



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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San Diego, CA 92123  
[wildlife.ca.gov](http://wildlife.ca.gov)

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



June 12, 2025

Dang Nguyen  
City of Los Angeles  
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**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE 8100-8600 W.  
MCGROARTY STREET, 10000 N. MCVINE TERRACE 91040 PROJECT,  
SCH NO. 2025050758, LOS ANGELES COUNTY, CA**

Dear Dang Nguyen:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigation Negative Declaration (MND) from City of Los Angeles (City) for the 8100-8600 W. McGroarty Street, 10000 N. McVine Terrace 91040 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

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, CDFW appreciates 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 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

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

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's 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<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Albert Davityan

**Objective:** The objective of the Project is to create 11 single-family houses and convert a private school/accessory living quarters to a single-family house as well. One existing single-family house will also remain for a total of 13 single-family houses. This will include the creation of two private streets for access. To complete the Project, approximately 47,720 cubic yards of cut and 15,405 cubic yards of fill will be proposed with the remaining being exported. Primary Project activities include vegetation removal, grubbing, grading, and construction.

**Location:** The Project site is located on Assessor's Parcel Numbers (APN) 2559-032-003 and 2561-006-005 in the City of Los Angeles, Los Angeles County on the northern side of the Verdugo Mountains and southeast of the intersection of McGroarty Street and McVine Avenue. The southern parcel of the Project is part of the Verdugo Mountains Significant Ecological Area (SEA), and the Project site is approximately five miles north from the City of Burbank. Interstate 210 is approximately 0.6 miles to the west and south of the Project site.

**Biological Setting:** The Project site consists of two parcels totaling in approximately 38.66 acres and includes five vegetation communities, including mixed chaparral, non-native grasslands, bush poppy scrub, coast live oak woodland, and developed lands. Of the 38.66 acres, approximately 19.97 acres are proposed for development and consists of 3.41 acres of non-native grassland, 11.28 acres of mixed chaparral, 2.62 acres of development, 1.19 acres of coast live oak woodland, and 1.47 acres of bush poppy scrub. Three jurisdictional drainage features are on the Project site that run in a northerly direction from the ridgeline south of the Project site. The southern most portion of the Project site is located within the Verdugo Mountain SEA and therefore immediately adjacent to an undeveloped natural open space.

Rincon Consultants, Inc. conducted a biological resource assessment (BRA) on April 6, 2017 and an additional reconnaissance survey on December 20, 2019 following

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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updates to the Project footprint. A jurisdictional delineation survey was conducted by South Environmental on June 12, 2024.

Sensitive species that are of potential concern for the Project include, but are not limited to Crotch's bumble bee (*Bombus crotchii*; CESA listed-candidate endangered), coast horned lizard (*Phrynosoma blainvillii*; species of special concern (SSC)), coastal California gnatcatcher (*Polioptila californica californica*; SSC), Nevin's barberry (*Berberis nevinii*; state endangered, California rare place ranking (CRPR) 1B.1), mesa horkelia (*Horkelia cuneata* var. *puberula*; CRPR 1B.1), white rabbit-tobacco (*Pseudognaphalium leucocephalum*; CRPR 2B.2), Greata's aster (*Symphyotrichum greatae*; CRPR 1B.3), slender mariposa lily (*Calochortus clavatus* var. *gracilus*; CRPR 1B.2), and Davidson's bush-mallow (*Malacothamnus davidsonii*; CRPR 1B.2).

The MND provides mitigation measures BIO-1 to BIO-5 relating to tree preservation and removal of non-protected and protected trees in relation to Project activities, public right of way, and in an SEA. A 1:1 ratio is proposed in replacing all significant non-protected trees, while a 4:1 ratio is proposed for replacement of protected trees. Mitigation measures BIO-6 to BIO-7 are in relation to pre-construction surveys for special status plants and animals. A ratio of 1:1 is proposed to replace all special status plants. Surveys for both special-status wildlife and plants are proposed before conducting Project activities. Mitigation measure BIO-14 protects nesting birds by conducting Project-related activities outside the bird breeding season or conducting a nesting bird survey at least one week prior to conducting Project activities if in the bird breeding season. Project activities will impact streambeds, therefore mitigation measure BIO-15 requires permitting from CDFW for a Lake and Streambed Alteration Agreement prior to start of construction. Mitigation measures BIO-17 and BIO-18 require consultation with CDFW, Los Angeles Regional Water Quality Control Board, and/or U.S Army Corps of Engineers to determine mitigation ratios for impacts and planting native oaks in the impacted drainages. This mitigation is prepared in a Compensatory Mitigation Plan.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

### COMMENT # 1: Impacts to Crotch's Bumble Bee

**Issue:** The Project may impact suitable nesting and foraging habitat for Crotch's bumble bee. The MND did not discuss or provide a mitigation measure to minimize impacts to Crotch's bumble bee.

**Specific impact:** The Project may result in temporary impacts and permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee.

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**Why impact would occur:** According to CDFW’s Crotch’s Bumble Bee Range – CDFW [ds3095] dataset, the Project site lies within the current range for Crotch’s bumble bee (CDFW 2025a). Grassland and chaparral habitat within the Project site may provide suitable habitat to support Crotch’s bumble bee (CDFW 2025b). Crotch’s bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012).

Given that the Project site is in the current range and has suitable habitat, there is potential for this CESA candidate species to be detected. No mitigation measures specific to Crotch’s bumble bee were incorporated in the MND. If the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individual Crotch’s bumble bee that may be present during Project activities. The Project’s ground and vegetation disturbance could result in potentially significant impacts to Crotch’s bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

**Evidence impact may be significant:** The California Fish and Game Commission accepted a petition to list the Crotch’s bumble bee as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

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

#### **Recommendation #1: Crotch’s Bumble Bee Discussion**

The MND should be revised to provide a thorough discussion on the Project’s potential direct and indirect impacts on Crotch’s bumble bee. If the Project may impact Crotch’s bumble bee, the MND should be amended to incorporate measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the final document.

#### **Recommendation #2: CEQA**

CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for

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the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP

### **Mitigation Measure #1: Crotch's Bumble Bee Surveys**

The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

### **Mitigation Measure #2: Incidental Take Permit**

If Crotch's bumble bee is detected on site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

### **ADDITIONAL COMMENTS**

**Updated General Field Surveys.** The BRA was conducted in 2017, and an additional reconnaissance survey was conducted in 2020. 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. In addition, it is possible that wildlife not previously observed on site are now residents and/or use the Project site for breeding, nesting, or foraging. For these reasons, CDFW strongly recommends the City require the Project proponent to retain a qualified biologist to perform an updated biological survey to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active or otherwise identifiable for both wildlife and plants. Findings from the updated general field surveys should be disclosed in the CEQA document for public review.

**Mitigation and Monitoring Reporting Plan.** CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific

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actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency 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 a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)<sup>3</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)<sup>4</sup>.

The City should ensure data collected for the preparation of the MND is properly submitted.

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on 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)).

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<sup>3</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>4</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Cooper Wall<sup>5</sup>, Environmental Scientist.

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...  
Victoria Tang  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife  
Victoria Tang, Environmental Program Manager  
Steve Gibson, Senior Environmental Scientist (Supervisor)  
Cooper Wall, Environmental Scientist

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

## REFERENCES

[CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

[CDFW] California Department of Fish and Wildlife. 2025a. Crotch's Bumble Bee Range Dataset 3095. Available at: <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfwds3095>

[CDFW] California Department of Fish and Wildlife. 2025b. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDB>

Hatfield, R, S Jepsen, E Mader, S H Black, and M Shepherd. 2012. Conserving Bumble Bees Guidelines for Creating and Managing Habitat for America's Declining Pollinators. Portland, OR: The Xerces Society for Invertebrate Conservation

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<sup>5</sup> Phone: 562-619-0433; Email: [Cooper.Wall@wildlife.ca.gov](mailto:Cooper.Wall@wildlife.ca.gov)

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**ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

CDFW provides the following language to be incorporated into the MMRP for the Project.

<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>Recommendation #1: Crotch’s Bumble Bee Discussion</b>                      The MND should be revised to provide a thorough discussion on the Project’s potential direct and indirect impacts on Crotch’s bumble bee. If the Project may impact Crotch’s bumble bee, the MND should be amended to incorporate measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the final document.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p><b>Recommendation #2: CEQA</b>                      CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project’s CEQA document should fully identify the potential impacts to Crotch’s bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>Mitigation Measure #1: Crotch’s Bumble Bee Surveys</b></p> <p>The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Designated Biologist</p>
<p><b>Mitigation Measure #2: Incidental Take Permit</b></p> <p>If Crotch’s bumble bee is detected on site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish &amp; Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.</p>	<p>Prior to Project Initiation/During Project Construction</p>	<p>Lead Agency</p>