October 21, 2022

Peter Lin
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Re: Response to CDFW comment letter; Biological Report for the Aldersly Retirement Community Redevelopment Project; San Rafael, Marin County, California (SCH No. 2021110398)

Peter:

This letter provides a response to comments made by the California Department of Fish and Wildlife (CDFW) about the proposed Aldersly Retirement Community Redevelopment Project (Project), located at 326 Mission Avenue (Study Area) in the City of San Rafael, Marin County, California. WRA previously generated a Biological Report for the Project, dated April 14, 2022. CDFW subsequently submitted a comment letter to the City of San Rafael (September 27, 2022) regarding the Project's draft Environmental Impact Report (DEIR; SCH No. 2021110398) and potential impacts to biological resources. The present letter responds to these comments and is effectively an addendum to WRA's April 2022 report.

Comment Responses

Comments from CDFW are addressed directly below, with text from CDFW in *italics*).

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...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).*
>
> *Recommended Mitigation Measures: To reduce any potential impact to SSC bat species to less-than-significant, CDFW recommends including the below mitigation measures...*
>
> **Response:** It is correct that many species of bats, including those designated as SSC, use arboreal substrates for roosting. To clarify no trees potentially suitable for roosting were observed within the Study Area during WRA's site visit, which was performed by biologist Nicholas Brinton who has several years of experience performing habitat and assessments and presence/absence surveys for bats (including special-status bats) in northern California. Representative photos of on-site trees are included in Attachment A. First, on-site trees are largely non-native ornamental species planted for landscape purposes that are unlikely to support bat roosting. Second, the trees are young and small (< 18 inches in diameter) and lack the sufficient trunk/limb mass to support roosting (i.e., they lack cavities, and the ability to maintain stable internal temperatures). Trees with large individuals

leaves and the potential to support the foliage-roosting and riparian-affiliated western red bat (*Lasiurus blossevillii*; SSC) are absent. Finally, all trees on-site appear to be regularly disturbed both for aesthetic maintenance and safety purposes (to eliminate falling hazards for residents). For example, dying or decaying portions of trees that may ultimately result in cavity formation over time, as well as larger/heavier limbs, are removed; this maintenance process is similar in effect to the first step in a two-phased tree removal (one of the bat avoidance measures recommended by CDFW in the comment letter). Examples of such tree maintenance in process were noted by the WRA biologist during the site visit. Additionally, all lawns and gardens/landscaping surrounding the trees are also regularly maintained, further reducing the attraction of the area for bats. No bats or indicators of on-site roosting (e.g., guano/staining) were observed by the biologist during the site visit.

For these reasons, bats (including special-status species) are unlikely to roost within the Study Area. Though not required because impacts to special-status bats would be less than significant without mitigation, implementation of CDFW's proposed measures related to bats would ensure that any potential impacts would be fully mitigated. These measures are provided below, verbatim from CDFW's comment letter.

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.

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.

Response: An occurrence potentials table for special-status wildlife is included in Attachment B. As stated in the original Biological Report, the entire Study Area is developed and surrounded by urban development. Non-hardscape substrates within the Study Area

are landscaped, have been thoroughly disturbed and altered for many years, and are maintained specifically for ornamental landscaping. There is no potential for any local special-status plant species to occur within the Study Area.

Please contact me if you have any questions about this letter.

Sincerely,

Jason Yakich
Senior Biologist

Enclosures: Attachment A – Site Photographs
Attachment B – Special-status Wildlife Occurrence Potentials Table

Ec: Sunny Tsou, Coblentz Patch Duffy & Bass LLP

Photo 1: Trees in front of the main office in the Study Area. Bat roosting typically requires large, mature trees with defects such as basal cavities, exfoliating bark, or fissures (e.g.. due to partially fallen limbs)(1). Trees in the Study Area are all regularly maintained for aesthetics and safety, which removes any such defects.

Photo 2: Another example of a typical ornamental tree which does not have sufficient mass or features to support bat roosting. Limbs on trees like this are too small to form basal cavities, or to maintain stable temperatures throughout the day.

(1) Perry, R.W., Thill, R.E. and Leslie Jr, D.M., 2007. Selection of roosting habitat by forest bats in a diverse forested landscape. Forest Ecology and Management, 238(1-3), pp.156-166.

Photo 3: This ornamental conifer is one of the Study Area's larger trees. However, the small diameter (< 18 inches DBH) and absence of natural cavity forming processes (e.g., rot, fire) result in no cavities or effectively similar substrates that may support bat roosting.

Photo 4: A typical garden within the Study Area, with small ornamental trees. As shown in the circled tree, limbs are regularly removed and manicured for aesthetics. Additionally, the trees are in close proximity to sources of noise and disturbances associated with on-site residents, resulting in even lower potential for the site to be occupied by bats.

Table B-1. Potential for special-status wildlife species to occur in the Study Area. List compiled from CDFW's Natural Diversity Database (2022) and other sources, for the San Rafael and San Quentin USGS 7.5 minute quadrangles.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
MAMMALS				
pallid bat *Antrozous pallidus*	SSC, WBWG High	Found in deserts, grasslands, shrublands, woodlands, and forests. Most common in open, forages along river channels. Roost sites include crevices in rocky outcrops and cliffs, caves, mines, trees and various manmade structures such as bridges, barns, and buildings (including occupied buildings). Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	**Unlikely.** On-site buildings are occupied and maintained, lacking ingress/egress to potential refugia. Trees within the Study Are are largely small, non-native ornamentals; all trees maintained for aesthetics and safety, precluding refugia formation.	No further actions are recommended.
Townsend's western big-eared bat *Corynorhinus townsendii townsendii*	SSC, WBWG High	Humid coastal regions of northern and central California. Roost in limestone caves, lava tubes, mines, buildings etc. Will only roost in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to disturbance	**Unlikely.** On-site buildings are occupied and maintained, lacking ingress/egress to potential refugia.	No further actions are recommended.
western red bat *Lasiurus blossevillii*	SSC, WBWG High	Highly migratory and typically solitary, roosting primarily in the foliage of trees or shrubs. Associated with broad-leaved, riparian tree species including cottonwoods, sycamores, alders, and maples. Day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas.	**Unlikely.** The Study Area lacks large broad-leaved trees and other typical roosting substrates.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
San Pablo vole *Microtus californicus sanpabloensis*	SSC	Salt marshes of San Pablo Creek, on the south shore of San Pablo Bay. Constructs burrows in soft soil. Feeds on grasses, sedges and herbs.	**No Potential.** The Study Area is urban and developed, lacking any tidal or otherwise saline marsh.	No further actions are recommended.
fringed myotis *Myotis thysanodes*	WBWG High	Associated with a wide variety of habitats including dry woodlands, desert scrub, mesic coniferous forest, grassland, and sage-grass steppes. Buildings, mines and large trees and snags are important day and night roosts.	**Unlikely.** On-site buildings are occupied and maintained, lacking ingress/egress to potential refugia. Trees within the Study Are are largely small, non-native ornamentals; all trees maintained for aesthetics and safety, precluding refugia formation.	No further actions are recommended.
salt-marsh harvest mouse *Reithrodontomys raviventris*	FE, SE, SFP	Found only in the saline emergent wetlands of the San Francisco Bay Estuary and its tributaries. Pickleweed is primary habitat, but may use other thick wetland vegetation. Does not burrow, builds loosely organized nests. Requires higher areas for flood escape.	**No Potential.** The Study Area is urband and developed, lacking any tidal or otherwise saline marsh.	No further actions are recommended.
salt-marsh wandering shrew *Sorex vagrans halicoetes*	SSC	Salt marshes of the south arm of San Francisco Bay. Medium high marsh 6 to 8 feet above sea level where abundant driftwood is scattered among pickleweed and affiliated marsh species.	**No Potential.** The Study Area is urband and developed, lacking any tidal or otherwise saline marsh.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
American badger *Taxidea taxus*	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats. Requires friable soils and open, uncultivated ground. Preys on burrowing rodents.	**No Potential.** The Study Area is urban and totally developed, lacking any habitat for this species.	No further actions are recommended.
BIRDS				
grasshopper sparrow *Ammodramus savannarum*	SSC	Summer resident. Breeds in open grasslands in lowlands and foothills, generally with low- to moderate-height grasses and scattered shrubs. Well-hidden nests are placed on the ground.	**No Potential.** The Study Area is urban and totally developed, lacking any grassland habitat for this species.	No further actions are recommended.
great egret *Ardea alba*	none; breeding sites protected by CDFW	Year-round resident. Nests colonially or semi-colonially, usually in trees, occasionally on the ground or elevated platforms. Breeding sites usually in close proximity to foraging areas: marshes, lake margins, tidal flats, and rivers. Forages primarily on fishes and other aquatic prey, also smaller terrestrial vertebrates.	**Unlikely.** Trees within the Study Area are generally small and unlikely to be used for nesting; the Study Area is urban and developed, with no indication of presence observed.	No further actions are recommended.
great blue heron *Ardea herodias*	none; breeding sites protected by CDFW	Year-round resident. Nests colonially or semi-colonially in tall trees and cliffs, also sequested terrestrial substrates. Breeding sites usually in close proximity to foraging areas: marshes, lake margins, tidal flats, and rivers. Forages primarily on fishes and other aquatic prey, also smaller terrestrial vertebrates.	**Unlikely.** Trees within the Study Area are generally small and unlikely to be used for nesting; the Study Area is urban and developed, with no indication of presence observed.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
short-eared owl *Asio flammeus*	SSC	Occurs year-round, but primarily as a winter visitor; breeding very restricted in most of California. Found in open, treeless areas (e.g., marshes, grasslands) with elevated sites for foraging perches and dense herbaceous vegetation for roosting and nesting. Preys mostly on small mammals, particularly voles.	**No Potential.** The Study Area is urban and developed, lacking open, undeveloped land.	No further actions are recommended.
burrowing owl *Athene cunicularia*	SSC	Year-round resident and winter visitor. Occurs in open, dry grasslands and scrub habitats with low-growing vegetation, perches and abundant mammal burrows. Preys upon insects and small vertebrates. Nests and roosts in old mammal burrows, most commonly those of ground squirrels.	**No Potential.** The Study Area is urban and developed, lacking mammal burrows or analogous refugia.	No further actions are recommended.
western snowy plover *Charadrius nivosus (alexandrines) nivosus*	FT, SSC	Federal listing applies only to the Pacific coastal population. Year-round resident and winter visitor. Occurs on sandy beaches, salt pond levees, and the shores of large alkali lakes. Nests on the ground, requiring sandy, gravelly or friable soils.	**No Potential.** The Study Area is urban and developed, lacking beaches or mudflats.	No further actions are recommended.
northern harrier *Circus cyaneus*	SSC	Year-round resident and winter visitor. Found in open habitats including grasslands, prairies, marshes and agricultural areas. Nests on the ground in dense vegetation, typically near water or otherwise moist areas. Preys on small vertebrates.	**No Potential.** The Study Area is urban and developed, lacking open, undeveloped areas.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
snowy egret *Egretta thula*	no status (breeding sites protected by CDFW)	Year-round resident. Nests colonially, usually in trees, at times in sequestered beds of dense emergent vegetation (e.g., tules). Rookery sites usually situated close to foraging areas: marshes, tidal-flats, streams, wet meadows, and borders of lakes.	**Unlikely.** Trees within the Study Area are generally small and unlikely to be used for nesting; the Study Area is urban and developed, with no indication of presence observed.	No further actions are recommended.
white-tailed kite *Elanus leucurus*	SFP	Year-long resident of coastal and valley lowlands, including agricultural areas. Nests in a variety of tree types. Preys on small diurnal mammals and occasional birds, insects, reptiles, and amphibians.	**Unlikely.** The Study Area is urban and developed, lacking any nearby foraging habitat.	No further actions are recommended.
San Francisco (saltmarsh) common yellowthroat *Geothlypis trichas sinuosa*	SSC	Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	**No Potential.** The Study Area is urban and developed, lacking marsh or wetlands.	No further actions are recommended.
California black rail *Laterallus jamaicensis coturniculus*	ST, SFP	Year-round resident in marshes (saline to freshwater) with dense vegetation within four inches of the ground. Prefers larger, undisturbed marshes that have an extensive upper zone and are close to a major water source. Extremely secretive and cryptic.	**No Potential.** The Study Area is urban and developed, lacking marsh or wetlands.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
Samuels (San Pablo) song sparrow *Melospiza melodia samuelis*	SSC	Year-round resident of tidal marshes along the north side of San Francisco and San Pablo Bays. Typical habitat is dominated by pickleweed, with gumplant and other shrubs present in the upper zone for nesting. May forage in areas adjacent to marshes.	**No Potential.** The Study Area is urband and developed, lacking any tidal or otherwise saline marsh.	No further actions are recommended.
black-crowned night heron *Nycticorax nycticorax*	no status (breeding sites protected by CDFW)	Year-round resident. Nests colonially, usually in trees but also in patches of emergent vegetation. Rookery sites are often on islands and usually located adjacent to foraging areas: margins of lakes and bays.	**Unlikely.** Trees and shrubs within the Study Area are generally small and unlikely to be used for nesting; the Study Area is urban and developed, with no indication of presence observed.	No further actions are recommended.
Bryant's savannah sparrow *Passerculus sandwichensis alaudinus*	SSC	Year-round resident associated with the coastal fog belt, primarily between Humboldt and northern Monterey Counties. Occupies low tidally influenced habitats and adjacent areas; often found where wetland communities merge into grassland. May also occur in drier grasslands. Nests near the ground in taller vegetation, including along roads, levees, and canals.	**No Potential.** The Study Area is urban and developed, lacking open, undeveloped areas.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
California Ridgway's (clapper) rail *Rallus obsoletus obsoletus*	FE, SE, SFP	Year-round resident in tidal marshes of the San Francisco Bay estuary. Requires tidal sloughs and intertidal mud flats for foraging, and dense marsh vegetation for nesting and cover. Typical habitat features abundant growth of cordgrass and pickleweed. Feeds primarily on molluscs and crustaceans.	**No Potential.** The Study Area is urban and developed, lacking tidal marsh.	No further actions are recommended.
yellow warbler *Setophaga petechia brewsteri*	SSC	Summer resident throughout much of California. Breeds in riparian vegetation close to water, including streams and wet meadows. Microhabitat used for nesting variable, but dense willow growth is typical. Occurs widely on migration.	**Unlikely.** The Study Area is urban and developed, lacking natural streams or wetlands and associated riparian vegetation. May occur occasionally on migration.	No further actions are recommended.
northern spotted owl *Strix occidentalis caurina*	FT,ST, SSC	Year-round resident in dense, structurally complex forests, generally with old-growth or otherwise mature conifers. In Marin County, uses both coniferous and mixed (coniferous-hardwood) forests. Nests on platform-like substrates in the forest canopy, including in tree cavities. Preys mostly on mammals.	**No Potential.** The Study Area is urban and developed, lacking dense coniferous or mixed forest.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
REPTILES AND AMPHIBIANS				
western pond turtle *Actinemys marmorata*	SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. Require basking sites such as partially submerged logs, vegetation mats, or open mud banks, and suitable upland habitat (sandy banks or grassy open fields) for egg-laying.	**No Potential.** The Study Area is urban and surrounded by development, lacking any ponds or streams.	No further actions are recommended.
California giant salamander *Dicamptodon ensatus*	SSC	Occurs in the north-central Coast Ranges. Moist coniferous and mixed forests are typical habitat; also uses woodland and chaparral. Adults are terrestrial and fossorial, breeding in cold, permanent or semi-permanent streams. Larvae usually remain aquatic for over a year.	**No Potential.** The Study Area is urban and developed, lacking any streams or upland habitat.	No further actions are recommended.
California red-legged frog *Rana draytonii*	FT, SSC	Lowlands and foothills in or near permanent sources of deep water with dense emergent and/or overhanging riparian vegetation. Favors perennial to intermittent ponds, stream pools and wetlands. Requires 11 to 20 weeks of continuous inundation for larval development. Disperses through upland habitats during and after rains.	**No Potential.** The Study Area is urban and surrounded by development, lacking any natural water bodies.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
foothill yellow-legged frog *Rana boylii*	SSC	Found in or near rocky streams in a variety of habitats. Prefers partly-shaded, shallow streams and riffles with a rocky substrate; requires at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis. Feeds on both aquatic and terrestrial invertebrates. Highly aquatic.	**No Potential.** The Study Area is urban and surrounded by development, lacking any natural streams.	No further actions are recommended.
FISHES				
Coho salmon - central CA coast ESU *Oncorhynchus kisutch*	FE, SE	Federal listing includes populations between Punta Gorda and San Lorenzo River. State listing includes populations south of San Francisco Bay only. Occurs inland and in coastal marine waters. Requires beds of loose, silt-free, coarse gravel for spawning. Also needs cover, cool water and sufficient dissolved oxygen.	**No Potential.** The Study Area lacks any anadromous streams/waters.	No further actions are recommended.
steelhead - central CA coast DPS *Oncorhynchus mykiss irideus*	FT, NMFS	Occurs from the Russian River south to Soquel Creek and Pajaro River. Also in San Francisco and San Pablo Bay Basins. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for 1 or more years before migrating downstream to the ocean.	**No Potential.** The Study Area lacks any anadromous streams/waters.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
tidewater goby *Eucyclogobius newberryi*	FE, SSC	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	**No Potential.** The Study Area lacks any brackish or estuarine waters.	No further actions are recommended.
longfin smelt *Spirinchus thaleichthys*	FC, ST	Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15 to 30 ppt, but can be found in completely freshwater to almost pure seawater.	**No Potential.** The Study Area lacks any anadromous or estuarine streams/waters.	No further actions are recommended.
INVERTEBRATES				
monarch butterfly *Danaus plexippus*	FC; winter roosts protected by CDFW	Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (usually eucalyptus, Monterey pine, Monterey cypress), with nectar and water sources nearby.	**Unlikely (winter roosting).** The Study Area does not provide stands or clusters of typical, mature roost trees (e.g., eucalyptus, Monterey pine).	No further actions are recommended.
Mission blue butterfly *Icaricia icarioides missionensis*	FE	Inhabits grasslands and coastal chaparral of the San Francisco peninsula and southern Marin County, but mostly found on San Bruno Mountain. Three larval host plants: *Lupinus albifrons*, *L. variicolor*, and *L. formosus*, of which *L. albifrons* is favored.	**No Potential.** The Study Area is urban and developed, lacking the host plants of this species.	No further actions are recommended.

SPECIES	STATUS*	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS
Myrtle's silverspot butterfly *Speyeria zerene myrtleae*	FE	Restricted to the fog belt of northern Marin and southernmost Sonoma County, including the Point Reyes Peninsula; extirpated from coastal San Mateo County. Occurs in coastal prairie, dunes, and grassland. Larval foodplant is typically *Viola adunca*. Adult flight season may range from late June to early September.	**No Potential.** The Study Area is urban and developed, lacking the host plants of this species.	No further actions are recommended.
California freshwater shrimp *Syncaris pacifica*	FE, SE	Endemic to Marin, Napa, and Sonoma counties. Found in low elevation, low gradient streams where riparian cover is moderate to heavy. Favors shallow pools away from the main stream flow. Winter: undercut banks with exposed roots; summer: leafy branches touching water.	**No Potential.** The Study Area is urban and surrounded by development, lacking any natural streams.	No further actions are recommended.

*** Key to status codes:**

FC	Federal Candidate
FE	Federal Endangered
FT	Federal Threatened
Rank 1A	CNPS Rank 1A: Plants presumed extinct in California
Rank 1B	CNPS Rank 1B: Plants rare, threatened or endangered in California and elsewhere
Rank 2B	CNPS Rank 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
Rank 3	CNPS Rank 3: Plants about which more Information is needed (a review list)
Rank 4	CNPS Rank 4: Plants of limited distribution (a watch list)
SC	State Candidate
SE	State Endangered
SFP	State Fully Protected Animal
SSC	CDFW Species of Special Concern
ST	State Threatened
WBWG	Western Bat Working Group High or Medium-high Priority Species