



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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Governor's Office of Planning & Research

February 10, 2022

Feb 11 2022

STATE CLEARINGHOUSE

Mr. Zachary Dahl
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403
zdahl@cityofsanmateo.org

Subject: City of San Mateo General Plan Update, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022010160, City and County of San Mateo

Dear Mr. Dahl:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the City of San Mateo General Plan Update (Project).

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines § 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP), a Native Plant Protection Act (NPPA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT LOCATION

San Mateo is located in the San Francisco Bay Area in Northern California. It is bordered by the San Francisco Bay and City of Foster City to the east, the City of Burlingame and Town of Hillsborough to the north, the City of Belmont to the south, and the Town of Hillsborough and unincorporated San Mateo County to the west. Major interstates and State routes include Highway 101 and California State Routes 92 and 82.

PROJECT DESCRIPTION

The City of San Mateo is preparing comprehensive updates to its existing General Plan. The update is expected to be completed in 2023 and will guide the City's development and conservation through 2040. The General Plan Update will include revisions to the policies and land use map of the existing General Plan. The updated General Plan will include all State-required elements, and an optional element, Urban Design.

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The overall purpose of the General Plan Update is to create a policy framework that articulates a vision for the City's long-term physical form and development, while preserving and enhancing the quality of life for San Mateo residents. The key components of this Project will include broad community goals for the future of the City of San Mateo and specific policies and implementing actions that will help meet the goals. The General Plan Update will add new and expanded policy topics to address the current requirements of State law, modernize the City's policy framework, and address land use mapping issues and inconsistencies. To achieve the General Plan vision, the City has analyzed three alternatives for ten Study Areas that were developed through an extensive public process. The Study Areas include areas near transit; areas where current buildings are aging, vacant, or not maintained; or areas where property owners have expressed interest in considering redevelopment of the property. The Study Areas are the locations where the majority of growth is projected to occur; however, changes could still occur outside of these areas.

ENVIRONMENTAL SETTING

The draft EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 and 15360). CDFW recommends that the draft EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The draft EIR should describe aquatic habitats, such as wetlands and/or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site.

The special-status species that have the potential to occur in or near the Project site, include, but are not limited to:

Common Name	Scientific Name	Status
Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>	FT
Myrtle's silverspot butterfly	<i>Speyeria zerene myrtleae</i>	FT
Western burrowing owl	<i>Athene cunicularia</i>	SSC
California Ridgway's rail	<i>Rallus obsoletus obsoletus</i>	FE, SE
California black rail	<i>Laterallus jamaicensis coturniculus</i>	ST
American peregrine falcon	<i>Falco peregrines anatum</i>	SP

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Western bumble bee	<i>Bombus occidentalis</i>	SC
Salt-marsh harvest mouse	<i>Reithrodontomys raviventris</i>	FE, SE
San Francisco gartersnake	<i>Thamnophis sirtalis tetrataenie</i>	FE, SE, SP
San Mateo woolly sunflower	<i>Eriophyllum latilobum</i>	FE, SE, SR
San Francisco owl's-clover	<i>Triphysaria floribunda</i>	SR
Arcuate bush-mallow	<i>Malacothamnus arcuatus</i>	SR
Longfin smelt	<i>Spirinchus thaleichtys</i>	FC, ST
San Francisco collinsia	<i>Collinsia multicolor</i>	SR
Western leatherwood	<i>Dirca occidentalis</i>	SR
Franciscan onion	<i>Allium peninsulare</i> var. <i>franciscanum</i>	SR
Acuate bush-mallow	<i>Galactosamines arcuatus</i>	SR
Nesting birds Bats Plants Aquatic species Terrestrial species		
<p>Notes: FT= federally threatened under ESA; FE = federally endangered under ESA; FC = federal candidate for federal listing under ESA; SE = state endangered under CESA; ST = state threatened under CESA; SC = state candidate for state listing under CESA; SSC = state species of special concern; SP = state listed as fully protected; SR = state rare under the Native Plant Protection Act</p>		

Habitat descriptions, and the potential for species occurrence, should include information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; and findings from positive occurrence databases such as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the draft EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

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Botanical surveys for special-status plant species, including those with a California rare plant rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements, available at: <https://wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The draft EIR should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, and 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, wetlands, or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft EIR should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less-than-significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4, and 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, the USFWS, and the

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National Marine Fisheries Service. These measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

Fully protected species such as American peregrine falcon and San Francisco garter snake may not be taken or possessed at any time (Fish and Game Code, § 3511, 4700, 5050, and 5515). Therefore, the draft EIR should include measures to ensure complete avoidance of these species.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take¹ of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. CDFW, as a Responsible Agency, will consider the CEQA

¹ Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Fully protected bird species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

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 CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found 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://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 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.

If you have any questions, please contact Mr. Will Kanz, Environmental Scientist, at Will.Kanz@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH No. 2022010160)