



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



February 21, 2013

RECEIVED

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CITY OF BURLINGAME  
CDD-PLANNING DIV.

Mr. Ruben Hurin  
City of Burlingame  
501 Primrose Road  
Burlingame, CA 94010

Dear Mr. Hurin:

Subject: 1509 El Camino Real, Initial Study/Mitigated Negative Declaration,  
SCH # 2013012056, Mills Creek, City of Burlingame, San Mateo County

This letter is intended to provide comments regarding the biological resource impacts from the 1509 El Camino Real project as described in the Initial Study/Mitigated Negative Declaration (IS/MND). The California Department of Fish and Wildlife (CDFW) is providing comments as a Trustee Agency and Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Sections 15386 and 15381 respectively. As trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. As a Responsible Agency, CDFW will have discretionary approval authority over the project by issuing a Lake and Streambed Alteration Agreement (LSAA) and potentially a California Endangered Species Permit (CESA) Permit.

### Project Description

The project consists of demolishing an existing 11-unit residential apartment complex and constructing a new 15-unit condominium complex. The complex will be a four-story building with an at-grade garage including 32 ground-level parking spaces, walkways, a driveway and landscaping. Other project activities include a shared recreation space with a bocce court, paved walkways, and landscaping which will abut Mills Creek. Seven trees are proposed to be removed to construct the project. The project footprint will be approximately six feet from top-of-bank of Mills Creek (setback of six feet).

### Biological Resources

Due to the high biological value and physical functions provided by riparian areas, the biological impacts that may occur from construction of the recreation area within the riparian habitat and construction of the condominium complex within six feet (proposed setback distance) from the riparian habitat of Mills Creek should be fully analyzed in the IS/MND. Construction in the riparian zone would reduce the overall habitat value of the stream zone, decrease the biological integrity and function of the riparian corridor and impact the long-term viability of the riparian corridor and stream habitat. This, in turn may impact aquatic and terrestrial species dependent upon Mills Creek and its riparian habitat. Although this is

a highly urbanized site, there are natural areas up and downstream of this site that support aquatic and wildlife habitat. New development within the riparian zone may reduce the habitat quality by increasing sedimentation and pollution into Mills Creek and the loss of trees will increase solar radiation, reduce the prey base and potentially modify the nutrients that establish the basis of the food chain. Non-native vegetation planted by new property owners could become established and potentially out-compete the native riparian vegetation which would further impact the stream and riparian corridor. CDFW recommends the stream setback be increased to minimize the project's impacts on the stream, riparian habitat, and fish and wildlife resources that utilize those habitats. CDFW is available to assist in the assessment of a suitable setback distance.

The IS/MND states seven trees will be removed but does not provide mitigation for the loss of habitat provided by these trees. CDFW recommends that all trees removed or impacted as a result of project activities be replaced to mitigate for the permanent net-loss of canopy cover and habitat. A mitigation, monitoring, and reporting plan (Plan) should be prepared and provided to CDFW and be presented in sufficient detail for CDFW to thoroughly evaluate. The Plan should include the species of the replacement trees, quantity, size and location of the replacement trees to be planted. Generally, replacement trees should be of adequate size and number at maturity to reflect the character and size of trees removed. Replacement trees shall be native species adapted to the lighting, soil and hydrological conditions at the replanting site. If replanting within the immediate work area is infeasible due to slope steepness or other physical constraints, replacement trees may be planted at an alternate location along the stream corridor. All plants or trees should be monitored and maintained as necessary for eight to ten years and should have at least an 80% survival rate and sufficient cover that would equal or exceed the coverage lost. If the success criteria aren't being met, additional practices such as re-planting, removing non-native invasive plants, or additional watering, should be conducted to achieve the success criteria goals.

The light and glare of night lighting is only analyzed for aesthetic impacts. CDFW recommends that the biological resource impact assessment include an analysis of the increased night lighting and glare on biological resources including rodents, mammals, owls, bats, insects and birds. Night light and glare can affect insect behavior which can change insectivore feeding behavior, including bats. Night lighting can affect raptor and owl foraging and hunting behavior and disrupt birds' natural sleep and flight patterns, deter them from established foraging areas, and affect their breeding cycles. Mills Creek riparian area may support bats and trees surrounding the area support raptor and potentially owl nesting.

#### **Lake and Streambed Alteration**

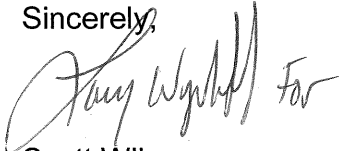
Please be advised that for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of Mills Creek, CDFW will require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the environmental document for the project. The IS/MND states the project footprint and associated construction disturbance area is designed to remain at least six

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feet from the top-of-bank of Mills Creek; however, the project description states other construction activities for the recreation area will abut Mills Creek. The IS/MND should fully identify the potential impacts the project will have on the riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the LSAA. To obtain information about the LSAA notification process, please access our website at <http://www.wildlife.ca.gov/habcon/1600/>; or to request a notification package, contact the regional Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Suzanne DeLeon, Environmental Scientist, at (831) 440-9433; or Ms. Randi Adair, Senior Environmental Scientist, at (707) 944-5596.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Wilson" with a stylized flourish at the end.

Scott Wilson  
Acting Regional Manager  
Bay Delta Region

cc: State Clearinghouse