



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 27, 2022

Jayni Allsep, Contract Planner
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901
jayni@allsep-planning.com



Subject: Aldersly Planned Development Amendment, Draft Environmental Impact Report, SCH No. 2021110398, City of San Rafael, Marin County

Dear Ms. Allsep:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (DEIR) from the City of San Rafael (City) for the Aldersly Planned Development Amendment (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation (NOP) of the DEIR in a letter dated December 20, 2021.

CDFW is submitting comments on the DEIR to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

The Project is the amendment of an approved Development Plan that would allow demolition and renovation of existing buildings and construction of new buildings at the Aldersly Retirement Community. Aldersly Retirement Community is the Project proponent. The Project is located at 308 and 326 Mission Avenue in the City of San Rafael, County of Marin and is generally surrounded by residential and commercial

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Jayni Allsep
City of San Rafael
September 27, 2022
Page 2

development. The approximate Project centroid is 37.97295, -122.51662 (NAD 83). The Project would cover approximately 2.88 acres and be phased over approximately 10 years with an estimated completion year of 2031. Final build-out would include demolition of six buildings, construction of three new buildings, and additions or renovations to four existing buildings. On-site parking spaces would increase from 48 to 56. The Project would construct new outdoor gathering areas and landscaping. Approximately 77 ornamental trees are planned for removal.

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. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends, CDFW concludes that an EIR is appropriate for the Project. Please see Attachment 1 Draft Mitigation and Monitoring Reporting Plan outlining the mitigation measures recommended by CDFW below.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse 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 the U.S. Fish and Wildlife Service?

Comment 1: Bat Species of Special Concern. Appendix B, pages 15-17 and Appendix E, page 6.

Issue: As identified in CDFW's NOP response letter, the Project is within the range of bat species which CDFW has classified as Species of Special Concern (SSC), including pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and Townsend's big-eared bat (*Corynorhinus townsendii*).² These bat species are known to roost in tree bark, hollows, or foliage (Johnston 2004). The Biological Report identifies that buildings on-site do not have the potential to be occupied by bats, but it does not discuss the potential for bats to roost in trees located on the Project that would be removed (Appendix E, page 6).

Specific impacts, why they may occur and be potentially significant: Removing a roost tree during breeding or hibernating seasons could kill many bats as they roost together in a colony. Bats are unusual for small mammals in that they are long-

² CDFW maintains range maps for all terrestrial wildlife species in California, available at <https://wildlife.ca.gov/Data/CWHR/Life-History-and-Range>.

Jayni Allsep
City of San Rafael
September 27, 2022
Page 3

lived and have a low reproductive rate (Johnston 2004). Lifespans of 15 years are not uncommon, and most species have only one young per year (Johnston 2004). The long lifespan of bats means that each mortality will have a protracted effect; the death of a pair of bats at age 5 means the cumulative loss of ten years of young from that pair. Bats also aggregate in colonies, some of which contain all the bats of a species from a wide area (Johnston 2004). The combination of these three factors (long lifespan, few young per year, and aggregation into colonies) means that by impacting bat roosts, projects may cause a substantial adverse effect to the regional population of bat species.

Recommended Mitigation Measures: To reduce any potential impact to SSC bat species to less-than-significant, CDFW recommends including the below mitigation measures.

Mitigation Measure BIO-2 (Roosting Bat Habitat Assessment and Surveys): Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-3 shall be implemented.

Mitigation Measure BIO-3 (Roosting Bat Tree Protections): If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.

II. Editorial Comments and/or Suggestions

CDFW recommends that a list or table of all special-status species with the potential to occur at the Project be included in the DEIR or publicly available biological report. This list or table should include the source of information about each potentially occurring

Jayni Allsep
City of San Rafael
September 27, 2022
Page 4

special-status species (e.g., California Natural Diversity Database (CNDDDB)), and discussion of why or why not the species has potential to occur at the Project (e.g., will not occur due lack of salt marsh habitat at or near the Project) or adjacent to the Project where the species may be indirectly impacted by, for example, visual or auditory disturbances, or hydrological modifications.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations 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 during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.


ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order 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

CDFW appreciates the opportunity to comment on the DEIR to assist City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Jayni Allsep
 City of San Rafael
 September 27, 2022
 Page 5

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021110398)

REFERENCES

Johnston, D., Tartarian, G., and Poerson, E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. California Department of Transportation Office of Biological Studies and Technical Assistance. Sacramento, CA.

ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM-BIO-2	<i>Mitigation Measure BIO-2 (Roosting Bat Habitat Assessment and Surveys):</i> Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-3 shall be implemented.	Prior to Ground Disturbance	Project Applicant
MM-BIO-3	<i>Mitigation Measure BIO-3 (Roosting Bat Tree Protections):</i> If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual	Prior to Ground Disturbance	Project Applicant

Jayni Allsep
City of San Rafael
September 27, 2022
Page 6

	<p>examination of roost features that establishes absence of roosting bats, or 2) tree trimming and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.</p>		
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