



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](http://www.wildlife.ca.gov)

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



February 4, 2022

Governor's Office of Planning &amp; Research

**Feb 04 2022****STATE CLEARING HOUSE**

Alex Hamilton  
City of San Marino  
2200 Huntington  
San Marino, CA 91108  
[AHamilton@cityofsanmarino.org](mailto:AHamilton@cityofsanmarino.org)

**Subject: Negative Declaration for the City of San Marino 2021-2029 Housing Element Update Project, SCH #2022010208, City of San Marino, Los Angeles County**

Dear Mr. Hamilton:

The California Department of Fish and Wildlife (CDFW) has reviewed the Negative Declaration (ND) from the City of San Marino (City) for the City of San Marino 2021-2029 Housing Element Update (Project). 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 & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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## Project Description and Summary

**Objective:** The City of San Marino is proposing to adopt an update of its Housing Element for the 2021 to 2029 period. State law requires each city to update its Housing Element every eight years and submit it for certification to the California Department of Housing and Community Development (HCD). This is the 6th Housing Element update cycle since the California Legislature identified housing as a priority Statewide and began regular updating to General Plan Housing Elements, including the City of San Marino. A major component of the Housing Element update is the City's shortage of adequate sites to meet the regional housing need. The regional housing need allocation (RHNA) is an estimate of the city's housing needs at all price levels, based on the existing population plus its projected growth, over the next eight years. HCD determines the housing needs for each region in the State and provided to the representative area associations of governments who distributes the RHNA to the cities and counties.

The RHNA for the City of San Marino's 6th cycle (2021 to 2029 period) Housing Element is 397 units. The City is not required to construct additional housing units or issue building permits to meet the RHNA allocation, but it must make adequate sites available with appropriate residential zoning and development potential to accommodate the RHNA over the 8-year planning period. To do this, the City is required to evaluate land use patterns, development regulations and challenges, and identify potentially developable land to demonstrate how the City plans to accommodate the City's RHNA allocation. Because San Marino currently lacks sufficient sites with appropriate zoning to accommodate its assigned RHNA, this Housing Element Update includes programs to consider sites for rezoning. Parcel-specific CEQA analysis will be conducted for the housing element rezoning project.

**Location:** The Project would apply to the entirety of the City of San Marino. The City is located in the center of the County of Los Angeles, south of the San Gabriel Mountains and approximately 11 miles north of the City of Los Angeles, the cities of Pasadena, South Pasadena, San Gabriel, and Alhambra surround San Marino.

## 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, direct, and indirect 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 Project could impact bat species including the hoary bat (*Lasiurus cinereus*), a designated California Species of Special Concern (SSC).

**Specific impacts:** According to [iNaturalist](#) (2019), there is a record of hoary bat adjacent to the Project boundary. Activities associated with housing development can cause direct and indirect

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impacts to bats. Direct impacts include removal of trees or structures that may provide roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

**Why impacts would occur:** There have been no biological surveys associated with the proposed Project, and the ND does not indicate that biological surveys will be conducted prior to ground disturbing activities associated with housing development. Without focused surveys to detect bats, future housing development facilitated by this Project may impact unidentified bat species within the Project area.

**Evidence impact 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). Additionally, several bat species are considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). 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 the ND require any future proposed housing development that may occur near potential bat roosting habitat, require a qualified bat specialist to conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys should identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. 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.

**Mitigation Measure #2:** If bats are not detected, but the bat specialist determines that roosting bats may be present, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should 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 should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

**Mitigation Measure #3:** If maternity roosts are found, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30).

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## **Comment #2: Impacts to California Species of Special Concern**

**Issue:** A review of [iNaturalist](#) (accessed January 2022) indicates four occurrences of San Diegan legless lizard (*Anniella stebbins*), a designated SSC, within and adjacent to the City. Moreover, subsequent housing developments may remove habitat for this species by eliminating vegetation that may support foraging and breeding habitat.

**Specific impact:** Project ground disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating vegetation that may support foraging and breeding habitat.

**Why impact would occur:** Future housing development as a result of this Project will include grading, vegetation clearing, and other activities that may result in direct mortality, population declines, or local extirpation of special status reptile species. The ND does not indicate that biological surveys will be conducted prior to any development activity as it states, "There is no potential for the project to have an impact on biological resources..." This indicates that no focused surveys will be conducted for special status reptiles for future housing development. Without appropriate species-specific surveys, even a single general survey may be ineffective for detecting the variety of SSC that may be on site.

**Evidence impact would be significant:** CEQA provides protection not only for state and federally listed species, but for any species including, but not limited to, SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

These impacts would continue to be significant because there are currently no protection measures in the Project document that will result in adequate avoidance or successful mitigation for the unavoidable direct, indirect, and temporal losses for special status reptile species.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading for future housing development, qualified biologists familiar with the reptile species behavior and life history should conduct specialized surveys to determine the presence/absence of SSC. Surveys should be conducted during active season when the reptiles are most likely to be detected.

**Mitigation Measure #2:** To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities for future housing development to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, see Mitigation Measure #3 below.

**Mitigation Measure #3:** CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and

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invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022a). Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with construction and activities for future housing development projects.

### Comment #3: Impacts to Rare Plants

**Issue:** A review of Calflora indicates occurrences of Engelmann oak (*Quercus engelmannii*) within the City.

**Specific impact:** The Project may remove rare plant individuals or permanently reduce or eliminate the reproductive capacity of rare plants. The Project may result in population declines or local extirpation of Engelmann oak.

**Why impacts would occur:** The ND states, "Any future project related tree removals be subject to review consistent with the City of San Marino Heritage Tree Protection Ordinance in Article 19 of the City of San Marino Municipal Code." After review of the [City of San Marino Tree Protection Ordinance](#) (Ordinance), the requirements for replacement after tree removal may not be sufficient for the Engelmann oak. The Tree Replacement Matrix (see below) found in the Ordinance does not provide a variation in ratio for replacement of rare trees, nor does it state that the tree removed will be replaced only with the same species.

**TREE REPLACEMENT MATRIX**

<b>TRUNK OF REMOVED TREE</b>	<b>REPLACEMENT TREES</b>
Diameter at Breast Height	Number/Size
4-8 inches	1-36" box
9-12 inches	2-36" box
13-18 inches	4-24" box or 2-36" box
19-36 inches	8-24" box or 4-36" box
37" or greater	12-24" box or 8-36" box

  

<b>Heritage and Oak Trees must be replaced with Heritage and Oak Trees as identified in the City Code</b>	<b>The replacement tree must be planted in accordance with all ISA best practices.</b>
<b>Protected specimen trees must be replaced with specimen or heritage trees on the list of protected heritage and specimen trees</b>	
<b>Generally fruit and palm trees are not accepted tree replacements for any approved removals</b>	

A 1:1 replacement ratio does not account for the potential failure of the replacement oaks that will be planted, nor would a 1:1 replacement account for the temporal loss of the oak tree and impacts on oak-dependent birds and wildlife. Even if replacement oak trees survive

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transplanting or planting, oak tree saplings could remain small and shrubby for many years. It may take 20 to 40 years, potentially longer under drought conditions, for replacement oak trees to reach maturity and provide services such as food, cover, nesting sites, and foraging sites for birds and other wildlife. In addition, the Project may reduce the footprint of available nesting and perching habitat and structure for birds in the short-term and potentially long-term if the Project is inadequate in mitigating for impacts to Engelmann oak trees. Lastly, mitigation would not be sufficient for this rare plant if the Engelmann oak is replaced by any other species of tree, even another oak species, because there is still a net loss of the rare plant.

**Evidence impacts would be significant:** The Engelmann oak has a California Rare Plant Rank (CRPR) of 4.2 and is considered a species of local significance; a species of limited distribution; and a species that is moderately threatened in California (CNPS 2022). Accordingly, some plants with a CRPR of 4, such as the Engelmann oak, may meet the definition of rare or endangered under CEQA. Pursuant under CEQA Guidelines section 15380, the Engelmann oak's status as a rare plant means that the species is not presently threatened with extinction but may become endangered or threatened if its environment worsens throughout all or significant portion of its range. The Engelmann oak is threatened by development throughout its range. Based on a search for Engelmann oak using the Calflora database, the remaining reported occurrences of Engelmann oak within Los Angeles County occur mostly on undeveloped land or in protected natural areas. Within the City, there are approximately 7 reported occurrences; a few of these may be extirpated due to development. Local extirpation of Engelmann oak from the City could occur in the foreseeable future under the pressure of development.

Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status 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.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** For future housing developments in order to ensure no net loss of rare Engelmann oak trees, CDFW recommends the following replacement ratios with the same Engelmann oak species: (1) trees less than 5 inches diameter at breast height (DBH) should be replaced at 2:1; (2) trees between 5 and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be replaced at 10:1.

**Mitigation Measure #2:** Prior to any Project ground-disturbing activities related to future housing development, the City should develop and implement an Engelmann Oak Mitigation Program with the following components:

- 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;
- 2) Mitigation ratios applied and total number and/or area of replacement trees and vegetation;
- 3) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees; avoid habitat type conversion);

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- 4) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;
- 5) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted;
- 6) Planting schedule;
- 7) Measures to control exotic vegetation and protection from herbivory;
- 8) Measurable goals and success criteria for establishing self-sustaining individuals
- 9) Contingency measures should the success criteria not be met;
- 10) Long-term monitoring for at least 7 years;
- 11) Adaptive management techniques, including replacement plants if necessary; and,
- 12) Annual reporting criteria and requirements.

### **Additional Recommendations**

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends if future housing development occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the ND require subsequent project proponents require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any project-related activity likely to impact raptors and migratory songbirds, for the entire project site. If project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

It should be noted that the temporary halt of project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the project site based on acreage of impact and vegetation composition. Mitigation ratios should increase with the occurrence of a SSC and should further increase with the occurrence of a CESA-listed species.

Biological Baseline Assessment and Impact Analysis. CDFW recommends the ND require future proposed projects provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the project area, with 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. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the project. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without

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implementing appropriate avoid and/or mitigation measures. The ND 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 rare or unique to the region [CEQA Guidelines, § 15125(c)]. The ND should require subsequent projects to include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. 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, S3 and S4 should be considered sensitive and declining at the local and regional level (CDFWb 2022);
- 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 Natural Communities](#) (CDFW 2018);
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the neighboring vicinity. [The Manual of California Vegetation](#), second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. 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 the Project;
- e) 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 & Game 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 the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
- f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the 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.

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Rodenticides. CDFW recommends the ND require subsequent project proponents prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, CDFW recommends that the subsequent CEQA documents include measures where lead agencies of individual projects report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDDB by completing the [Online Field Survey Form](#) (CDFWc 2022). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents 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 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 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 San Marino in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City 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 Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov).

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Sincerely,

DocuSigned by:



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Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)

Victoria Tang, Los Alamitos – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)

Ruby Kwan-Davis, Los Alamitos – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)

Felicia Silva, Los Alamitos – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)

Julisa Portugal, Los Alamitos – [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov)

Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)

CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

#### References:

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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](http://www.wildlife.ca.gov)

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*CHARLTON H. BONHAM, Director*



### Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1-Bats</b>	The ND shall require future proposed housing development that may occur near potential bat roosting habitat, a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys shall 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 bats. A discussion of survey results, including negative findings shall be provided to the City. Depending on the survey results, a qualified bat specialist shall 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 shall 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.	Prior to project ground-disturbing activities	Project-level lead agency
<b>MM-BIO-2-Bats</b>	If bats are not detected, but the bat specialist determines that roosting bats may be present, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or 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	Prior to project ground-disturbing activities	Project-level lead agency

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	that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.		
<b>MM-BIO-3-Bats</b>	If maternity roosts are found, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30).	Prior to project ground-disturbing activities	Project-level lead agency
<b>MM-BIO-4-Reptiles</b>	Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading for future housing development, qualified biologists familiar with the reptile species behavior and life history shall conduct specialized surveys to determine the presence/absence of SSC. Surveys shall be conducted during active season when the reptiles are most likely to be detected.	Prior to project ground-disturbing activities	Project-level lead agency
<b>MM-BIO-5-Reptiles</b>	To further avoid direct mortality, a qualified biological monitor be on site during ground and habitat disturbing activities for future housing development to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It shall be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, see Mitigation Measure #3 below.	During ground-disturbing activities	Project-level lead agency
<b>MM-BIO-6-Reptiles</b>	CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's <a href="#">Scientific Collection Permits</a> webpage for information	Prior to project ground-disturbing activities	Project-level lead agency

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	(CDFW 2022b). Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with construction and activities for future housing development projects.		
<b>MM-BIO-7- Impacts to Rare Plants</b>	For future housing developments in order to ensure no net loss of rare Engelmann oak trees, CDFW recommends the following replacement ratios with the same Engelmann oak species: (1) trees less than 5 inches diameter at breast height (DBH) shall be replaced at 2:1; (2) trees between 5 and 12 inches DBH shall be replaced at 3:1; (3) trees between 12 and 24 inches DBH shall be replaced at 5:1; (4) trees greater than 24 inches DBH shall be replaced at 10:1.	Prior to project ground-disturbing activities	Project-level lead agency
<b>MM-BIO-8- Impacts to Rare Plants</b>	<p>Prior to any Project ground-disturbing activities related to future housing development, the City shall develop and implement an Engelmann Oak Mitigation Program with the following components:</p> <ol style="list-style-type: none"> <li>1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;</li> <li>2) Mitigation ratios applied and total number and/or area of replacement trees and vegetation;</li> <li>3) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees; avoid habitat type conversion);</li> <li>4) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;</li> <li>5) Location(s) of propagule source. Propagules shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted;</li> <li>6) Planting schedule;</li> </ol>	Prior to project ground-disturbing activities	Project-level lead agency

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	<p>7) Measures to control exotic vegetation and protection from herbivory;                  8) Measurable goals and success criteria for establishing self-sustaining individuals                  9) Contingency measures shall the success criteria not be met;                  10) Long-term monitoring for at least 7 years;                  11) Adaptive management techniques, including replacement plants if necessary; and,                  12) Annual reporting criteria and requirements.</p>		
<p><b>REC-1-Nesting Birds</b></p>	<p>CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends if future housing development occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the ND require subsequent project proponents require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>	<p>Prior to finalizing ND /During/After project</p>	<p>City of San Marino/project-level lead agency</p>

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	<p>It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. Mitigation ratios should increase with the occurrence a SSC and should further increase with the occurrence of a CESA-listed species.</p>		
<p><b>REC-2-                  Biological                  Assessment</b></p>	<p>CDFW recommends the ND require subsequent proposed housing projects provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the project area, with 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. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the project. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The CEQA document should include the following information:</p> <ul style="list-style-type: none"> <li>a) 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 ND should require subsequent projects to include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both</li> </ul>		

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	<p>regional and local significance. Plant communities, alliances, and associations with a <a href="#">State-wide ranking</a> of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level (CDFW 2020).</p> <p>b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</a> (CDFW 2018);</p> <p>c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the neighboring vicinity. <a href="#">The Manual of California Vegetation</a>, second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;</p> <p>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 the Project.</p> <p>e) 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 &amp; Game</p>		
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	<p>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 the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,</p> <p>f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the 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.</p>		
<b>REC-3-Rodenticides</b>	CDFW recommends the ND require subsequent project proponents prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.	Prior to finalizing ND /During/After project	City of San Marino/project-level lead agency
<b>REC-4-Data</b>	Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the <a href="#">California Natural Diversity Database</a> with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.	Prior to finalizing/adopting project-level CEQA document	Project-level lead agency
<b>REC-5-Mitigation and</b>	The City shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to	Prior to finalizing	San Marino

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<b>Monitoring Reporting Plan</b>	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.	CEQA Document	
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