



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region

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Governor's Office of Planning & Research

Nov 04 2021

STATE CLEARING HOUSE

November 4, 2021

Ms. Susan Koleda
City of La Cañada Flintridge, Community Development Department
One Civic Center Drive
La Cañada Flintridge, CA 91011
SKoleda@lcf.ca.gov

Subject: City of La Cañada Flintridge General Plan Housing Element Update and Safety Element Update, Mitigated Negative Declaration, SCH #2021020022, City of La Cañada Flintridge, Los Angeles County

Dear Ms. Koleda:

The California Department of Fish and Wildlife (CDFW) has reviewed a Mitigated Negative Declaration (MND) from the City of La Cañada Flintridge (City; Lead Agency) for the La Cañada Flintridge General Plan Housing Element Update and Safety Element Update (Project). The Project is proposed by the City of La Cañada Flintridge (Project Applicant).

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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& 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 a housing element update (HEU) and safety element update (SEU) to the City of La Cañada Flintridge General Plan. Main components of the HEU include updated population growth trends, rezoning for additional housing units for all economic segments, and evaluation of local constraints. The HEU sets goals, objectives, policies, and programs to achieve future housing needs for the City. No physical development, construction, or other ground disturbance activity is proposed in the HEU. Adoption of the HEU does not approve any future housing developments. The SEU will formally integrate related long range planning efforts to ensure compliance with State Law. This is the 6th cycle of updating the housing element and will cover the 8-year planning period from October 2021 to October 2029.

Location: The Project will encompass the entire City of La Cañada Flintridge within the Crescenta Valley. The City stretches 8.64 square miles in the foothills of the Verdugo Mountains, Los Angeles County.

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 impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts on Bats

Issue: The MND does not provide a mitigation measure that addresses bat species presence within the Project site. According to the California Natural Diversity Database, the silver haired bat (*Lasionycteris noctivagans*) and hoary bat (*Lasiurus cinereus*) have been observed within and adjacent to the Project site. In addition, the hoary bat was observed within the Project site and recorded through iNaturalist.

Specific Impacts: Future housing developments may have direct impacts that involves removal of trees, vegetation, and/or structures. These trees, vegetation, and/or structures may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts from future housing developments may result from increased noise disturbances, human activity, dust, ground disturbing activities (e.g., staging, access, grading, excavating, drilling), and vibrations caused by heavy equipment.

Why impacts would occur: In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project site could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications

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to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impacts would be significant: 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). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat surveys within the Project site and within a 500-foot buffer to identify potential habitat that could provide daytime and/or nighttime roost sites. CDFW recommends that bat surveys are conducted using acoustic recognition technology to maximize detection of bats. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats. Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City. Surveys and mitigation measures should be submitted prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

Mitigation Measure #2: CDFW recommends the City include the following tree removal process as a mitigation measure for future housing developments:

"If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees, trees shall be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape."

Mitigation Measure #3: CDFW recommends the City include the following measure in the event that maternity roosts are found during surveys for future housing development projects:

"If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree should be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely.

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Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.”

Additional Recommendations

Nesting Birds. CDFW recommends modifying Mitigation Measure BIO-2 and Mitigation Measure BIO-3 be revised to include the language underlined and remove language in strikethrough.

BIO-2: Birds Nest Avoidance: Construction in areas with trees and vegetation that may provide nesting habitat for birds shall be reduced to the maximum extent feasible. Trimming and removal of trees and vegetation shall be minimized and performed outside of the bird nesting season typically February 1 to September 15 (as early as January 1 for some raptors) to the extent feasible. ~~If construction activities occur between January 1 to September 15 January 15 and August 31,~~ a preconstruction survey (within 7 days prior to construction activities) shall be conducted. Surveys should be conducted by a qualified biologist to determine if active nests are present within or adjacent to the Project site in order to avoid the nesting activities of breeding birds/raptors.

BIO-3: ~~If nesting activities within 500 200 feet of the proposed work area are not detected, construction activities may proceed. If nesting activities are confirmed, construction activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the appropriate buffer shall be determined by a qualified biologist based on field conditions.~~ If nesting birds or raptors are encountered, all work in the area shall cease until a qualified biologist determines that young birds have fledged. In the event of active bird or raptor nests are identified, impacts to the nest will be avoided by delay of work or establishing a buffer. A buffer of 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active raptor nests, and 0.5 mile around active nests of a CESA or Endangered Species Act listed bird species. No work will be conducted within the buffer area. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or the nest is no longer active, as determined by a qualified biologist.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity 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 detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021a). The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA

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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).


Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of La Cañada Flintridge in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of La Cañada Flintridge has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at (562) 330-7563 or Julisa.Portugal@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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References:

Avila-Flores, R., and B.M. Fenton. 2005. Use of Spatial features by Foraging Insectivorous Bats in a Large Urban Landscape. *Journal of Mammalogy* 86(6):1193-1204.

[CDFWa] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Johnston, D., Tatarian, G., Pierson, E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10334>

Oprea, M., Mendes, P., Vieira, T.B., Ditchfield, A.D. 2009. Do Wooded Streets Provide Connectivity for Bats in an Urban Landscape? *Biodiversity Conservation* 18:2361-2371.

Remington, S., and D.S. Cooper. 2014. Bat Survey of Griffith Park, Los Angeles, California. *The Southwestern Naturalist* 59(4):473-479.



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Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Bat Surveys	Prior to construction activities, a qualified bat specialist shall conduct bat surveys within the Project site and within a 500-foot buffer to identify potential habitat that could provide daytime and/or nighttime roost sites. CDFW recommends that bat surveys are conducted using acoustic recognition technology to maximize detection of bats. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats. Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City. Surveys and mitigation measures shall be submitted prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.	Prior to any construction and activities	Bat Specialist
MM-BIO-2 – Bat Tree Removal Process	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees, trees shall be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of	During any construction and activities	Bat Specialist

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	at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape.		
MM-BIO-3-Bat Maternity Roost Detection	If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree shall be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.	Prior to and during any construction and activities	Bat Specialist
MM-BIO-4-Nesting Bird Survey	Construction in areas with trees and vegetation that may provide nesting habitat for birds shall be reduced to the maximum extent feasible. Trimming and removal of trees and vegetation shall be minimized and performed outside of the bird nesting season typically February 1 to September 15 (as early as January 1 for some raptors) to the extent feasible. If construction activities occur between January 1 to September 15, a preconstruction survey (within 7 days prior to construction activities) shall be conducted. Surveys shall be conducted by a qualified biologist to determine if active nests are present within or adjacent to the Project site in order to avoid the nesting activities of breeding birds/raptors.	Prior to any construction and activities	Project Applicant/ Designated Biologist
MM-BIO-5-Nesting Bird Buffers	If nesting activities within 500 feet of the proposed work area are not detected, construction activities may proceed. If nesting birds or raptors are encountered, all work in the area shall cease until a qualified biologist determines that young birds have fledged. In the event of active bird or raptor nests are identified, impacts to the nest will be avoided by delay of work or establishing a buffer. A	Prior to and during any construction and activities.	Project Applicant/ Designated Biologist

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	buffer of 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active raptor nests, and 0.5 mile around active nests of a CESA or Endangered Species Act listed bird species. No work shall be conducted within the buffer area. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or the nest is no longer active, as determined by a qualified biologist.		
MM-BIO-6- Data	Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.	Prior to construction	Project Applicant
REC – 1– Mitigation and Monitoring Reporting Plan	The City should update the Project’s proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project’s mitigation measures.	Prior to finalizing MND	Project Applicant