Specific Plan & 2021-2029 Housing Element Implementation Programs Projects, SCH #2018011050, City of South Pasadena, Los Angeles County

Dear Alison Becker:

The California Department of Fish and Wildlife (CDFW) has reviewed the South Pasadena General Plan and Downtown Specific Plan & 2021-2029 Housing Element Implementation Programs Project (Project) proposed by the City of South Pasadena (City). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's 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.

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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.

Project Summary

General Site Description: The City of South Pasadena is nearly built out; thus, the majority of plant and animal habitats are located within urban environments with non-native and ornamental landscaping. Other vegetated or otherwise open areas include parks distributed throughout the City, along the Arroyo Seco (drainage feature), and large tracts of vacant land along steep hillsides in residential areas. The Arroyo Seco generally runs from north to south along the northwestern boundary of the City. This portion of the stream is concrete lined with no native substrate. The vegetation along the Arroyo Seco is mostly comprised of ornamental trees, which are located above the manufactured, reinforced banks of the stream.

Objective: The Project includes all actions needed to update the existing (1988) General Plan and (1996) Mission Street Specific Plan (now referred to as the Downtown Specific Plan [DTSP]) and carry out the 2021-2029 Housing Element Implementation Programs. The General Plan and DTSP Update establishes total non-residential development capacity of 430,000 square feet of office and commercial. For the proposed 2021-2029 Housing Element, the City must demonstrate to the State there is zoned capacity for 2,775 dwelling units in compliance with the City's Regional Housing Needs Assessment allocation and the California Department of Housing and Community Development-recommended surplus.

Location: The City of South Pasadena (City) is located on the western edge of the San Gabriel Valley area of Los Angeles County (County), approximately 5 miles northeast of downtown Los Angeles. The City is surrounded by several municipalities, including the City of Pasadena to the north; the City of San Marino to the east; the City of Alhambra to the south; the City of Los Angeles to the southwest; and the City of Los Angeles neighborhoods, including Garvanza and Highland Park, to the west.

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Comments and Recommendations

CDFW appreciates the effort the City has made to address nesting birds, raptors, and bat species, as mentioned in CDFW comments on the Notice of Preparation of a DEIR. CDFW offers the 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].

Recommendations

Recommendation #1 – Bat Species: The MND proposes Mitigation Measure 2 to avoid impacts to bats; however, the mitigation measure as proposed may not reduce the Project impacts on bats to less than significant. The California Natural Diversity Database (CNDDDB) indicates special status bat species that may be found in the Project area include hoary bat (*Lasiurus cinereus*) and western mastiff bat (*Eumops perotis californicus*). The NOP has also indicated other bat species found in the Project area include the canyon bat (*Parastrellus hesperus*) and the Yuma bat (*Myotis yumanensis*). CDFW recommends the City revise Mitigation Measure 2 by incorporating the underlined language and removing the language with strikethrough:

“Trimming or removal activities of mature or significant trees will be conducted between ~~August 16~~ October 1 and February 28, outside of the breeding season for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season, a qualified bat specialist should conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species and to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings, should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the project on bats and include species-specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation”

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~~removal at or near locations of roosting habitat for bats. a qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest or bat maternity roost. If either roosts are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy"~~

Recommendation #2 – Biological Assessment: The MND proposes Mitigation Measure 4 to avoid impacts to naturally vegetated areas, including the Arroyo Seco drainage corridor. As stated in the DEIR on page 3.3-1, "many native trees exist including coast live oaks (*Quercus agrifolia*) and western sycamores (*Platanus racemosa*)." However, the mitigation measure, as proposed, may not biologically assess a site as fully as possible. CDFW recommends the City revise Mitigation Measure 4 by incorporating the underlined language and removing the language with strikethrough:

"If the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources, 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. ~~and~~ Analysis should provide recommendations for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to, equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project level impacts are not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels. Biological Assessments 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

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- rare or unique to the region [CEQA Guidelines, § 15125(c)]. The CEQA 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 2023a).
- 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 Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on 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

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effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be 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 2023d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS.

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 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."

Recommendation #3 – Updating the California Natural Diversity Database:

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023c). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023d).

Recommendation #4 – Rodenticides: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.

Recommendation #5 – Mitigation Measures: CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible

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party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of South Pasadena 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 Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
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CEQA Program Coordinator, Sacramento

OPR
State Clearinghouse – State.Clearinghouse@opr.ca.gov

References:

[Cal-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available from: <https://www.cal-ipc.org/plants/inventory/>

[CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and

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Sensitive Natural Communities. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

[CDFW] California Department of Fish and Wildlife. 2023a. Natural Communities. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

[CDFW] California Department of Fish and Wildlife. 2023b. Survey and Monitoring Protocols and Guidelines. Available at:
<https://wildlife.ca.gov/conservation/survey-protocols>

[CDFW] California Department of Fish and Wildlife. 2023c. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

[CDFW] California Department of Fish and Wildlife. 2023d. Combined Rapid Assessment and Releve Form. Available from:
<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
REC-1-Bats	<p>The MND proposes Mitigation Measure 2 to avoid impacts to bats; however, the mitigation measure as proposed may not reduce the Project impacts on bats to less than significant. CDFW recommends the City revise Mitigation Measure 2 by incorporating the underlined language and removing the language with strikethrough:</p> <p style="padding-left: 40px;"> “Trimming or removal activities of mature or significant trees will be conducted between August 16 <u>October 1</u> and February 28, outside of the breeding season for native bird and bat species. If activities trimming or removal activities must be conducted during the breeding season, <u>a qualified bat specialist should conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species and to</u> </p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>

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	<p><u>minimize impacts to sensitive bat species. A discussion of survey results, including negative findings, should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. a qualified biologist shall survey the tree to be impacted to assess the presence or absence of any active bird nest or bat maternity roost. If either roosts are determined to be present, trimming or removal activities will be postponed until after the breeding season has concluded, or until otherwise deemed acceptable by the qualified biologist due to a discontinuation of nesting bird activity or bat roost vacancy"</u></p>		
<p>REC-2- Biological Assessment</p>	<p>The MND proposes Mitigation Measure 4 to avoid impacts to vegetation areas supporting special status plant and animal species; however, the mitigation measure as proposed may not assess a site as fully as possible. CDFW recommends the City revise Mitigation Measure 4 by incorporating the underlined language and removing the language with strikethrough:</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>

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	<p>“If the disturbance limits of any future development project are within 500 feet of native vegetation located in the Arroyo Seco drainage corridor, the Applicant/Developer shall have a biological assessment conducted. A biological assessment shall also be conducted for all future development on or immediately adjacent to vacant, naturally vegetated parcels. All assessments shall be conducted by a qualified biologist and shall identify all potential sensitive biological resources, <u>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.</u> and <u>Analysis should provide</u> recommendations for focused surveys (if warranted) and/or avoidance or minimization conditions for project implementation. The assessment shall be reviewed and approved by the City prior to initiation of any site disturbance activities (including, but not limited to, equipment and materials staging, grubbing, and fence installation). As a condition of project approval, the City shall require the Applicant/Developer to adhere to all recommendations of the biological assessment such that project level impacts are</p>		
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	<p>not expected to reduce regional populations of plant and wildlife species to below self-sustaining levels. <u>Biological Assessments should include the following information.</u></p> <p>a) <u>Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The CEQA 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 2023a).</u></p> <p>b) <u>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</u></p>		
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	<p><u>could lead to direct or indirect impacts off site.</u></p> <p>c) <u>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 Online should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.</u></p> <p>d) <u>A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on 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</u></p>		
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	<p><u>Guidelines, § 15003(i)].</u></p> <p>e) <u>A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be 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 2023d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS.</u></p> <p>f) <u>A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects</u></p>		
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	<u>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."</u>		
REC-3-CNNDDB	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms (CDFW 2023b). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023c).	Prior to Project ground disturbing activities	City/Project Applicant
REC-4-Rodenticide	Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.	Prior to Project ground disturbing activities	City/Project Applicant