4.4 BIOLOGICAL RESOURCES

This section provides a description of the biological resources in the proposed project area, including the vegetation communities, wildlife, special-status species, sensitive natural communities; a discussion of the regulations that serve to protect sensitive resources; an assessment of the potential impacts of the proposed project; and recommendations to minimize and mitigate potentially significant impacts on biological resources.

Preparation of this section used data from various sources. These sources are summarized in the Backgrounds and Methods section below.

For the purposes of this analysis, the proposed project area consists of all areas that could be temporarily or permanently affected by the proposed project. The area within the project site boundaries is approximately 6.26 acres.

4.4.1 Environmental Setting

4.4.1.1 Regional Description

The project site is located in the central portion of the City of Belmont south of Ralston Avenue at 6-8 and 10 Davis Drive. Belmont is located on the San Francisco peninsula, to the west of San Francisco Bay—approximately 20 miles south of San Francisco and 25 miles north of San Jose.

The project is located within the San Francisco Bay Area sub-region, a floristic sub-region of the California Floristic Province's Central Western California region. The San Francisco Bay Area sub-region occupies the northern one-third of the Central Western California region and is less well-defined by flora than other sub-regions, containing a diverse assemblage of plant community and wildlife habitat types from moist coast redwood forest to predominantly dry oak/pine woodland, coastal scrub, and chaparral communities.[1]

4.4.1.2 Project Site Description

The 6.46-acre project site is mostly developed. The site is composed of two separate parcels developed with approximately 84,500 square feet of commercial/office and warehouse buildings, a parking lot for approximately 165 vehicles, and perimeter landscaping. The southern portion of the project site overlaps with the northern edge of an open space canyon area. Natural habitats in the project area include coastal coyote brush (*Baccharis pilularis*) scrub, coast live oak (*Quercus agrifolia*) woodland, and willow (*Salix* sp.) thicket.

Adjacent land uses include Ralston Middle School to the west, office uses to the north and east, and Water Dog Lake Park and an open space area located in a canyon to the south. Trails extend nearby the project site and through Water Dog Lake Park, connecting with Ralston Middle School and surrounding residential areas.

The elevations for the project site range from approximately 475 feet to 530 feet above mean sea level, with the lower elevations occurring in the southwest corner of the project site. Annual

[1] Hickman, 1993.

average precipitation for the project site is approximately 20 inches per year, with the majority of precipitation falling between November and March.

Mapped soils in the area are a mixture of Los Gatos loam, 30 to 75 percent slopes, Urban land, and Orthents, cut and fill, 0 to 15 percent slopes.[2] Los Gatos loams are on steep to very steep mountainous areas at elevations of 200 to 4,000 feet.[3] Urban land consists of areas covered by driveways, parking lots, houses, and other structures. Orthents, cut and fill, consists of areas of soil that have been cut or filled and graded by earth-moving equipment.[4]

4.4.1.3 Vegetation

Vegetation communities are assemblages of plant species defined by species composition and relative abundance, which occur together in the same area. These natural communities are based on the classification as presented in *A Manual of California Vegetation*[5] and P*reliminary Descriptions of the Terrestrial Natural Communities of California*.[6] Botanical nomenclature follows the *Jepson Manual*.[7] Vegetation and habitat type are prime factors in determining the suitability of a site for use by certain wildlife species and the occurrence of certain plant species. The following subsections provide descriptions of each habitat type and/or vegetation community and the location of each habitat within the project site. Because the field survey was conducted in January, some vegetation in the project site was likely not visible and is; therefore, not included in the descriptions below. Representative photographs of the project site are located in Appendix C.

Upland Communities

The majority of the project site consists of upland habitat that is dominated by developed land. Three additional upland vegetation communities—coast live oak woodland, coastal coyote brush scrub, and ornamental vegetation—occur within the project site.[8]

Coast Live Oak Woodland

Coastal oak woodlands are extremely variable. The overstory consists of deciduous and evergreen hardwoods (mostly oaks 15-66 feet tall), sometimes mixed with scattered conifers. In mesic sites, the trees are dense and form a closed canopy. In drier sites, the trees are widely spaced, forming an open woodland or savannah. The understory is equally variable. In some instances, it is composed of shrubs from adjacent chaparral or coastal scrub that forms a dense, almost impenetrable understory. More commonly, shrubs are scattered under and between trees. Where trees form a closed canopy, the understory varies from a lush cover of shade-tolerant shrubs, ferns, and herbs to sparse cover with a thick carpet of litter. When trees are scattered and form an open woodland, the understory is grassland, sometimes with scattered shrubs. Typical understory plants in dense coast live oak woodlands are shade tolerant shrubs such as California

[2] National Resources Conservation Service (NRCS), 2014.
[3] National Cooperative Soil Survey (NCSS), 2003.
[4] NCSS, 1991.
[5] Sawyer et al., 2009.
[6] Holland, 1986.
[7] Hickman, 1993.
[8] Sawyer et al., 2009.

blackberry (*Rubus ursinus*), toyon (*Heteromeles arbutifolia*), and herbaceous plants such as bracken fern (*Pteridium* sp.) and miner's lettuce (*Claytonia perfoliata*). In drier areas where oaks are more widely spaced, the understory may consist almost entirely of grassland species with few shrubs, although a diversity of shrubs can occur under and between the trees with a sparse herbaceous cover. Where coast live oak woodlands intergrade with chaparral, species such as manzanita (*Arctostaphylos* sp.), chamise (*Adenostoma fasciculatum*), gooseberry (*Ribes uva-crispa*), and ceanothus (*Ceanothus* sp.) species form the understory. Where the habitat intergrades with coastal scrub, typical understory species are bush monkeyflower (*Mimulus aurantiacus*), coyote brush, sages (*Salvia* spp.), and California sagebrush (*Artemisia californica*).

At the project site, coast live oak woodland was observed intermittently within the coastal coyote brush scrub habitat (described below). The coast live oak woodland mostly consisted of bare understory or Himalayan blackberry (*Rubus armeniacus*) and poison oak (*Toxicodendron diversilobum*) although some shrub species were present.

Wildlife species observed in the coastal oak woodland habitat included spotted towhee (*Pipilo maculatus*), western scrub jay (*Aphelocoma californica*), ruby-crowned kinglet (*Regulus calendula*), hermit thrush (*Catharus guttatus*), and pacific treefrog (*Pseudacris regilla*). In addition, numerous woodrat (*Neotoma fucipes*) houses were observed throughout the coast live oak woodland habitat.

Coastal Coyote Brush Scrub

A typical coastal scrub community is dominated by small- to medium-sized (three to six feet tall) shrubs with an understory of shorter grasses and annual plant species. Both the density and the composition of the shrub cover vary from site to site as does the herbaceous understory. In some locations, the shrubs can form a dense almost impenetrable plant cover with a sparse amount of vegetation beneath, while in other places, the shrub canopy is much more open and there is a well-developed plant community beneath the shrub layer. These communities are found over an elevation range from near sea level to over 2,000 feet. Coastal coyote bush scrub is a sub-type of the coastal shrub community. As its name implies, this shrubland community is dominated by coyote bush and is typically composed of a more open shrub canopy. The herbaceous understory is also typically sparse. Other typical species that may be found in the shrub layer at lower cover can include California sagebrush, bush monkeyflower, sages, bush lupines (*Lupinus* spp.), and California buckwheat (*Eriogonum fasciculatum*). The understory is often dominated by non-native species, such as filaree (*Erodium* spp.) and canarygrass (*Bromus* spp.), and native species such as rushes (*Juncus* spp.) and deer grass (*Muhlenbergia rigens*).

At the project site, coastal coyote brush scrub is present along the southern and southwestern border of the site. Coyote brush dominates this vegetation community; however, California sagebrush and chamise were also observed. Some stands of pampas grass (*Cortaderia selloana*) were also observed intermittently within this habitat. In addition, the western border of the project site consisted of a more disturbed area of coastal coyote brush scrub with non-native grasses and forbs and French broom (*Genista monspessulana*).

Wildlife species observed in the coastal coyote brush scrub habitat included Anna’s hummingbird (*Calypte anna*), western scrub jay, and California ground squirrel (*Otospermophilus beecheyi*). In addition, numerous woodrat houses were observed throughout the coastal scrub habitat.

Ornamental Vegetation

Ornamental vegetation includes lands that have been planted with landscaping and are maintained on an ongoing basis. Such landscaping materials may include native and non-native plant materials; however, such manicured plantings have been artificially installed and do not naturally occur on site. At the project site, ornamental vegetation occurs intermittently within the developed portion of the project site. This vegetation includes species such as Chinese elm (*Ulmus parvifolia*), coast live oak, evergreen pear (*Pyrus kawakamii*), incense cedar (*Calocedrus decurrens*), Italian stone pine (*Pinus pinea*), Monterey pine (*Pinus radiata*), weeping bottlebrush (*Callistemon viminalis*), flooded gum (*Eucalyptus rudis*), Victorian box (*Pittosporum undulatum*), deodar cedar (*Cerus deodata*), European white birch (*Betula pendula*), and Australian willow (*Geijera parviflora*).

Wildlife observed in the ornamental vegetation consisted of those typically found in an urban environment, including American crow (*Corvus brachyrhynchos*), Anna's hummingbird, house finch (*Carpodacus mexicanus*), gulls (*Larus* sp.), dark-eyed junco (*Junco hemalis*), and California ground squirrel.

Developed Areas

Developed areas are a mosaic of urban, residential, parking lots, and paved roadways. The majority of the project site is developed including two parking lots, commercial/office buildings, and a warehouse building.

Aquatic Communities

Very few aquatic communities are present in the project site. Aquatic communities that are present in or adjacent to the project site include willow thicket and freshwater seep.[9]

Willow Thicket

This habitat consists of willows that are generally near seasonally flooded watercourses. Within the project site, a small willow thicket was observed within the freshwater seep on the southwestern portion of the site. This willow thicket is small (approximately 0.07 acre) and wildlife use is unlikely to be differentiated from the surrounding coastal oak woodland and coastal coyote brush scrub habitat.

Freshwater Seep

A freshwater seep is an area where groundwater seeps through to the surface. A seep typically does not have a well-defined point of origin and the flow rate is usually slow. This community is generally composed of herbaceous plants that inhabit areas having season or perennial soil saturation due to groundwater seepage. At the project site, a freshwater seep is present in the southwestern portion of the site. No surface water was observed within the project site; however, water was observed downslope along the Ralston School Trail in Water Dog Lake Park.

[9] Holland, 1986.

4.4.1.4 Waters of the United States

A freshwater seep is present in the southwestern portion of the project area. No other jurisdictional wetlands or other waters regulated by the U.S. Army Corps of Engineers (USACE) were present in the project site.

4.4.1.5 Wildlife and Fish

The overall quality of wildlife habitat within the project site is compromised due to the project site's urban nature and proximity to human disturbance. However, the site does provide some value to wildlife species and provides habitat functions by offering landscaped trees, coast live oak woodland, and coastal coyote brush scrub habitat for nesting and forage.

During the site visit, numerous wildlife species were observed throughout the project site. Many different species of birds were seen flying or foraging in the project site, including house finch, spotted towhee, ruby-crowned kinglet, hermit thrush, western scrub jay, Anna's hummingbird, American crow, and dark-eyed junco. Other observed wildlife species included a California ground squirrel, pacific treefrog, and multiple woodrat houses.

4.4.1.6 Invasive Species

Four species of invasive plants were identified within the project site; however, because the survey was conducted in January additional species may be present that were not visible at the time of the survey. The ratings for these species were assessed using the California Invasive Plant Council (Cal-IPC) online database. All four species—Himalayan blackberry, Pampas grass, French broom, and sweet fennel (*Foeniculum vulgare*)—had high threat ratings. Himalayan blackberry was found throughout the understory of the oak woodland. Sweet fennel was found along the edge of the parking lot on the southwest portion of the project site. Pampas grass was found intermittently in the coastal coyote brush scrub habitat. French broom was found along the northwest portion of the project site within the more disturbed coastal coyote brush habitat.

4.4.1.7 Sensitive Vegetation Communities

Sensitive vegetation communities include riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or designated by the USFWS and the CDFW. No sensitive natural communities, as defined by the CDFW and tracked in the CNDDB, are present on the project site. The project site is mostly developed, consisting of public roads, commercial office uses, and parking lots. However, three native communities—coastal coyote brush scrub, willow thicket, and coast oak woodland—are present in the project site. In addition, a freshwater seep is present in the southwestern portion of the project site. None of these vegetation communities are defined as sensitive.

4.4.1.8 Special Status Species

Special-status species are plants and animals that are legally protected under the California and federal endangered species acts (CESA and FESA, respectively) or other regulations, and species that are considered rare by the scientific community (for example, the California Native Plant Society [CNPS]). This includes:

- Plants and animals that are listed or proposed for listing as threatened or endangered under the CESA or FESA or that are candidates under these acts;
- Species designated by the U.S. Fish and Wildlife Service (USFWS) as species of concern or species of local concern, or by California Department of Fish and Wildlife (CDFW) as California species of special concern (CSSC);
- Plants occurring on Lists 1A, 1B, and 2 of CNPS' electronic inventory; and
- Animal species that are "fully protected"[10] in California.

Appendix C provides a list of federally or state-listed plant and wildlife species known to occur in the project vicinity.

Based on the field visit and background review, three special-status plant species and two special-status wildlife species have the potential to occur in the project vicinity, as described in the following sections:

- Arcuate bush-mallow (*Malacothamnus arcuatus*) (CNPS List 1B.2)
- San Francisco collinsia (*Collinsia multicolor*) (CNPS List 1B.2)
- Western leatherwood (*Dirca occidentalis*) (CNPS 1B.2)
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) (CSSC)
- Hoary bat (*Lasiurus cinereus*) (California special animal)

Migratory bird species and also raptor species have the potential to occur in the proposed project site as described below. Habitat information for each species is provided in Appendix C. No designated critical habitat or essential fish habitat is located at the project site.

Special-Status Species

Arcuate Bush-mallow

Arcuate bush-mallow is a CNPS-list 1B.2 plant species that is only found in California. There are no documented occurrences of the arcuate bush-mallow in the project site.[11] The mapped occurrences of the arcuate bush-mallow near the project site are near Big Canyon Park, which is approximately 2 miles south of the project site; Crystal Springs Dam, which is approximately 3 miles east of the project site; and in Water Dog Lake Park, which is directly to the south of the project site. Arcuate bush-mallow could occur within the coast live oak woodland and coastal coyote brush scrub habitat on the project site.

San Francisco collinsia

San Francisco collinsia is a CNPS-list 1B.2 plant species that is found only in California. There are no documented occurrences of the San Francisco collinsia in the project site.[12] The mapped occurrences of the San Francisco collinsia near the project site are near Edgewood County Park

[10]"Fully Protected" is a legal protective designation administered by the CDFW, intended to conserve wildlife species that risk extinction within the state of California.
[11] CDFW, 2014.
[12] CDFW, 2014.

and the Crystal Springs Reservoir, which are between 1.5 and 5 miles from the project site. San Francisco collinsia could occur in the coastal coyote brush scrub habitat at the project site.

Western leatherwood

Western leatherwood is a CNPS-list 1B.2 plant species that is found only in California. There are no documented occurrences of the western leatherwood in the project site.[13] The mapped occurrences of the western leatherwood near the project site are near Edgewood County Park, which is approximately 5 miles south of the project site and Water Dog Lake Park, which is directly south of the project site. Western leatherwood could occur in the coastal coyote brush scrub and the coast live oak habitat at the project site.

San Francisco Dusky-footed Woodrat

The San Francisco dusky-footed woodrat is a CSSC that is a year-round resident in the San Francisco Bay area. The species is highly aboreal and prefers scrub and wooded areas with thick-leaved trees and shrubs. The San Francisco dusky-footed woodrat feeds primarily on nuts, fruits, fungi, foliage, and forbs within the scrub and woodland habitats. The species builds large terrestrial stick houses that range from 2 to 5 feet in height and can get up to 8 feet in basal diameter. These houses are typically placed on the ground or against a log or tree and are often within dense brush. The houses can also be placed in the crotch or cavity of trees. Numerous woodrat houses were observed in the coastal coyote brush scrub and coast live oak woodland habitat in the project site; therefore, this species is assumed to be present.

Hoary Bat

The hoary bat is listed on California's special animal list. Special animals is a broad term used to refer to all of the animal taxa tracked by the CDFW's California Natural Diversity Database (CNDDB), regardless of their legal or protection status. The species on the list are considered by the CDFW to be those taxa of greatest conservation need. The hoary bat is the most widespread bat in North America. This species may be found at any location in California, although its distribution is patchy in the southeastern deserts. Hoary bat is a solitary species that winters along the coast and in southern California and breeds inland and north of its winter range. This species feeds primarily on moths although other flying insects are also eaten. Hoary bat generally roosts in dense foliage of medium to large trees. This species prefers open habitat or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. This species could occur in the coast live oak woodland habitat, ornamental vegetation, or the buildings at the project site.

4.4.1.9 Nonlisted Birds Protected Under the Migratory Bird Treaty Act

Migratory birds and nesting raptors, protected under the Federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code have the potential to use the project site for nesting, especially the landscaped trees, coast live oak woodland, and coastal coyote brush scrub.

[13] CDFW, 2014.

4.4.1.10 Migratory Corridors

The movement and migration of wildlife species has been substantially altered due to habitat fragmentation over the past century. This fragmentation has most commonly been caused by development, which can result in large patches of land becoming inaccessible and forming a virtual barrier between undeveloped areas, or resulting in additional roads which, although narrow, may result in barriers to smaller or less mobile wildlife species. Habitat fragmentation results in isolated islands of habitat, which affects wildlife behavior, foraging activity, reproductive patterns, immigration and emigration or dispersal capabilities, and survivability.

Wildlife corridors play an important role in countering habitat fragmentation. A wildlife corridor is a linear landscape element which serves as a linkage between historically connected habitats or landscapes that are otherwise separated and is meant to provide avenues along which wildlife can travel, migrate, and meet mates; plants can propagate; genetic interchange can occur; populations can move in response to environmental changes and natural disasters. Corridors can consist of a sequence of stepping-stones across the landscape (i.e., discontinuous areas of habitat such as isolated wetlands and roadside vegetation), continuous lineal strips of vegetation and habitat (e.g., riparian strips and ridge lines), or they may be parts of larger habitat areas selected for its known or likely importance to local wildlife.

The overall quality of wildlife habitat within the project site is compromised due to the project site's urban nature and proximity to human disturbance. For these reasons, the project area does not serve as a continuous regional connection for wildlife species. Limited wildlife movement may occur within the landscaped trees, coastal coyote brush scrub, and coastal live oak woodland habitats at the project site. However, more suitable stopover habitat for avian species is located in Water Dog Lake Park directly south of the project site, as well as in the Crystal Springs Reservoir approximately 3 miles east of the project site and in the San Francisco Bay approximately 4.5 miles west of the project site. In addition, no waterbodies are located within the project site, which could provide high-quality rest or foraging habitat for avian species during their migration.

4.4.2 Regulatory Setting

4.3.1.1 Federal

Endangered Species Act of 1973 (16 U.S. Code [USC] 1531-1543). The FESA and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. Section 9 of the FESA prohibits the taking of a federally listed species. Taking is defined by the FESA to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Section 7 requires Federal agencies, in consultation with, and with the assistance of the Secretary of the Interior or the Secretary of Commerce, as appropriate, to insure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. Non-federal agencies can obtain authorization for "take" of federally listed species under Section 10 of the FESA.

Sensitive Species. These species are those where population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution. Although sensitive species generally have no defined legal status, they are given special consideration under California Environmental Quality Act (CEQA) during project review.

Clean Water Act (33 USC 1251-1376). The Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters.

Section 404 establishes a permit program administered by the USACE regulating the discharge of dredged or fill material into waters of the U.S. (including wetlands). The Guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

Section 401 of the CWA requires that discharges of dredged or fill material into waters of the United States not violate effluent limitations or water quality standards established by the state. The USACE may not authorize a project under Section 404 of the CWA until the permit applicant has obtained a certification of compliance with state water quality standards (i.e., a water quality certification) from the Regional Water Quality Control Board (RWQCB).

Section 402 of the CWA prohibits the discharge of any pollution into surface waters of the United States unless the discharge is permitted under the National Pollution Discharge Elimination System (NPDES) program (Title 33 of the USC Sections 1311, 1342). In California, Section 402 permitting authority has been delegated to the State Water Resources Control Board and is administered by the RWQCB.

The Federal Migratory Bird Treaty Act (16 U.S.C. 703 et seq.). The Federal MBTA (16 U.S.C. 703 et seq.), Title 50 Code of Federal Regulations (CFR) Part 10, prohibits taking, killing, possessing, transporting, and importing of migratory birds, parts of migratory birds, and their eggs and nests, except when specifically authorized by the Department of the Interior. As used in the act, the term "take" is defined as meaning, "to pursue, hunt, capture, collect, kill or attempt to pursue, hunt, shoot, capture, collect or kill, unless the context otherwise requires." With a few exceptions, most birds are considered migratory under the MBTA.

Fish and Wildlife Coordination Act (16 USC 661-666). This act applies to any Federal action (such as an application for a Section 404 permit from the USACE) where the waters of any stream or other body of water are impounded, diverted, deepened, or otherwise modified. The Federal permitting agency is required to consult with the USFWS and the appropriate state wildlife agency. These agencies prepare reports and recommendations that document project effects on wildlife and identify measures that may be adopted to prevent loss or damage to wildlife resources. The term "wildlife" includes both animals and plants. Provisions of the Act are implemented through the Section 404 permit process.

Executive Order 13112 Invasive Species (February 3, 1999). This order directs all Federal agencies to prevent and control the spread of invasive plants and animals and to avoid direct or indirect impacts whenever there is a practicable alternative.

4.4.2.1 State

California Endangered Species Act (Fish and Game Code 2050 et seq.). The CESA establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy.

CESA requires State lead agencies to consult with the CDFW during the CEQA process to avoid jeopardy to threatened or endangered species. As an outcome of consultation, the CDFW is required to issue a written finding indicating if a project would jeopardize threatened or endangered species and specifying reasonable and prudent alternatives that would avoid jeopardy. CESA provides for joint consultations when species are listed by both the State and Federal governments.

Fully Protected Species & Species of Special Concern. The classification of "fully protected" was the CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and §3511, and mammals at §4150 and §4700) dealing with "fully protected" species state that these species "…may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species," although take may be authorized for necessary scientific research. This language makes the "fully protected" designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with fully protected species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

CSSC are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologist, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA review of the project.

Native Plant Protection Act (Fish and Game Code 1900-1913). California's Native Plant Protection Act requires all State agencies to utilize their authority to carry out programs to conserve endangered and rare native plants. Provisions of the act prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows the CDFW to salvage listed plant species that would otherwise be destroyed. The project sponsor is required to conduct botanical inventories and consult with

the CDFW during project planning to comply with the provisions of this act and sections of CEQA that apply to rare or endangered plants.

Other Sensitive Plants (CNPS). The CNPS is a non-profit plant conservation organization that publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California in both hard copy and electronic version (www.cnps.org/rareplants/inventory/6thedition.htm).

The Inventory assigns plants to the following categories:

1A Presumed extinct in California;
1B Rare, threatened, or endangered in California and elsewhere;
2 Rare, threatened, or endangered in California, but more common elsewhere;
3 Plants for which more information is needed (i.e., a review list); and
4 Plants of limited distribution (i.e., a watch list).

Additional endangerment codes are assigned to each taxon as follows:

1 Seriously endangered in California (over 80% of occurrences threatened/high degree of immediacy of threat).
2 Fairly endangered in California (20-80% occurrences threatened).
3 Not very endangered in California (<20% of occurrences threatened or no current threats known).

Plants that are Rank 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing by the CDFW, as well as other state agencies (e.g., California Department of Forestry and Fire Protection). As part of the CEQA process, such species should be fully considered, as they meet the definition of threatened or endangered under the NPPA and Sections 2062 and 2067 of the California Fish and Game Code. California Rare Plant Rank 3 and 4 species are considered to be plants about which more information is needed or are uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFW recommend that these species be evaluated for consideration during the preparation of CEQA documents.

California Oak Woodland Statute. In September 2004, State Bill 1334 was passed and added to the State Public Resources Code as Statute 21083.4, requiring all California counties to determine in their CEQA documents whether a project in its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. The California Fish and Game Code (Section 1361) defines oak woodland habitat as "an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover."

Sensitive Vegetation Communities. Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, state, and local conservation plans, policies or regulations. The CDFW ranks sensitive communities as "threatened" or "very threatened" and keeps records of their occurrences in the CNDDB. Sensitive vegetation communities are also identified by CDFW on its List of California Natural Communities recognized by the CNDDB. Impacts on sensitive natural communities and habitats identified in local or regional plans, policies, regulations or by federal or state agencies must be

considered and evaluated under the CEQA (California Code of Regulations [CCR]: Title 14, Div. 6, Chap. 3, Appendix G).

Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB protects all waters in its regulatory scope, but has special responsibility for isolated wetlands and headwaters. These waterbodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as Section 404 of the CWA. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact Waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but does involve activities that may result in a discharge of harmful substances to waters of the State, the RWQCB has the option to regulate such activities under its State authority in the form of Waste Discharge Requirements or Certification of Waste Discharge Requirements.

Sections 1601-1603 of the Fish and Game Code. Under these sections of the Fish and Game Code, the project sponsor and other agencies are required to notify the CDFW prior to any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review generally occurs during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

Sections 3503 and 3513 of the Fish and Game Code (Birds). According to Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird (except English sparrow (*Passer domesticus*) and European Starling (*Sturnus vulgaris*)). Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey) from "take". Section 3513 essentially overlaps with the MBTA, prohibiting the "take" or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFW.

Section 4150 of the Fish and Game Code (Mammals). According to Section 4150 of the California Fish and Game Code, "[a]ll mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission."

4.4.2.2 Local

Belmont Heritage Tree Ordinance. The Belmont Heritage Tree Ordinance[14] regulates tree removal and replacement. All trees (native and non-native) are considered Protected Trees provided they measure 10 inches or more in diameter breast height (dbh) at 4.5 feet above grade

[14] Chapter 25 Belmont Municipal Code, amended August 2001.

or greater, or are multiple stemmed measuring the same. Protected Trees require 1) replacement at up to a 3:1 ratio (three trees planted for each tree removed; 2) and may require additional fees in addition to replacement or in-lieu fees at the discretion of the Planning Commission. Tree replacement is usually a 15-inch or 24-inch box size approved tree species. The in-lieu fee is typically assessed at approximately $500 per tree multiplied by the replacement ratio of three per tree for a total fee of approximately $1,500 mitigation per removed Protected Tree. The funds are used by the City to re-plant trees within its jurisdiction. The Contract City Arborist usually requests that native species removals be replaced with native species mitigation plantings. There is also an administrative review procedure prescribed by the ordinance for tree removal requests not subject to CEQA or discretionary review. The Planning Division implements the requirements.

Belmont General Plan. The conservation element in the Belmont General Plan outlines programs to conserve, develop, and enhance the natural and historical resources of the community. Conservation efforts in the City of Belmont focus on the wooded hillside areas, the Baylands, creeks, views, water and air quality, archaeological and historic sites and structures, and energy resources. Policies relevant to the proposed project follow.

Policy 1: New development shall be located and designed to preserve specimen trees and significant stands of trees to the extent possible.

Policy 2: The use of native and drought resistant vegetation should be encouraged in new landscaping.

Policy 4: The City shall control both the amount and timing of grading to prevent accelerated erosion of the soil. Erosion and runoff control facilities shall be regularly maintained and preventative measures taken whenever possible.

4.4.3 Impacts and Mitigation Measures

This subsection analyzes impacts related to biological resources that could result from implementation of the project. It begins with the criteria of significance, which establish the thresholds for determining whether an impact is significant, and concludes with biological resource impacts associated with the project.

4.4.3.1 Criteria of Significance

The proposed project would have a significant effect on biological resources if it would:

- 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, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.4.3.2 Methodology

Potential impacts of the proposed project on species that are listed, proposed or candidates for listing were evaluated using the methods described in this section.

4.4.3.3 Literature Review

Preliminary investigations included a study of aerial photographs, U.S. Geological Survey (USGS) topographic maps, National Wetland Inventory maps, and literature and database searches. The CNPS Inventory of Rare and Endangered Vascular Plants of California was also reviewed.[15]

A search of the CNDDB, maintained by the CDFW,[16] was reviewed to determine the occurrence or potential occurrence of special-status species and natural communities of special concern within the project vicinity. The search was conducted for the 7.5-minute USGS quadrangle spanned by the project, as well as all surrounding quadrangles. The quadrangles searched included San Mateo, San Francisco South, Montara Mountain, Half Moon Bay, Woodside, Palo Alto, Redwood Point, San Leandro, and Hunters Point. The Sacramento office of the USFWS also provided a list of threatened and endangered species known to occur near or within the project site.[17]

Determination of the potential occurrence for listed, sensitive, or noteworthy species was based on known ranges and habitat preferences for the species, species occurrence records from the CNDDB, and species occurrence records from other sites in the vicinity of the project site. Many of the special-status species shown in the table in Appendix C are not expected to occur in the project vicinity because either the habitat elements they require are not present in the project site or the project site is not within the range of the species. Special-status species with ranges overlapping the project site and for which potential habitat is present are evaluated below. Special-status species that are not likely to occur in the project site are not discussed further.

4.4.3.4 Field Surveys

Field surveys for special-status plant and wildlife species, plant communities and terrestrial wildlife habitats in the project site were conducted by MIG|TRA Environmental Sciences, Inc. biologist Lauren Huff on January 16, 2015. The entire accessible portion of the project area was

[15] CNPS, 2014.
[16] CDFW, 2014.
[17] USFWS, 2014.

surveyed on foot. Those portions of the project area that were not accessible were visually inspected from a short distance or inspected from Ralston School Trail in Water Dog Lake Park.

Vegetation community descriptions are based on the vegetation classification presented in the second edition of *A Manual of California Vegetation*[18] and *Preliminary Descriptions of Terrestrial Natural Communities of California*.[19]

Tree Survey

A tree survey was conducted by Ralph Osterling Consultants, Inc. on October 20, 2011. An additional tree survey was conducted by the contract City of Belmont arborist Walter Levison on November 17, 2011. Protected trees in the project site, as defined by the Belmont Heritage Tree Ordinance[20] include any tree with a dbh of 10 inches or greater.

Each tree was assigned a health and vigor rating based on the following scale:

0 = Dead – *Tree has no green foliage and no green in sampled twigs.*

1 = Low Poor – *Tree is in server decline or dead.*

2 = Poor – *Tree is in decline or lacks vigor*.

3 = Fair – *Tree is typical of species in the area.*

4 = Good – *Tree is vigorous with few visible flaws*.

5 = Very Good – *Tree is extremely vigorous*.

Appendix C depicts the results of the tree survey, including survey dates, species identification and number, dbh measurements, and tree health evaluations. Within the project site, there were 86 protected trees surveyed.

4.3.1.2 Less Than Significant Impacts

***Impact BIO-1: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.* (*NI*)**

There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that apply to the project site. Therefore, the project would have ***no impact*** with the provisions of such plans.

***Impact BIO-2: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.* (*LTS*)**

The project site is located within an urbanized area and adjacent to several roadways carrying high volumes of traffic, as well as paved parking lots which are movement barriers for some wildlife species (e.g., amphibians and mammals). Because of the urban nature of the project site, reptile and amphibian species are unlikely to use the site as dispersal habitat. The construction

[18] Sawyer et al, 2009.
[19] Holland, 1986.
[20] Chapter 25 Belmont Municipal Code, amended August 2001.

and operation of the project would not interfere with the movement of any native wildlife species or interfere with known migration corridors. Therefore, potential impacts to amphibian and reptile species would be ***less than significant***.

No known migration corridors and no waterways that contain fish are in the project site. Therefore, ***no impacts*** to fish movement would occur.

The Pacific Flyway is located throughout most of California. Suitable stopover habitat for avian species is located in Water Dog Lake Park directly south of the project site, as well as in the Crystal Springs Reservoir approximately 3 miles east of the project site and in the San Francisco Bay approximately 4.5 miles west of the project site; therefore, some avian species may traverse through the project site to reach these areas. However, no waterbodies, which could provide high-quality rest or foraging habitat for avian species during their migration are located within the project site. Avian species that use the Pacific Flyway for migration are more likely to use the waterbodies located outside the project site for rest and foraging habitat. Therefore, potential impacts to avian wildlife movement would be ***less than significant***.

Terrestrial wildlife species tend to travel along natural drainages that provide protective cover from predators and a foraging source. There are no natural drainage features within the project site. Furthermore, development occurs throughout the area; as a result, the quality of the site as a wildlife movement corridor for terrestrial species is diminished. Therefore, potential impacts to terrestrial wildlife movement would be ***less than significant***.

Construction activities could temporarily disturb foraging activities. However, the loss of potential foraging habitat would be relatively small compared to available foraging habitat adjacent to the project site. The project would not contribute to habitat fragmentation or a loss of foraging habitat for wildlife species due to the already urban nature of the site. Therefore, this impact would be ***less than significant***.

***Impact BIO-3: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.* (*NI*)**

No sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS are present at the project site. Therefore, there would be ***no impact*** to sensitive natural communities. A small native willow thicket and freshwater seep are located in the southwest portion of the project site. No construction activities would occur in the vicinity of these features; therefore, these features would be avoided during construction. As a result, ***no impacts*** to the willow thicket and freshwater seep would occur.

4.3.1.3 Significant Impacts

Impact BIO-4: The project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (S)

A freshwater seep is present in the southwestern portion of the project site. This feature would be avoided during construction of the project; therefore, ***no impact*** would occur. No other wetlands or other waters of the U.S., as defined by Section 404 of the CWA are located in the project site.

Construction activities could indirectly cause the degradation of water-quality due to erosion and transport of fine sediments downstream of the construction area and unintentional release of contaminants into jurisdictional waters that are outside of the footprint of the project site, such as Water Dog Lake and Belmont Creek. As part of the permit application and permitting process for the project, the City of Belmont would comply with the NPDES General Construction Permit regulations, implement a SWPPP, and implement spill prevention and control measures, as appropriate. In addition, the Mitigation Measure BIO-4 would be implemented to further reduce impacts to jurisdictional waters that are outside the footprint of the project site.

Mitigation Measure BIO-4: The City of Belmont shall require that the construction contractor implement the following measures during construction to minimize possible discharge of sediment and pollutants into off-site jurisdictional waters:

1. Install and maintain silt fences immediately downstream of disturbed areas. Project proponents shall ensure that sediment-control devices are installed and maintained correctly. The devices shall be inspected frequently to ensure they are functioning properly. Devices shall be immediately repaired or replaced or additional devices shall be installed as necessary. Sediment that is captured in these devices may be disposed of on-site in an appropriate approved area, or off-site at an approved disposal site.
2. Store construction materials in the paved areas of the project site. Soil materials stockpiled at the site must be covered with plastic sheeting at the end of each workday.
3. Store materials in a manner that limits exposure to precipitation and controls storm-water runoff.
4. Provide secondary containment areas for chemicals, drums, or bagged materials. If material spills occur in special-status species habitat, materials and/or contaminants shall be cleaned from the project site and recycled or disposed.
5. Cover waste dumpsters with plastic sheeting at the end of each workday and during storm events.
6. Train onsite personnel in spill prevention practices, and provide spill containment materials near all storage areas. All contractors are responsible for familiarizing their personnel with the information contained in the SWPPP.
7. Sprinkle water on earth fill and disturbed ground surfaces as necessary to minimize wind-blown dust.
8. Maintain all construction equipment to prevent oil or fluid leaks.

9. Use drip pans or other secondary containment measures beneath vehicles during storage.
10. Regularly inspect all equipment and vehicles for fluid leaks.
11. Place wastes (e.g., grease, oil or oil filters, antifreeze, cleaning solutions, batteries, and hydraulic or transmission fluid) in proper containers, store the containers in a designated storage areas, and ultimately recycle the materials.
12. Fuel and service vehicles and equipment that are used during the course of the proposed project in a "safe" area (e.g., outside of special-status species habitats).
13. Fresh cement or concrete shall not be allowed to enter flowing water of streams. Collect construction pollutants and transport them to an authorized disposal area as appropriate and per all federal, state, and local laws and regulations.
14. Spill prevention and control best management practices shall be implemented throughout construction activities. Spills, leaks, and other problems of a similar nature in native vegetation shall be resolved immediately to prevent unnecessary impacts. Workers shall be trained in techniques to reduce the chance for spills, contain and clean up spills, and properly dispose of spilled materials for the potential pollutants that are relevant to each contractor or subcontractor activity. Where applicable (e.g., in native vegetation), materials shall be stored in covered containers to minimize the chance for spills. A plan for the emergency cleanup of any spills of fuel or other material shall be available on-site. Adequate materials for spill cleanup shall be maintained on-site and readily available to the employees of each contractor or subcontractor for immediate response should a spill occur on-site. Following the completion of project construction, materials storage areas shall be cleared of all construction-related debris.

With implementation of Mitigation Measure BIO-4, impacts to waters of the U.S. downstream of the construction area would be ***less than significant***.

Impact BIO-5: The project would have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (S)

Plants

Implementation of the VMP and Defensible Space Plan would temporarily and permanently impact coastal coyote brush and coast live oak woodland habitat. No impacts would occur in the willow thicket habitat. The VMP would temporarily impact up to approximately 1.7 acres of coastal coyote brush scrub and coast live oak woodland within the project footprint. Temporary impacts would occur due to foot traffic accessing the areas to clear, trim, and remove vegetation.

As part of the VMP and Defensible Space Plan, all dead plant material in the coast live oak woodland and coastal coyote brush scrub habitat within the project footprint would be removed, including dead leaves, plant debris, and dead branches. In the coast live oak woodland, plants and shrubs below the oak trees would be removed as necessary to break vertical continuity between ground covers, shrubs, trees, and structures. Coast live oak trees in the coast live oak woodland would be pruned and limbed-up to reduce fuel load; however, no coast live oak trees in this area would be removed. All pruning and thinning would be overseen by a certified

arborist in coordination with the City of Belmont Fire Chief and the Director of Parks and Recreation.

In the coastal coyote brush shrub habitat, shrubs and plants would be thinned to allow for natural separation between large groups of shrubs. Up to approximately 0.7 acre of coastal coyote brush scrub habitat could be thinned.

The VMP and Defensible Space Plan would be implemented in a manner that preserves native and mature trees and maintains important wildlife habitats. Therefore, implementation of the VMP and Defensible Space Plan is expected to have a less than significant impact on the structure and ecological function of the coast live oak woodland and coastal coyote brush shrub habitats.

Several sensitive plant species including arcuate bush-mallow, western leatherwood, and San Francisco collinsia could occur within the coast live oak woodland and/or the coastal coyote brush shrub habitats on the project site. Therefore, the implementation of the VMP and Defensible Space Plan could result in direct and/or indirect impacts on special-status plant species and their habitat. As a result, Mitigation Measure BIO-5a would be required to reduce impacts to special-status plant species.

Mitigation Measure BIO-5a: Prior to the initial implementation of the VMP and Defensible Space Plan, surveys in suitable habitat (i.e., coastal coyote brush scrub and coast live oak woodland) for sensitive plant species with moderate potential to occur within the project area shall be conducted by a qualified biologist during the appropriate phenological (ie, bloom) period for each species, but typically February through May. The boundaries of the plant populations shall be delineated with clearly visible flagging or fencing. The flagging and/or fencing shall be maintained in place for the duration of the implementation of the VMP and Defensible Space Plan. Flagged and fenced areas shall be avoided.

With implementation of Mitigation Measure BIO-5a, impacts to special-status plant species to ***less than significant***.

Mammals

San Francisco Dusky-footed Woodrat

No impacts to San Francisco dusky-footed woodrat houses are expected to occur during construction of the project. Impacts to San Francisco dusky-footed woodrat could occur through habitat removal or direct mortality if houses are impacted or destroyed during implementation of the VMP and Defensible Space Plan.

Therefore, Mitigation Measures BIO-5b would be required to reduce impacts to San Francisco dusky-footed woodrat**.**

Mitigation Measure BIO-5b: The City of Belmont shall require that the construction contractor implement the following measures to avoid and minimize potential impact and disturbance of the San Francisco dusky-footed woodrat:

1. Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with the following: identification of San Francisco dusky-footed woodrat and their habitat, general provisions and protections afforded to the San

Francisco dusky-footed woodrat, measures implemented to protect the species, and a review of project site boundaries.

2. A qualified biologist would conduct preconstruction surveys of all construction areas within suitable habitats in the project site to identify potential San Francisco dusky-footed woodrat houses within 50 feet of project activities. At the discretion of a qualified biologist an exclusion buffer (minimum of 15 feet) will be established around any woodrat houses that can be avoided, and these exclusion zones will be flagged or fenced. If impacts to a woodrat house are unavoidable, a Woodrat Trapping and Relocation Plan would be developed. A qualified biologist would coordinate with the CDFW to handle and relocate the San Francisco dusky-footed woodrats.

With implementation of Mitigation Measures BIO-5b, impacts to San Francisco dusky-footed woodrat would be ***less than significant.***

Bats

Hoary bat has a moderate potential to occur in the project site. Impacts to bat foraging and movement are anticipated to be minimal. Direct impacts to hoary bat could occur if construction activities result in the disruption or abandonment of nearby active bat roosts. Tree removal and/or demolition of the existing buildings could result in the removal or disturbance of roost habitat and may result in significant impacts to bat populations if an occupied or perennial (but unoccupied) maternity or colony roost is disturbed or removed.

Therefore, Mitigation Measures BIO-5c would be implemented to reduce impacts to bat species**.**

Mitigation Measure BIO-5c: The City of Belmont shall require that the construction contractor implement the following measure to avoid and minimize potential impact and disturbance of bats:

A preconstruction survey for maternity (March 1 to August 1) or colony bat roosts (year-round) shall be conducted by a qualified biologist and done within 14 days prior to activities that remove vegetation or structures. If an occupied maternity or colony roost is detected, CDFW shall be contacted about how to proceed. Typically, a 50-foot buffer exclusion zone would be established around each occupied roost until bat activities have ceased. The size of the buffer will take into account:

- Proximity and noise level of project activities;
- Distance and amount of vegetation or screening between the roost and construction activities;
- Species-specific needs, if known, such as sensitivity to disturbance.

Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist will be contacted immediately if a bat roost is discovered during project construction.

With implementation of Mitigation Measures BIO-5c, impacts to bat species would be ***less than significant.***

Amphibians and Reptiles

No special-status amphibian or reptile species are anticipated to occur in or near the project site. Therefore, ***no impact*** is anticipated.

Fish

No special-status fish species are anticipated to occur in or near the project site. Therefore, ***no impact*** is anticipated.

Birds

Migratory Birds

Migratory birds and nesting raptors could occur within the ornamental vegetation, coastal coyote brush scrub, and coast live oak woodland habitat within the project site. If construction occurs during the nesting season, noise and increased activity could temporarily disturb nesting or foraging activities, potentially resulting in the abandonment of nest sites. Disturbance of a nest would be in conflict with the MBTA and California Fish and Game Code.

If construction occurs during the bird nesting season (February 1- August 31), removal of trees or other vegetation or construction in close proximity to such vegetation could impact nesting birds. This impact can be avoided if removal of trees and vegetation are planned for the non-nesting season (September 1 to January 31).

If construction occurs during the bird nesting season, Mitigation Measure BIO-5d would be required to reduce impacts to migratory birds to ***less than significant***.

Mitigation Measure BIO-5d: The City of Belmont shall require that the construction contractor implement the following measures to avoid and minimize impacts on migratory birds and other nesting raptors:

If construction is scheduled during the nesting season of migratory birds (February 1 through August 31) trees in the project site would be surveyed by a qualified biologist for nesting migratory birds within the following buffers of the construction site:

- 500 feet for nesting raptors
- 150 feet for nesting passerines

The surveys would be conducted no more than 14 days prior to the start of any construction activities. If an active nest is found prior to construction or during construction activities, the following measures would be implemented:

- A qualified biologist, in consultation with CDFW, would determine the appropriate buffer size and delineate the buffer using fencing, pin flags, and/or yellow-caution tape. A buffer zone would be maintained around all active nest sites until the young have fledged and are foraging independently. In the event that an active nest is found after the completion of preconstruction surveys and after construction begins, all construction activities would need to be stopped until a qualified biologist has evaluated the nest and erected the appropriate buffer around it.

With implementation of, Mitigation Measure BIO-5d, impacts to migratory birds during construction would be ***less than significant***.

Impact BIO-6: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (S)

Approximately 77 trees with a dbh of 10 inches or greater located at the project site would be removed during demolition and/or construction of the project. The project would result in the removal of 77 trees protected by a local ordinance. Therefore, Mitigation Measure BIO-6a, BIO-6b, and BIO-6c would be required to reduce impacts to trees.

Mitigation Measure BIO-6a: The City of Belmont shall require that CSUS would retain a qualified City arborist to monitor construction activities near the trees expected to be retained and protected at the site. The arborist would prepare monthly monitoring reports.

Mitigation Measure BIO-6b: For all trees removed, the City of Belmont ordinance allows for collection of removal fees. CSUS shall pay removal fees as determined by the City.

Mitigation Measure BIO-6c: The City of Belmont ordinance allows for replanting of replacement trees at a ratio of 3:1 using 15 gallon or 24-inch box size native oaks or other approved species. The City of Belmont shall require that CSUS prepare a landscaping/replanting plan that would identify where, how many, and what types of trees would be replanted. This landscape/replanting plan would be submitted to the City arborist for review and approval prior to construction activities. The qualified City arborist would monitor tree transplanting work and the installation of landscaping.

With implementation of Mitigation Measure BIO-6a, BIO-6b, and BIO-6c, impacts to protected trees would be ***less than significant***.