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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 2, 2026

Eric Anderson, Advance Planning Manager
City of Mountain View
500 Castro Street, Post Office Box 7540
Mountain View, CA 94039
Eric.Anderson2@mountainview.gov

Subject: R3 Zoning District Update Project, Draft Environmental Impact Report, SCH No. 2025070500, City of Mountain View, Santa Clara County

Dear Mr. Anderson:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Mountain View (City) for the R3 Zoning District Update Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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 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. (*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 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. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or

[1] 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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kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and 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 in order to obtain a CESA Permit.

California Environmental Quality Act

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, 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, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the CEQA document and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Mountain View

Objective: The proposed R3 Zoning District Update would apply to approximately 8,350 parcels covering about 1,260 acres citywide, with final locations to be determined after completion of the draft EIR. The update aims to support diverse housing types, including middle-income ownership housing, improve design quality, enable neighborhood-serving commercial uses, and align with recent state housing laws and Mountain View's 2023–2031 Housing Element programs. Full buildout associated with the R3 Zoning District Update would result in up to 10,000-16,000 additional residential units through the year 2050, consisting of existing development potential for roughly 1,200 existing units plus potential for approximately 8,800-14,800 additional units.

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Location: The Project is located citywide over 1260 acres in the City of Mountain View in Santa Clara County. GPS coordinates 37°23'22"N, Longitude: 122°4'56"W.

Timeframe: 2026 - 2050

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends 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 all rare, threatened, and endangered species (CEQA Guidelines, §15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream, riparian, or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area include, but are not limited to: the species listed in the State and Federally Listed Endangered and Threatened Animals of California – February 2026 list at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline or State and Federally Listed Endangered, Threatened, and Rare Plants of California – January 2026 at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends 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://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the Draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Potential for impacts to fully protected and special-status species;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and

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- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.
- Water quality impacts resulting from construction and operation of the Project;
- Direct or indirect impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Impacts both from construction and future operation of the Project.

The CEQA document also should identify existing and 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 each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the lead agency, to consider and describe in the Draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid "take" of fully protected species.

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. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an EIR is appropriate for the Project.

COMMENT 1: Mitigation Measure BIO-1 Does Not Adequately Protect Wildlife

Issue: Mitigation Measure BIO-1 (Biological Resources Screening and Assessment) requires biological review only for development on undeveloped parcels within 200 feet of a riparian corridor or top of bank, or undeveloped natural area. The draft EIR concludes that impacts to special-status species would be reduced to a less-than-significant level through implementation of BIO-1 through BIO-3. However, BIO-1 is not sufficiently protective because it excludes developed parcels from biological screening, despite the fact that developed lands adjacent to streams and riparian corridors frequently support special-status species, nesting birds, roosting bats, pollinators, and other sensitive wildlife resources.

The City has not provided substantial evidence demonstrating that developed parcels within the Project area lack habitat value or cannot support wildlife species. BIO-1 could allow redevelopment of parcels containing mature landscaping, heritage trees, ornamental

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vegetation, remnant habitat features, stormwater channels, and other resources used by sensitive wildlife without any evaluation of potential impacts to biological resources. Because the proposed Project would facilitate redevelopment of approximately 8,350 parcels citywide, the omission of developed parcels from the biological review trigger could result in undisclosed and unmitigated impacts to special-status species.

Evidence of Significant Impacts: Under CEQA, the lead agency is required in an EIR to disclose and analyze impacts to special-status species and sensitive habitats based on substantial evidence and an accurate environmental baseline (CEQA Guidelines §§ 15125(a), 15126.2(a), and Appendix G). Mitigation measures must be supported by substantial evidence and capable of reducing impacts to a less-than-significant level (CEQA Guidelines §15126.4(a)). The draft EIR acknowledges that streams, riparian corridors, and aquatic resources occur throughout the City and that special-status species may occur within the Project area. However, Mitigation Measure BIO-1 assumes that only undeveloped parcels within 200 feet of these resources warrant biological review. The draft EIR does not provide evidence that demonstrates that developed parcels adjacent to riparian habitat lack potential to support sensitive wildlife or special-status species.

Urban riparian corridors can function as important habitat, movement corridors, and biodiversity reservoirs within developed landscapes. Studies have shown that local riparian habitat characteristics were more important predictors of bird community composition than the degree of surrounding urbanization, indicating that wildlife frequently utilizes habitat patches embedded within developed environments (Pennington et al. 2010). Additionally, riparian corridors support disproportionately high levels of avian diversity and ecological function relative to surrounding developed lands (Golet et al. 2013).

Wildlife responses to riparian habitat extend beyond the immediate riparian corridor. Studies of urban stream ecosystems have found that bird occupancy, species richness, and habitat use frequently extend hundreds of feet from riparian vegetation into adjacent developed areas, particularly where mature trees and landscaped vegetation are present (Pennington et al. 2010; Golet et al. 2013). Consequently, reliance on a 200-foot screening threshold on only developed parcels is not biologically protective.

Numerous special-status species and other sensitive wildlife routinely utilize developed landscapes. Urban trees, ornamental vegetation, landscaped yards, and stormwater features may provide nesting habitat for migratory birds, roosting habitat for bats, and foraging habitat for pollinators and other wildlife. Bats frequently use urban riparian corridors and associated developed landscapes for commuting and foraging activities, with activity levels strongly associated with riparian vegetation and mature tree cover (Hale et al. 2012; Russo and Ancillotto 2015). Removal of trees and vegetation associated with redevelopment projects may therefore result in direct and indirect impacts to sensitive bat species even on parcels classified as developed. Additionally, urbanization does not eliminate habitat value. Remnant habitat features can often become increasingly important as surrounding development intensifies (Aronson et al. 2017). Mature landscaping and isolated habitat patches can support substantial wildlife use and may contribute to landscape connectivity, particularly where they occur adjacent to streams, drainage corridors, and riparian habitats.

The draft EIR does not provide evidence that demonstrates that developed parcels within 200 feet of riparian resources are incapable of supporting special-status species or other sensitive biological resources. Nor does it provide evidence supporting the use of a limited 200-foot screening threshold. Because the mitigation measure excludes potentially suitable habitat from biological review, impacts to special-status species, nesting birds, roosting bats, and other sensitive wildlife may occur. Consequently, the EIR lacks substantial evidence supporting its conclusion that impacts to biological resources would be reduced to a less-than-significant level.

Recommendations: CDFW recommends that the City revise Mitigation Measure BIO-1 as follows:

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1. Revise Impact BIO-1 and Mitigation Measure BIO-1 to clarify that biological screening requirements apply to redevelopment projects on developed parcels and are not limited solely to undeveloped land.

2. Require a Biological Resources Screening and Assessment for all parcels, regardless of existing development status, located within at least 250 feet of a riparian corridor, stream, top of bank, wetland, drainage channel, or other aquatic resource.

3. Expand the screening triggers to include parcels containing mature trees, heritage trees, substantial landscaping, stormwater facilities, remnant native vegetation, or other habitat features that may support special-status species, regardless of distance from a stream.

4. Require a qualified biologist to perform a general biological survey to evaluate parcels for potential presence of nesting birds, roosting bats, special-status pollinators, wildlife movement functions, and other sensitive biological resources before determining that no further study is necessary.

5. Provide substantial evidence supporting any proposed buffer distance. If the City retains a 200-foot threshold, the draft EIR should include scientific justification demonstrating that species potentially affected by redevelopment would not utilize habitats beyond that distance.

6. Reevaluate the significance determination for Impact BIO-1 after revising the mitigation measure and incorporate additional avoidance, minimization, and compensatory mitigation measures where necessary.

COMMENT 2: Deficiencies with Mitigation Measure BIO-3

Issue: Mitigation Measure BIO-3 is triggered when potential impacts to aquatic and/or terrestrial animal species are identified by the project-specific Biological Resources Screening and Assessment required under Mitigation Measure BIO-1. Various conditions are required under this measure to try to ensure impacts are mitigated to a less-then-significant level, but they are lacking in scientific evidence to make them truly biologically protective. These measures are as follows:

6. For all work occurring in areas where **endangered/threatened species** may be present and are at risk of entering the Project site during construction, the applicant shall install exclusion fencing along the project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved biologist. This fence shall consist of solid silt fencing placed at a minimum of three feet above grade and two feet below grade and shall be attached to wooden stakes placed at intervals of not more than five feet. The applicant shall inspect the fence weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete.

7. **All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body, including seasonal wetland features**. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.

11. Considering the potential for the project to impact federally and state-listed species and their habitat, the City shall contact CDFW and USFWS to **identify mitigation banks within Santa Barbara County** during project development. If the results of the Project-specific biological analysis (Mitigation Measure BIO-1) determine that impacts to federally and state threatened or endangered species habitat are expected, City and/or applicant shall explore species-appropriate mitigation bank(s) servicing the region for purchase of mitigation credits."

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Evidence the impact would be significant: Limiting exclusionary measures to only endangered or threatened species is not fully protective to fish and wildlife species with potential to be present on-site. Non-listed fish and wildlife species may be present on a project site and are at risk of being impacted by project activities. Non-listed species would benefit from exclusionary devices.

Additionally, allowing "vehicle maintenance/fueling/staging to occur as close as 100 feet from any riparian habitat or water body, including seasonal wetland features", runs the risk of spills into nearby water features that could trigger a Notice of Violation (NOV) under Fish and Game Code. Under Fish and Game Code 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any substance or material deleterious to fish, plant life, mammals, or bird life. Under Fish and Game Code 5652, it is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird. Staging vehicles so close to riparian habitat or streams increases the risk of deleterious materials entering a stream.

Lastly, requiring mitigation banks to be located within Santa Barbara County when the City of Mountain View is located within Santa Clara County is not scientifically sound and does not appropriately mitigate for impacts to local habitat and species. In order to adequately mitigate for impacts to projects in Santa Clara County, the City should heavily prioritize mitigation to be localized, watershed-based, and/or ecosystem-specific to the impact.

Recommendations: CDFW recommends the City revise BIO-3 as follows:

1. Revise #6 to read as follows: "For all work occurring in areas where wildlife species may be present and are at risk of entering the project site during construction, the applicant shall install exclusion fencing along the project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved qualified biologist. This fence shall consist of solid silt fencing placed at a minimum of three feet above grade and two feet below grade and shall be attached to wooden stakes placed at intervals of not more than five feet. The applicant shall inspect the fence weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete."

2. Revise #7 as follows: "All vehicle maintenance/fueling/staging shall occur more than 150 feet from any riparian habitat or water body, including seasonal wetland features. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies."

3. Revise #11 as follows: "Considering the potential for the project to impact federally and state-listed species (and potentially other special-status species) and their habitat, the City shall contact CDFW and USFWS to identify mitigation banks within Santa Clara County during project development. If the results of the project-specific biological analysis (Mitigation Measure BIO-1) determine that impacts to federally and state threatened or endangered species (and potentially other special-status species) habitat are expected, City and/or applicant shall explore species-appropriate mitigation bank(s) servicing the region for purchase of mitigation credits."

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).)

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Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT 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 draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed Emily Carlson, Environmental Scientist, at Emily.Carlson@wildlife.ca.gov or Jason Faridi, Senior Environmental Scientist (Supervisory), at Jason.Faridi@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2025070500)
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov

REFERENCES

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