

ENVIRONMENTAL COLLABORATIVE

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MEMORANDUM

TO: Mr. Alan Katz, President
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FROM: Jim Martin
ENVIRONMENTAL COLLABORATIVE

DATE: 11 July 2021 – Updated on 12 October 2021

SUBJECT: Biological Resource Assessment
Serramonte Del Rey Precise Plan Project
Daly City, California

As you requested, I have prepared this Biological Resource Assessment (BRA) for the Serramonte Del Rey Precise Plan Project site located at 699 Serramonte Boulevard in Daly City, California. The site is bounded by Serramonte Boulevard to the north, Callan Boulevard to the east, and existing residences along St. Francis Boulevard to the west. An apartment complex and the Summit Shasta Public Charter School are located to the south along Campus Drive. The approximately 22.3-acre site (APN: 091-211-230) is owned by Jefferson Union High School District (District). The site was previously developed as a high school campus by the District, with most of the original buildings remaining in place and still in use. A District sponsored faculty and staff housing project is currently under construction on approximately 3.9 acres in the northwestern portion of the site.

This BRA has been prepared to summarize the biological resources associated with the site, provide a review of the regulatory framework protecting sensitive resources, and identify the significance criteria used to evaluate potential impacts according to Appendix G of the California Environmental Quality Act (CEQA) Guidelines. The District is interested in understanding whether any biological constraints may be present on the site which could influence redevelopment of the site.

SETTING

Background and Methods

Biological resources were identified through the review and compilation of existing information

and conduct of field reconnaissance surveys. The review provided information on general resources in the project vicinity, and the distribution and habitat requirements of special-status species which have been recorded from or are suspected to occur in Daly City and the surrounding San Mateo County area. Available documentation was reviewed to provide information on general resources in the Daly City area, presence of sensitive natural communities, and the distribution and habitat requirements of special-status species which have been recorded from or are suspected to occur in the site vicinity. Literature and data reviewed included: the occurrence records of the California Natural Diversity Data Base (CNDDB) of the California Department of Fish and Wildlife (CDFW); the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants*; and the National Wetland Inventory of the U.S. Fish and Wildlife Service (USFWS). The Initial Study on the Jefferson Union High School District Faculty and Staff Housing Project,¹ which is currently under construction in the northwestern portion of the site, was also reviewed.

An initial field reconnaissance survey of the site was conducted on 14 January 2021, which served to determine existing conditions on the site. Walking transects were made across the entire site to confirm vegetative cover and whether any indicators of sensitive resources such as potential wetlands or essential habitat features for special-status species are present. Follow-up surveys were conducted on 5 April and 16 June 2021 to confirm plant species associated with two stands of native willow and a meadow area on the site.

A draft of the BRA was reviewed for the City by WRA as part of a peer review for the Environmental Impact Report (EIR) being prepared for the Project by David J. Powers & Associates. During the peer review, a meeting with WRA and the City was held on 15 September 2021 to discuss the content and conclusion related to biological and potential wetland resources on the site. The findings from the peer review were finalized into a memo by WRA,² which was considered in revising the contents of this updated BRA where a consensus was reached.

The following provides a summary of the existing biological resources on the site, including conclusions regarding the possible presence of special-status species and sensitive natural communities, and possible presence of jurisdictional waters and other sensitive resources. Significance criteria used in evaluating potential impacts on biological resources as part of CEQA review are also identified.

Existing Vegetation and Wildlife Habitat Conditions

The site is located in an urbanized area of Daly City and has been extensively disturbed by past development as a high school facility with buildings, parking areas, and ornamental landscaping. Most of the graded level portion of the site is occupied by pavement and structures, with scattered tree and other landscape plantings. The cut and fill slopes to the west, north and east have been planted with non-native Monterey pine (*Pinus radiata*) and Monterey cypress (*Hesperocyparis macrocarpa*) trees, with an understory of non-native grasses and

¹ Daly City, 2019, *Initial Study, Jefferson Union High School District Faculty and Staff Housing Project*, prepared in consultation with David, J. Powers & Associates, Inc, November.

² WRA, Inc., 2021, *Peer Review of Biological Resource Assessment Report for the Serramonte Del Rey Precise Plan Project*, memo to Tyler Rogers, David J. Powers & Associates, Inc., from Scott Batiuk, October 1.

forbs, ivy (*Hedera* spp.), periwinkle (*Vinca major*), ice plant (*Delosperma* sp.), poison oak (*Toxicodendron diversilobum*), sour grass (*Oxalis pes-caprae*), and other species. Characteristic grassland species consist of annual grasses and forbs such as wild oats (*Avena* spp.), bromes (*Bromus* spp.), cut-leaf geranium (*Geranium dissectum*), bristly ox-tongue (*Helminthotheca echioides*), and bindweed (*Convolvulus arvensis*), among others. **Figure 1** is an aerial image showing the extent of structures, paved surfaces, and areas of vegetative cover on the site. The aerial image in **Figure 1** was taken before construction on the District-sponsored faculty and staff housing project in the northwestern portion of the site was initiated and shows numerous trees paved parking and other improvements that have since been removed in the area. Photographs of existing conditions on the site are contained in **Appendix A**.

A landscaped garden area that was created for educational purposes (Demonstration Garden in **Figure 1**) occupies an area in the southwestern portion of the site. The garden has developed over the past 16 years and was originally overseen by District staff as a demonstration garden based on interviews with District personnel. Review of historical photographs indicate that the area was occupied by turf and some paved parking prior to 2005. The use, when the high school facilities were first developed, is uncertain but reportedly included tennis courts according to District maintenance staff (and supported by aerial photography) It now contains planting areas, pathways, several storage sheds, and a combination of non-native and native plant species, including trees, shrubs, groundcovers, and edible plants. Plantings include native species commonly used in landscaping such as coast redwood (*Sequoia sempervirens*), California buckeye (*Aesculus californica*), ceanothus (*Ceanothus* spp.), flowering currant (*Ribes* spp.), and sage (*Salvia* spp.), among many others. While native plant species are now growing in the garden, it is not a sensitive natural community type recognized by the CDFW as having special status under the California Environmental Quality Act (CEQA) or other regulations (see Regulatory Setting below).

Two stands of native arroyo willow (*Salix lasiolepis*) occur along the eastern edge and southwestern portion of the site (see **Figure 1**). The stands form dense thickets entangled with native California blackberry (*Rubus ursinus*), non-native ivy and other perennial plant species. The willows grow along the ground, some with trunks exceeding 12 inches in diameter. Each stand is several hundred square feet in size, surrounded by non-native plantings and impervious surfaces. Willows typically grow where surface water is available to the root systems for extended periods into the growing season, although no obvious source of water was observed during the field reconnaissance surveys. They can be deep-rooted and sometimes become established in transitional and upland locations where suitable conditions are present. Given their relatively recent origin on the developed site, and small size, these stands do not qualify as a sensitive natural community type.

Wildlife habitat on the site is limited by the intensity of urbanization in the area and absence of vegetative cover where structures and impervious surfaces are present. The dense conifer plantings and other landscaping, including the Demonstration Garden area, provide foraging opportunities for numerous species of birds. Mature trees could be used for roosting and nesting by birds, although no evidence of large stick raptor nests was observed during the field reconnaissance surveys. These include raptors such as red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), great horned owl (*Bubo virginianus*), and American kestrel (*Falco sparverius*). Amphibians and reptiles that likely utilize the dense conifer plantings along the perimeter of the site include: Pacific chorus frog (*Pseudacris regilla*), western toad

(*Anaxyrus boreas*), California slender salamander (*Batrachoseps attenuatus*), and common garter snake (*Thamnophis sirtalis*), which is sometimes mistakenly assumed to be the endangered San Francisco garter snake subspecies (*Thamnophis sirtalis tetrataenia*) which has freshwater marsh habitat requirements not found on the site (see Special-Status Species below).

Species typical of suburban habitat may utilize the numerous structures and managed landscaping for foraging, perching and possibly nesting substrate. These include: house finch (*Haemorhous mexicanus*), house sparrow (*Passer domesticus*), northern mockingbird (*Mimus polyglottos*), American robin (*Turdus migratorius*), scrub jay (*Aphelocoma californica*), mourning dove (*Zenaidura macroura*), European starling (*Sturnus vulgaris*), and rock dove (*Columba livia*), among others. Common mammals suspected to occur on or frequent the site include naturalized pest species such as house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and raccoon (*Procyon lotor*). Pacific chorus frog (*Pseudacris regilla*) and western toad (*Anaxyrus boreas*), among others.

Special-Status Species

Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Acts³ or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. Species with legal protection under the Endangered Species Acts often represent major constraints to development, particularly when they are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a "take" ⁴ of these species.

A record search conducted by the CNDDDB, together with a review of lists from the USFWS and CNPS indicates that occurrences of a number of plant and animal species with special-status have been recorded from or are suspected to occur in the Daly City area of San Mateo County. **Figures 2 and 3** show the known occurrences of 14 special-status plants and 8 special-status animal species, respectively, as mapped by the CNDDDB within a three to five-mile radius of the site. The attached list from the CNDDDB (see **Appendix B**) provides additional information on each of the species, together with information on 30 other special-status species known from surrounding U.S.G.S quadrangles. This is a broad list of special-status species known from a wide range of habitat types found in San Mateo County.

³ The federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species.

⁴ "Take" as defined by the FESA means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" a threatened or endangered species. "Harm" is further defined by the U.S. Fish and Wildlife Service (USFWS) to include the killing or harming of wildlife due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modification or degradation. The CDFW also considers the loss of listed species habitat as take, although this policy lacks statutory authority and case law support under the CESA.

Plant Species. Based on the review of CNDDDB data and the CNPS Inventory, a number of special-status plant species are known from or suspected to occur in the Daly City vicinity.

Figure 2 shows the locations of the 14 special-status plant species with reported occurrences within several miles of the site, but no CNDDDB records extend over the site. These include occurrences of Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*), robust spineflower (*Chorizanthe robusta*), and two-fork clover (*Trifolium amoenum*) in closest proximity to the site. However, suitable habitat for special-status plant species is absent on the site due to the extent of past development and on-going disturbance observed during the field reconnaissance surveys. The entire site was completely graded during construction of the high school facilities, eliminating natural habitat necessary to support special-status plant species known from the Daly City vicinity and precluding their occurrence on the site.

Animal Species. Most of the special-status animal species known from the northern San Mateo County area are typically associated with coastal salt marsh habitat and adjacent uplands along the bay and other specific habitat types not found in the vicinity of the site. **Figure 3** shows the locations of the 8 special-status animal species with reported occurrences within several miles of the site. Species typically associated with baylands habitat include: salt-marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis cotuniculus*), California least tern (*Sterna antillarum browni*), western snowy plover (*Charadrius alexandrinus nivosus*), Alameda song sparrow (*Melospiza melodia pusillula*) and saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*). Streams and other aquatic habitat necessary to support fish, amphibian and reptile species known from the peninsula include: California red-legged frog (*Rana aurora draytonii*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), western pond turtle (*Emmys marmorata*), and steelhead - Central California Coast Evolutionarily Significant Unit (*Oncorhynchus mykiss*). Invertebrate species known from the San Mateo Peninsula that are not suspected to occur on the site due to lack of larval host plant species or suitable habitat such as serpentine substrate or perennial aquatic habitat include: Myrtle's silverspot (*Speyeria zerene myrtleae*), Mission blue butterfly (*Icaricia icaroides missionensis*), callippe silverspot butterfly (*Speyeria callippe callippe*), bay checkerspot butterfly (*Euphydryas editha bayensis*), San Bruno elfin butterfly (*Callophrys mossii bayensis*), sandy beach tiger beetle (*Cicindela hirticollis grvida*), bumblebee scarab beetle (*Lichnanthe ursina*), Tomales isopod (*Caecidotea tomalensis*), Leech's skyline diving beetle (*Hydroporus leechi*), and Stage's dufourine bee (*Dufourea stagei*).

Western bumble bee (*Bombus occidentalis*) has been reported from the Daly City vicinity and is found in a variety of habitats, but technically doesn't have any legal protective status under the state or federal Endangered Species Acts. Records on their distribution in the western United States are now being more closely monitored by the CNDDDB and other data bases because of a dramatic decline in numbers and distribution over the past two decades and has not been documented in the region since the 2000s. This species is now primarily thought to be restricted to high meadows in the Sierra Nevada mountains and in some coastal areas and the Project site is thought to be outside its current range.

The record of a general occurrence of North American porcupine (*Erethizon dorsatum*) which extends over the site and surrounding area appears to be an anomaly. The general occurrence is from 1972 that was described in the CNDDDB records as a male porcupine collected from "Pacifica, junction Chinese Cemetery and Skyline Blvd". This species typically occurs in forest habitat and it

would be very unusual for an individual to naturally occur in an urbanized area such as Daly City, even back in 1972. North American porcupine has no legal protective status and suitable habitat is absent from the site. The extent of surrounding development precludes the potential for this species to disperse onto the site at some point in the future.

Bird nests of both special-status and more common bird species are protected under the federal Migratory Bird Treaty Act and State Fish and Game code when the nests are in active use (see Regulatory Setting below). No evidence of any bird nesting was observed during the field reconnaissance surveys, but suitable nesting habitat is present in the dense tree plantings around the perimeter of the site. A pair of red-tailed hawks were observed perching in and flying over the dense conifer plantings on the slope to the west and southwest of the developed portion of the site, but no sign of an actual nest was encountered. The intensity of human activity on the developed portion of the site limits the likelihood of any bird nesting, although there remains a remote potential for nests in the limited landscaping and existing structures. Although no evidence of active nests was observed during the field reconnaissance surveys, new nests of more bird species could be established in the future in advance of project construction. Preconstruction surveys are typically performed in advance of vegetation removal or building demolition where occupation by nesting birds is considered possible.

Although no records of any special-status bat species have been reported by the CNDDDB in the Daly City vicinity (see **Figure 3**), there is a potential for one or more species to forage and possibly roost on the site. For bat species, the Western Bat Working Group (WBWG) designates conservation status for species of bats, and those with a high or medium-high priority are considered to be of special status species under CEQA. These include pallid bat (*Antrozous pallidus*) and Townsend's western big-eared bat (*Corynorhinus townsendii*), both of which are California Species of Special Concern, are known to occur in San Mateo County and individuals of these and other special-status bats species may forage through the Study Area vicinity. Although the potential for presence of maternity roosts on the site is low, tree cavities and man-made structure are commonly used by bats for roosting. Preconstruction surveys are typically performed in advance of tree removal or building demolition where occupation by roosting bats is considered possible.

Jurisdictional Waters

Although definitions vary, wetlands are generally considered to be areas that are periodically or permanently inundated by surface or groundwater, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their inherent value to fish and wildlife, use as storage areas for storm and floodwaters, and water recharge, filtration and purification functions. Jurisdiction of the U.S. Army Corps of Engineers (Corps) is established through provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters of the U.S." without a permit. The Regional Water Quality Control Board (RWQCB) jurisdiction is established through Section 401 of the Clean Water Act, which requires certification or waiver to control discharges in water quality whenever a Corps permit is required under Section 404 of the Clean Water Act, and State waters as regulated under the Porter-Cologne Act. Jurisdictional authority of the CDFW over wetland areas is established under Sections 1600-1607 of the State Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed or bank of any lake, river or stream.

Based on a review of the National Wetland Inventory mapping (see **Appendix C**) and field conditions observed during the field reconnaissance surveys, it does not appear that any waters regulated by the Corps under the Clean Water Act are present on the site. The site has been extensively disturbed by past grading to develop school facilities decades ago, and creeks or other wetland features connected to downstream waters are absent in this urbanized area of Daly City.

As noted above, two stands of native arroyo willow are present on the site, one on the slopes to the east of the former High School administrative building and the other in a level area in the southwestern portion of the site between the Demonstration Garden and parking lot to the apartment complex to the south (see **Figure 1**). A third stand of willow occurs just off-site along Campus Drive. These stands are relatively small in size, comprising about 1,226 square feet (SF), 2,081 SF, and 553 SF, respectively. Arroyo willow is considered a Facultative Wetland (FACW) species according to the National Wetland Plant List (NWPL) ⁵ typically growing in riparian conditions indicative of available surface water. The NWPL is used by the Corps in evaluating the vegetative criterion in determining whether an area is a wetland or upland. As defined in the NWPL a species with a FACW designation usually occurs in wetlands but may occur in non-wetlands.⁶

Willows are deeply rooted but dependent on available surface water and it is unclear why they have become established on the site. Stands of willows are sometimes found in upland locations and are not always indicative of regulated wetlands. Based on the peer review investigation by WRA, soils in the vicinity of the willow stands lack redoximorphic features and would not meet hydric soil criteria used in delineating wetlands, and WRA concluded that these stands of willow are not regulated wetlands. Willows are typically considered an indicator of riparian conditions by the CDFW, but there are no drainages entering or leaving the willow stands on the site. Further input from representatives of the Regional Water Quality Control Board (RWQCB) would be useful in determining whether these stands could possibly be considered isolated State waters regulated under the Porter-Cologne Water Quality Act (see Regulatory Setting below). Because these scattered features have no bed or bank, they are not suspected to be part of a creek or drainage regulated by CDFW under Section 1600 of the Fish and Game Code.

In addition, a small area of about 865 SF supports grassland cover in an area where soils were saturated during the field reconnaissance survey in April 2021, located near the western stand of arroyo willow (see “meadow” in **Figure 1**). Based on the peer review investigation by WRA, the dominant grass species in this meadow area consists of Italian ryegrass (*Festuca perennis*), a Facultative (FAC) species. Other species present include bristly ox-tongue (*Helminthotheca*

⁵ U.S. Army Corps of Engineers, 2018, National Wetland Plant List, version 3.4, <http://wetland-plants.usace.army.mil/>

⁶ According to the NWPL, there are five categories of wetland indicator status ratings, used to indicate a plant's likelihood for occurrence in wetlands versus uplands (i.e., non-wetlands): Obligate Wetland (OBL), Facultative Wetland (FACW), Facultative (FAC), Facultative Upland (FACU), and Obligate Upland (UPL). These rating categories are defined by the National Panel as follows: OBL—almost always occur in wetlands; FACW—usually occur in wetlands, but may occur in non-wetlands; FAC—occur in wetlands and non-wetlands; FACU—usually occur in non-wetlands, but may occur in wetlands; UPL—almost always occur in non-wetlands.

echioides; FAC), velvet grass (*Holcus lanatus*; FAC), annual beard grass (*Polypogon monspeliensis*; FAC), fringed willowherb (*Epilobium ciliatum*; FAC), and common rush (*Juncus patens*; FAC). A small number of arroyo willow saplings were also present along the edge of this feature. The upper 6 inches of soil in the meadow area had a dark (2.5Y 3/2 on the Munsell Color chart) matrix, and 10 percent of this layer was comprised of dark brown (7.5YR 3/4 on the Munsell Color chart) iron concentrations. The restrictive layer had a lighter (2.5Y 4/2 on the Munsell Color chart) matrix, and 25 percent of this layer was comprised of strong brown (7.5YR 4/6 on the Munsell Color chart) iron concentrations. Based on the upper 6 inches, the soil met the Redox Dark Surface (F6) and Redox Depressions (F8) hydric soil indicators and hydric soil indicators were met in the sampled locations of the meadow area. Although WRA did not observe wetland hydrology during their field investigation on 6 August 2021, the fact that hydrophytic vegetation and hydric soil indicators were met and that the feature is basically a closed depression where water would concentrate, it is assumed that this feature would meet wetland hydrology indicators during the wet season. As such this meadow area appears to meet the technical criteria for a wetland. However, it is not adjacent to any streams or other wetland features, does not appear to be hydrologically connected to downstream regulated tributary drainages, and therefore does not appear to be a regulated waters by the Corps or CDFW. Because it appears to meet all three hydric criteria for a wetland, the meadow area may be considered an isolated State waters regulated by the RWQCB under the Porter-Cologne Water Quality Act (see Regulatory Setting below).

Given the potential for regulated waters on the site, a formal wetland delineation should be conducted to confirm whether any of the above described features qualify as a State and/or federal wetland. It is up to the regulatory agencies to make a final determination on whether potential waters are considered jurisdictional.

REGULATORY SETTING

Biological resources are subject to agency jurisdiction and regulations, as described below.

State and Federal Regulations

Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines “take” as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Federal regulation 50CFR17.3 defines the term “harass” as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR§17.3). Furthermore, federal regulation 50CFR17.3 defines “harm” as an act that either kills or injures a listed species. By definition, “harm” includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section 10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take

is defined by ESA as take that is *“incidental to, and not the purpose of, the carrying out of another wise lawful activity.”* Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA, or result in the destruction or adverse modification of its habitat. Federal agencies are also required to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, the Section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other “take” that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

Clean Water Act

The Corps is responsible under Section 404 of the Clean Water Act to regulate the discharge of fill material into waters of the U.S. These waters, and their lateral limit, are defined in 33 CFR Part 328.3(a) and include streams that are tributaries to navigable waters and their adjacent wetlands. The lateral limits of jurisdiction for a non-tidal stream are measured at the line of the Ordinary High Water Mark (33 CFR Part 328.3[e]) or the limit of adjacent wetlands (33 CFR Part 328.3[b]). Any permanent extension of the limits of an existing water of the U.S., whether natural or man-made, results in a similar extension of Corps jurisdiction (33 CFR Part 328.5). Waters of the U.S. fall into two broad categories: wetlands and other waters. Other waters include waterbodies and watercourses generally lacking plant cover such as rivers, streams, lakes, springs, ponds, coastal waters, and estuaries. Wetlands are aquatic habitats that support hydrophytic wetland plants and include marshes, wet meadows, seeps, floodplains, basins, and other areas experiencing extended seasonal soil saturation. Seasonally or intermittently inundated features, such as seasonal ponds, ephemeral streams, and tidal marshes, are categorized as wetlands if they have hydric soils and support wetland plant communities. Seasonally inundated waterbodies or watercourses that do not exhibit wetland characteristics are classified as other waters of the U.S.

Waters and wetlands that cannot trace a continuous hydrologic connection to a navigable water of the U.S. are not tributary to waters of the U.S. These are termed “isolated wetlands.” Isolated wetlands are jurisdictional when their destruction or degradation can affect interstate or foreign commerce (33 CFR Part 328.3[a]). The Corps may or may not take jurisdiction over isolated wetlands depending on the specific circumstances.

In general, a project proponent must obtain a Section 404 permit from the Corps before placing fill or grading in wetlands or other waters of the U.S. Prior to issuing the permit, the Corps is required to consult with the USFWS under Section 7 of the ESA if the project may affect federally listed species.

All Corps permits require water quality certification under Section 401 of the Clean Water Act. In the San Francisco Bay Area, this regulatory program is administered by the San Francisco Bay RWQCB. Project proponents who propose to fill wetlands or other waters of the U.S. must apply for water quality certification from the RWQCB. The RWQCB has adopted a policy requiring mitigation for any loss of wetland, streambed, or other jurisdictional area.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term “take” is defined as “to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.” Most bird species native to North America are covered by this act. In December 2017, the Department of the Interior (DOI) issued a memorandum reversing the incidental take interpretation of the MBTA. Under the latest determination of the DOI, the take of a migratory bird or its active nest (i.e., with eggs or young) that is incidental to a lawful activity does not violate the MBTA. However, this opinion from the DOI is only the latest interpretation from the previous Administration of the MBTA. This legal opinion is contrary to the long-standing interpretation for over 40 years that held the MBTA strictly prohibits the intentional or incidental killing of birds or destruction of their nests when in active use.

California Endangered Species Act

The CDFW has jurisdiction over State-listed endangered, threatened, and rare plant and animal species under the California Endangered Species Act (CESA). CESA is similar to the federal ESA both in process and substance; it is intended to provide additional protection to threatened and endangered species in California. Species may be listed as threatened or endangered under both acts (in which case the provisions of both State and federal laws apply) or under only one act. A candidate species is one that the Fish and Game Commission has formally noticed as being under review by CDFW for addition to the State list. Candidate species are protected by the provisions of CESA.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to “projects” proposed to be undertaken or requiring approval by State and local government agencies. Projects are defined as having the potential to have physical impact on the environment. Under Section 15380 of CEQA, a species not included on any formal list “shall nevertheless be considered rare or endangered if the species can be shown by a local agency to meet the criteria” for listing. With sufficient documentation, a species could be shown to meet the definition of rare or endangered under CEQA and be considered a “de facto” rare or endangered species.

California Fish and Game Code

The CDFW is also responsible for enforcing the California Fish and Game Code, which contains several provisions potentially relevant to construction projects. For example, Section 1602 of the Fish and Game Code governs the issuance of Lake and Streambed Alteration Agreements by the CDFW. Lake or Streambed Alteration Agreements are required whenever project

activities substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated as such by the CDFW. The Fish and Game Code also lists animal species designated as Fully Protected or Protected, which may not be taken or possessed at any time. The CDFW does not issue licenses or permits for take of these species except for necessary scientific research, habitat restoration/species recovery actions, or live capture and relocation pursuant to a permit for the protection of livestock. Fully protected species are listed in Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the Fish and Game Code, while Protected amphibians and reptiles are listed in Chapter 5, Sections 41 and 42.

Several provisions in the California Fish and Game code provide for the protection of birds and bird nests in active use. Unless the Fish and Game Code (FGC) or its implementing regulations provide otherwise, under California law it is unlawful to:

- Take a bird, mammal, fish, reptile, or amphibian (FGC Section 2000);
- Take, possess, or needlessly destroy the nest or eggs of any bird (FGC Section 3503);
- Take, possess, or destroy any bird of prey in the orders Strigiformes (owls) and Falconiformes (such as falcons, hawks and eagles) or the nests or eggs of such bird (FGC Section 3503.5);
- Take or possess any of the thirteen fully protected bird species listed in FGC Section 3511;
- Take any non-game bird (i.e., bird that is naturally occurring in California that is not a gamebird, migratory game bird, or fully protected bird) (FGC Section 3800);
- Take or possess any migratory non-game bird as designated in the MBTA or any part of such bird, except as provided by rules or regulations adopted by the DOI under the MBTA (FGC Section 3513);
- Take, import, export, possess, purchase, or sell any bird (or products of a bird), listed as an endangered or threatened species under the CESA unless the person or entity possesses an Incidental Take Permit or equivalent authorization from CDFW (FGC Section 2050 et seq.).
- Non-native species, including European starling, house sparrow, and rock pigeon, are not afforded any protection under the MBTA or California Fish and Game Code.

Porter-Cologne Water Quality Control Act

Under this Act (California Water Code Sections 13000–14920), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the State's waters. The RWQCB asserts jurisdiction over isolated waters and wetlands, as well as waters and wetlands that are regulated by the Corps. Therefore, even if a project does not require a federal permit, it still requires review and approval by the RWQCB. When reviewing applications, the RWQCB focuses on ensuring that projects do not adversely affect the "beneficial uses" associated with waters of the State. In most cases, the RWQCB seeks to protect these beneficial uses by requiring the integration of waste discharge requirements (WDRs) into projects that will require discharge into waters of the State. For most construction projects, the RWQCB requires the use of construction and post-construction Best Management Practices (BMPs).

Other Statutes, Codes, and Policies Affording Species Protection

The CDFW maintains an administrative list of Species of Special Concern (SSC), defined as a "species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- Extirpated from the State, or, in the case of birds, in its primary seasonal or breeding role;
- Listed as federally, but not State-, threatened or endangered;
- Meets the State definition of threatened or endangered but has not formally been listed;
- Experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status;
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s) that, if realized, could lead to declines that would qualify it for State threatened or endangered status.

The CDFW's Nongame Wildlife Program is responsible for producing and updating SSC publications for mammals, birds, and reptiles and amphibians. Section 15380 of the *CEQA Guidelines* clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outline therein. In contrast to species listed under the federal ESA or CESA, however, SSC have no formal legal status.

The CNPS is a non-profit conservation organization dedicated to the preservation of native flora in California. The CNPS has been involved in assembling, evaluating, and distributing information on special-status plant species in the state, as listed in the *Inventory of Rare and Endangered Plants of California*. CNPS has recently updated their rating system for the rarity of special-status plants, and now include both a California Rare Plant Rank and a Threat Rank. CEQA requires government agencies to consider environmental impacts of discretionary projects and to avoid or mitigate them where possible. Under Section 15380, CEQA provides protection for both State-listed species and for any other species which can be shown to meet the criteria for State listing. The CDFW recognizes that special-status plants with a California Rare Plant Rank of 1A (Presumed extinct in California), 1B (Rare, threatened, or endangered in California and elsewhere), and 2 (Rare and endangered in California, but are more common elsewhere) in the CNPS Inventory consist of plants that, in a majority of cases, would qualify for listing and these species should be addressed under CEQA review. In addition, the CDFW recommends, and local governments may require, protection of species which are regionally significant, such as locally rare species, disjunct populations, essential nesting and roosting habitat for more common wildlife species, or plants with a CNPS California Rare Plant Rank of 3 (Plant species for which additional data is needed – a review list) and 4 (Plant species of limited distribution - a watch list).

Sensitive Natural Communities

Sensitive natural communities are natural community types considered to be rare or of a "high inventory priority" by the CDFW. Although sensitive natural communities have no legal protective status under FESA or CESA, they are provided some level of consideration under CEQA. Appendix G of the CEQA Guidelines identifies potential impacts on a sensitive natural community as one of six criteria to consider in determining the significance of a proposed project. While no thresholds are established as part of this criterion, it serves as an acknowledgement that sensitive natural communities are an important resource and, depending on their rarity, should be recognized as part of the environmental review process. The level of significance of a project's impact on any particular sensitive natural community will depend on that natural community's relative abundance and rarity.

As an example, a discretionary project that has a substantial adverse effect on any riparian habitat, native grassland, valley oak woodland, and/or other sensitive natural community would normally be considered to have a significant effect on the environment. Further loss of a sensitive natural community could be interpreted as substantially diminishing habitat, depending on its relative abundance, quality and degree of past disturbance, and the anticipated impacts to the specific community type.

Local Plans and Ordinances

City of Daly City General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to biological resources and are applicable to the proposed project.

Policy LU-17: Ensure that private development is responsible for providing any on- or off-site improvements related to and/or mitigating the impacts it causes.

Policy LU-18: Development activities shall not be allowed to significantly disrupt the natural or urban environment and all reasonable measures shall be taken to identify and prevent or mitigate potentially significant effects.

Policy RME-16: The City shall continue to recognize the importance of the San Bruno Mountain Habitat Conservation Plan (HCP), uphold the integrity of the concepts behind the plan, and respect the agreements that serve to implement it.

San Bruno Mountain Habitat Conservation Plan

The San Bruno Area Habitat Conservation Plan (HCP) was established in 1982 with the participation of the USFWS, California Department of Fish and Game, County of San Mateo, the cities of Brisbane, Daly City and South San Francisco, and several private property owners. The HCP was created to provide for the preservation and management of essential habitat for Mission blue butterfly and other target special-status species over an area of approximately 3,600 acres on San Bruno Mountain. The HCP provides for the perpetuation of conserved habitat areas through eradication of exotic species, restoration and enhancement of native habitat, on-going monitoring, control of human access and disturbance, and other management activities. The site is approximately 1.5 miles southwest of the San Bruno HCP boundary and is therefore not subject to any controls or policies related to the HCP.

Urban Forestry Ordinance

Chapter 12.48, Urban Forestry, of the Daly City Municipal Code, provides for the protection of street trees and other trees on public lands in recognition of the public benefits they provide. It identifies restrictions and guidelines for maintenance and protection of street trees and other publicly owned areas. A permit is required to remove street trees unless the tree is dead or has been damaged beyond repair.

IMPACT ANALYSIS

Significance Criteria

Pursuant to Appendix G, Environmental Checklist Form, of the CEQA Guidelines,

implementation of the proposed project would result in significant biological resources impacts if it would:

1. 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 plan, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
2. 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.
3. Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. 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.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or State habitat conservation plan.

The proposed project was evaluated in accordance with the CEQA Guidelines and the following determinations were made with respect to each of these six significance criteria. These determinations are followed by a discussion of the significance of potential impacts. Where a significant or potentially significant impact has been identified, then mitigation measures have been recommended as necessary to mitigate these impacts to a level of less than significant.

Significance Criteria Review

Resource Category/Significance Criteria	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES. Would the Project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	X	☐	☐
2) 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 Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X
3) Have a substantial adverse effect on State or	☐	X	☐	☐

Resource Category/Significance Criteria	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				
4) 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?	☐	☐	X	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	X	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X

Discussion

1) Less than Significant Impact with Mitigation Incorporated.

Due to the extent of past development and absence of suitable habitat, no special-status species are believed to occur within the portion of the site proposed for development, and no adverse effects are anticipated. Most of the site is developed with existing structure, paved roadways and parking areas, and ornamental landscaping, which are unsuitable for special-status species known from the Daly City vicinity. This includes absence of suitable habitat for listed species such as San Francisco garter snake, California red-legged frog, Mission blue butterfly, and callippe silverspot butterfly, among other special-status species.

There was no evidence of any bird nesting on the site during the field reconnaissance survey conducted in January 2021. Although the limited habitat values and extent of on-going disturbance generally precludes the potential for nesting birds on the developed portion of the site where new improvement are proposed, there remains a possibility that new bird nests could be established in the dense trees around the western, northern and eastern perimeter of the site. If vegetation removal, demolition and construction was initiated during the bird nesting season (February 1 – August 31), then construction-related disturbance could result in destruction or abandonment of the nest(s) if any are present in the immediate vicinity. If construction-related noise and disturbance resulted in destruction or abandonment of a nest in active use and loss of any eggs or young in the nest, this would be a significant adverse impact and violation of the federal Migratory Bird Treaty Act and State Fish and Game Code sections.

There was also no evidence of any bat roosting around the exterior of structures or landscape plantings that would be removed as part of Project implementation. However, inspection of attic

or interior spaces of structures to be demolished was not performed, and there remains a remote possibility that new roost could be established before construction proceeds. Destruction of active roosts, particularly a maternity roost of a special-status bat species with a high or medium-high priority by the WBWG, would be a significant impact.

Mitigation Measure BIO-1a, however, would serve to avoid the potential for violation of federal and state regulations pertaining to bird nests in active use by restricting the timing of initial grading and vegetation removal or by conducting a preconstruction survey and implementing appropriate construction restrictions if any active nests are encountered until any young birds have successfully fledged. **Mitigation Measure BIO-1b** would address the remote potential for roosting by special-status bat species that could be affected by the proposed Project.

Mitigation Measure BIO-1a. *Adequate measures shall be taken to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and State Fish and Game Code when in active use. This shall be accomplished by taking the following steps.*

- *If construction is initiated during the non-breeding season (September 1 to January 31), then vegetation removal, building demolition and other construction may proceed with no restrictions.*
- *If initial building demolition, vegetation removal, and construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other native birds shall be conducted by a qualified biologist within 14 days prior to the onset of construction in order to determine whether any active nests are present on the site and surrounding area within 250 feet of proposed construction. The survey shall be reconducted any time construction has been delayed or curtailed for more than 14 days during the nesting season.*
- *If no active nests are identified during the construction survey period, then building demolition, vegetation removal, and other construction may proceed with no restrictions.*
- *If active bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFW and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated elsewhere on the site outside this zone.*
- *A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction during the nesting season (February 1 to August 31). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if construction is initiated during the non-nesting season (September 1 to January 31) and continues uninterrupted according to the above criteria.*

Mitigation Measure BIO-1b. *Adequate measures shall be taken to avoid roosting by special-status bat species as a result of tree removal and building demolition.*

- *To the extent feasible, any tree removal or trimming that is deemed necessary by a certified arborist to maintain tree health shall be conducted outside of the bat maternity season (generally April through October).*
- *Building demolition shall ideally adhere to this work window as well.*
- *If this work window is not feasible, a pre-construction bat roost assessment shall be conducted by a qualified biologist at least 14 days and no more than 30 days prior to tree removal or building demolition to determine if bats roosts are present that may be impacted by Project activities.*
- *If special-status bat species or maternity roosts are detected during these surveys, additional measures including avoidance of the roosts until the end of the maternity roosting season may be recommended.*
- *Regardless of the timing of tree removal or trimming activities, all felled trees or large limbs shall remain on the ground for at least 24-hours prior to chipping, off-site removal, or other processing to allow any roosting individual bats to vacate the premises of their own volition.*
- *A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction during the maternity roosting season (April through October). The report shall either confirm absence of any active maternity roosts or specify any additional measures necessary to protect roosts until the end of the maternity roosting season. No report of findings is required if construction is initiated during the non-maternity roosting season (November through March) and continues uninterrupted according to the above criteria.*

With implementation of the above measures, potential impacts on special-status species would be less-than-significant.

2) No Impact.

No sensitive natural community types are present on the site. The stands of native willow would be removed to accommodate development under the proposed Project. Stands of willow are typically considered indicators of sensitive riparian habitat. However, in this case, the willow stands formed on a developed site, possibly as a result of poor drainage or irrigation runoff. The willow stands are not associated with a natural water feature and have such a small aerial extent that they don't qualify as a sensitive natural community type on the site. The meadow area may be a regulated waters (see Criterion 3 below) but is dominated by non-native species in an area that has been extensively disturbed by past development of the site, and therefore is not considered a sensitive natural community type as defined by the CDFW.

3) Less than Significant Impact with Mitigation Incorporated.

Based on the results of the field surveys and data from the National Wetland Inventory, federally waters regulated under Section 404 of the Clean Water Act do not appear to be present on the site. The meadow area in the southwest corner of the site appears to meet the three criteria used to delineate wetlands but may not qualify as a federally-regulated waters because it is hydrologically isolated from downstream jurisdictional tributary drainages. Because it appears to meet all three hydric criteria for a wetlands the meadow area may be a considered an

isolated State waters regulated by the RWQCB under the Porter-Cologne Water Quality Act.

The stands of willow are indicative of riparian conditions with a FACW indicator status, meaning they usually occur in wetlands but may occur in non-wetlands. Most of the site is developed with existing structure, paved roadways and parking areas, and ornamental landscaping. The site has been extensively disturbed by past grading to develop school facilities decades ago, and creeks or other wetland features connected to downstream waters are absent in this urbanized area of Daly City. The stands of willow represent less than one half of one percent of the overall site area. The willow stands may have formed as a result of poor drainage or irrigation runoff and are not associated with a natural water feature. Due to the extent of past development and relatively small area, the stands of willow may not be considered by the RWQCB to be regulated State waters. In this case, there would be no impact on State or federally regulated wetlands and no further action or mitigation would be required. Further input from the RWQCB would allow for determination on whether these features are considered regulated State waters. If no Corps authorization is required but the scattered stands and/or willow or the meadow feature is considered to be a State waters regulated by the RWQCB, the applicant would have to enroll under and comply with the terms of Water Quality Order No. 2004-004 DWQ.

Under the proposed Project, these willow stands and meadow area would be largely eliminated as part of site grading and replaced with urbanized development. If these features are considered State waters by the RWQCB, their loss could be considered significant, even though the collective area of these features is relatively small and they have formed in a developed area. If these features are considered State waters by the RWQCB, their conversion to urban uses would contribute to the collective loss of regulated waters on the site, estimated at 8,585 SF (0.20 acre). Compliance with Water Quality Order No. 20040004 DWQ would require that compensatory mitigation be provided if these features are considered State waters and can't be avoided. This could include participation in an agency approved mitigation bank or an on-site avoidance and restoration/enhancement effort.

Further review by the Corps and RWQCB would be necessary to confirm the presence or absence of regulated waters on the site and need for any compensatory mitigation. Given the possible presence or State waters on the site that would be affected by the proposed Project, potential impacts would be considered potentially significant unless the scattered stands of willow and meadow area are determined to not be jurisdictional waters, in which case no mitigation would be required for their conversion to urban uses.

Mitigation Measure BIO-2 would serve to confirm whether any regulated waters are present on the site and provide for compensatory mitigation if regulated waters are impacted by the proposed Project.

Mitigation Measure BIO-2. A wetland delineation shall be performed by a qualified wetland consultant and submitted to regulatory agencies confirm presence or absence of State and/or federally regulated waters on the site. If regulated waters are present, appropriate authorizations shall be secured from regulatory agencies and a Compensatory Wetland Mitigation Program (CWMP) shall be developed and implemented to provide adequate mitigation for any jurisdictional waters affected by the proposed Project. This could include either on-site avoidance and creation, or participation in an agency-approved wetland mitigation bank. If required, the CWMP shall contain the following components.

- All conditions required as part of any required agency authorization shall be implemented and adhered to as part of the Project.
- *Regulated waters affected by the Project shall be replaced at a minimum 1:1 ratio.*
- Best Management Practices shall be implemented as part of the project, which would ensure that the potential for any downgradient sedimentation impacts are adequately controlled.

If regulated waters are determined to be present on-site, potential impacts would be less-than-significant with implementation of the above measure.

4) Less than Significant Impact.

The proposed Project would not have any significant adverse impacts on wildlife movement opportunities or adversely impact native wildlife nurseries. The site is located in an urban area with no watercourse or other natural feature that would serve as a movement corridor. Wildlife in the vicinity are already acclimated to human activity and construction-related disturbance would not cause any significant impacts on wildlife movement in the area. Most of the landscape tree plantings on the west, north and east edges of the site would be retained as part of the proposed Project and would continue to provide habitat to wildlife. Tree plantings removed during construction would be replaced at a ratio of 2:1 in accordance with the tree planting succession plan. Potential impacts on wildlife habitat and movement opportunities would be less than significant and no mitigation is considered necessary.

5) Less than Significant Impact.

No major conflicts with the relevant policies from the Daly City General Plan or City ordinances are anticipated with implementation of the proposed project. Preconstruction surveys for possible nesting birds would be conducted as recommended in **Mitigation Measure BIO-1a** which would ensure avoidance of any nesting birds if new nests become established before construction is initiated. Preconstruction surveys for possible roosting bats would be conducted as recommended in **Mitigation Measure BIO-1b** which would ensure avoidance of any nesting birds if new nests become established before construction is initiated. **Mitigation Measure BIO-2** would ensure that if any regulated waters are deemed to be present, they would be adequately addressed as part of site development, including securing agency authorizations and providing compensatory mitigation, if necessary.

Chapter 12.48, Urban Forestry, of the Daly City Municipal Code applies to street trees and trees on public lands. While some tree removal is likely with implementation of the proposed project, appropriate measures would be taken to avoid most of the mature plantings along the north, west and east edges of the site. New trees would be planted as part of the future development, including street tree plantings. These new plantings would serve to address the loss of existing tree plantings on the site and no significant adverse impacts are anticipated.

6) No Impact.

The project site is approximately 1.5 miles southwest of the San Bruno HCP boundary. Therefore, the project would not conflict with the provisions of an adopted HCP.

Figure 1. Existing Cover

Serramonte Del Rey



SOURCES: Environmental Collabrative, June 2021; Service Layer Credits: Golden Gate National Parks Conservancy and San Mateo County. Map produced by www.digitalmappingsolutions.com on 7/14/2021.

Figure 2. Special-Status Plants

Serramonte Del Rey

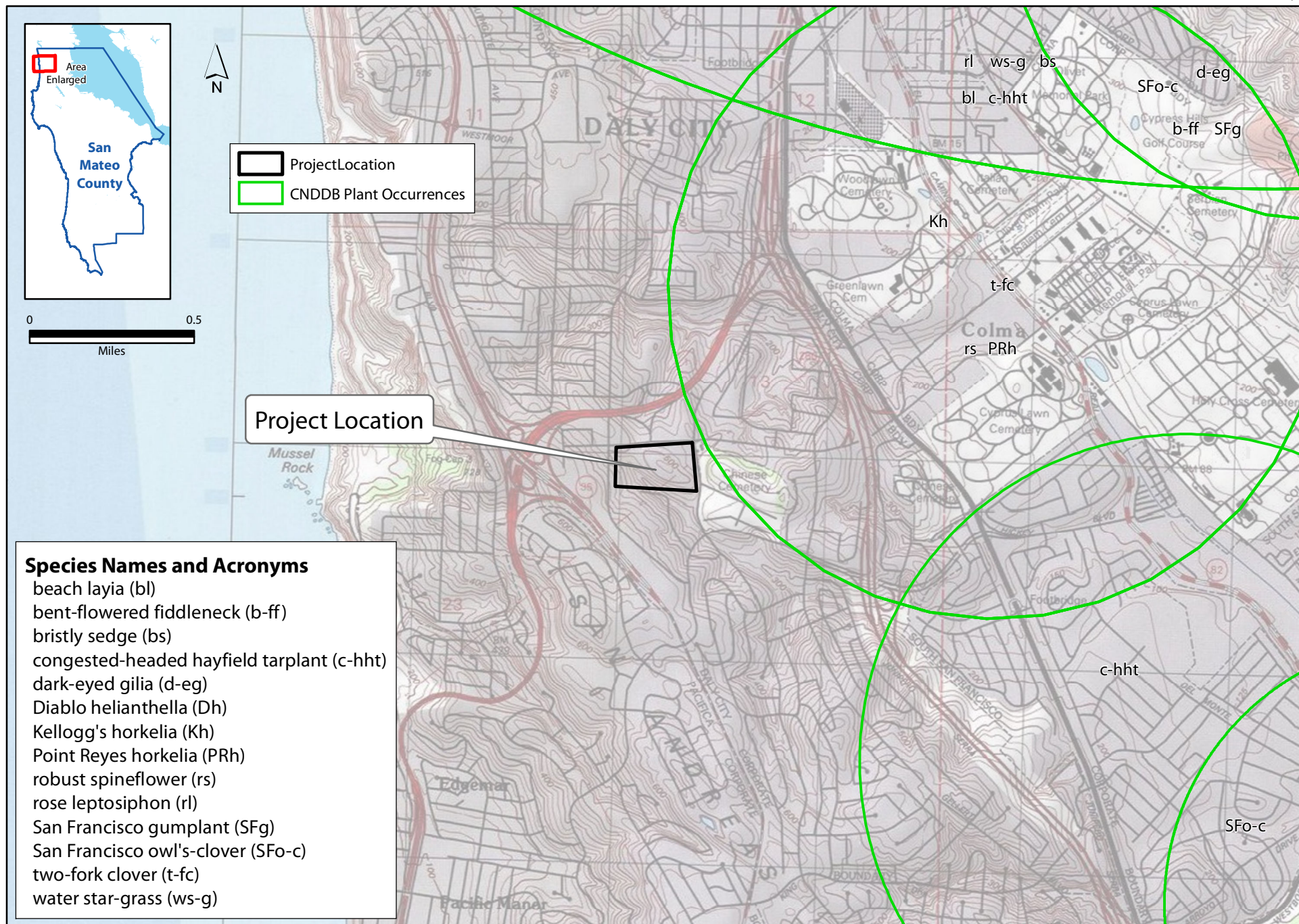
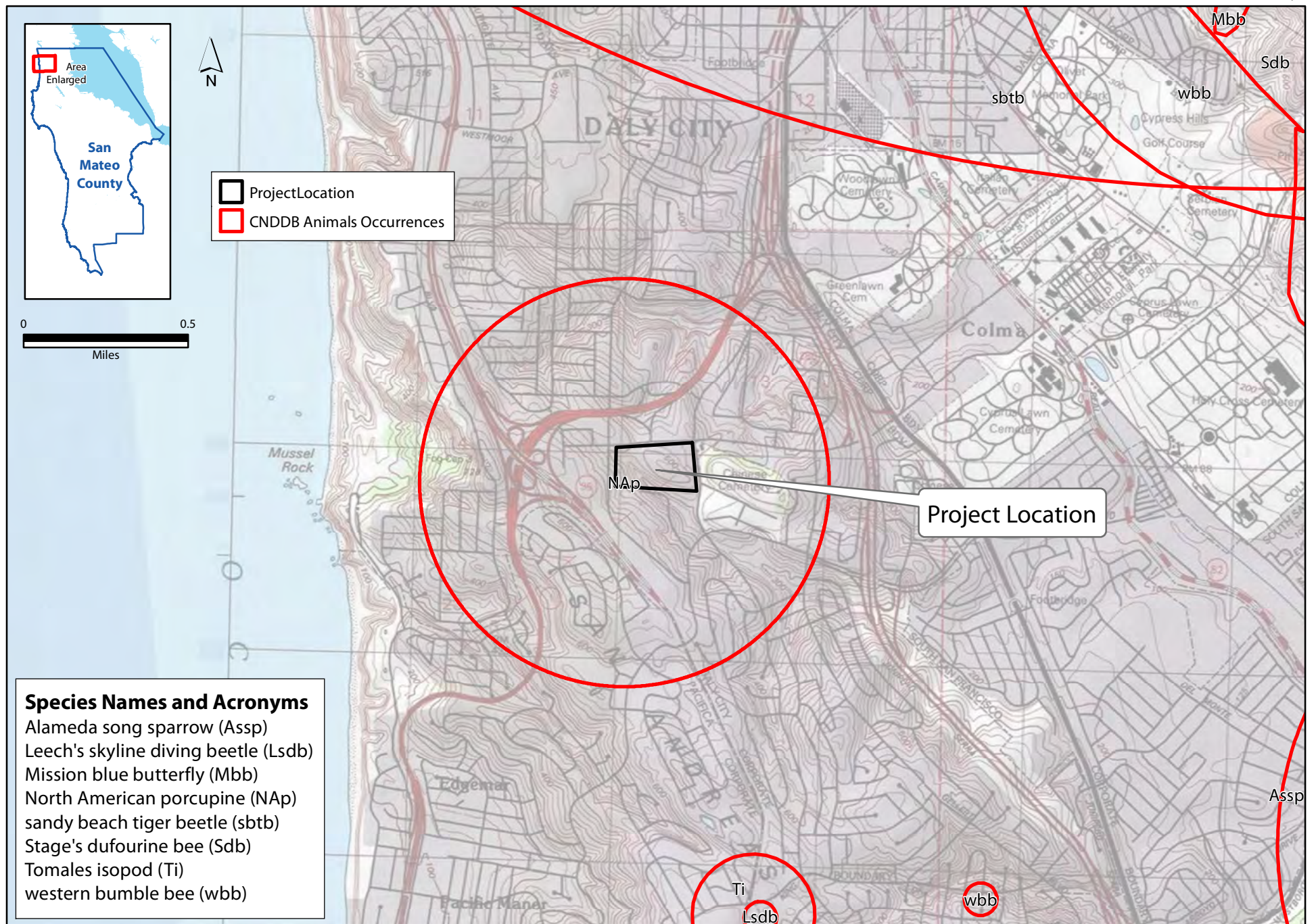


Figure 3. Special-Status Animals



APPENDIX A
Photographs of Site



View 1. View looking west towards the southwest corner of site near the fenced demonstration garden, with dense mature conifer tree plantings on the graded slope at the western edge and residences on the adjacent property to the west.



View 2. View to north of dense conifer plantings along the east edge of the site along Callan Blvd.



View 3. View to west along Serramonte Blvd frontage of dense mature with new construction in northwestern portion of the site.



View 4. View to east of mature conifer plantings along Serramonte Blvd frontage of site.



View 5. View looking west of dense native willow thicket on slope above Callan Blvd frontage, bordered by dense conifer plantings and existing roadway along eastern edge of the developed portion of the site.



View 6. Close up of native red willow (*Salix laevigata*) foliage from stand of willows in eastern portion of the site.



View 7. View to south of planted garden area with combination of native and ornamental plantings in southwestern portion of site.



View 8. View to north of planted garden area in southwestern portion of site.



View 9. View to south of stockpiles of soil and mulch and portion of fenced garden area, with stand of native willows and dense plantings around the apartment complex further south of the site.



View 10. View to east of meadow area at southern edge of garden in southwestern portion of the site.

APPENDIX B
CNDDDB Occurrence Data Summary



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad IS (San Francisco South (3712264))
 AND County IS (San Mateo)

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion	G5T2 S2	None None	Rare Plant Rank - 1B.2		25 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Amsinckia lunaris</i> bent-flowered fiddleneck	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_UCBG-UC Botanical Garden at Berkeley SB_UCSC-UC Santa Cruz		93 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Arctostaphylos imbricata</i> San Bruno Mountain manzanita	G1 S1	None Endangered	Rare Plant Rank - 1B.1	900 1,000	2 S:2	1	0	0	0	0	1	1	1	2	0	0
<i>Arctostaphylos montaraensis</i> Montara manzanita	G1 S1	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture	900 900	4 S:1	0	0	0	1	0	0	0	1	1	0	0
<i>Arctostaphylos pacifica</i> Pacific manzanita	G1 S1	None Endangered	Rare Plant Rank - 1B.1	1,045 1,045	1 S:1	0	0	1	0	0	0	0	1	1	0	0
<i>Banksia incredula</i> incredible harvestman	G1 S1	None None		1,110 1,110	1 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Bombus caliginosus</i> obscure bumble bee	G4? S1S2	None None	IUCN_VU-Vulnerable	400 400	181 S:1	0	0	0	0	0	1	0	1	1	0	0
<i>Bombus occidentalis</i> western bumble bee	G2G3 S1	None Candidate Endangered	USFS_S-Sensitive	400 700	306 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Caecidotea tomalensis</i> Tomales isopod	G2 S2S3	None None		2,100 2,100	6 S:1	0	0	1	0	0	0	1	0	1	0	0
<i>Callophrys mossii bayensis</i> San Bruno elfin butterfly	G4T1 S3	Endangered None		607 800	6 S:2	0	1	0	0	0	1	1	1	2	0	0
<i>Carex comosa</i> bristly sedge	G5 S2	None None	Rare Plant Rank - 2B.1	0 0	32 S:1	0	0	0	0	1	0	1	0	0	0	1



Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database



Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Centromadia parryi</i> ssp. <i>parryi</i> pappose tarplant	G3T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	10 10	39 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Chorizanthe cuspidata</i> var. <i>cuspidata</i> San Francisco Bay spineflower	G2T1 S1	None None	Rare Plant Rank - 1B.2	100 400	17 S:4	0	0	1	0	0	3	3	1	4	0	0
<i>Chorizanthe robusta</i> var. <i>robusta</i> robust spineflower	G2T1 S1	Endangered None	Rare Plant Rank - 1B.1	150 150	20 S:2	0	0	0	0	2	0	2	0	0	2	0
<i>Cicindela hirticollis</i> <i>gravidia</i> sandy beach tiger beetle	G5T2 S2	None None		10 10	34 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Cirsium occidentale</i> var. <i>compactum</i> compact cobwebby thistle	G3G4T2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	100 100	30 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Collinsia multicolor</i> San Francisco collinsia	G2 S2	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_UCSC-UC Santa Cruz	100 650	36 S:4	0	0	0	0	0	4	4	0	4	0	0
<i>Dufourea stagei</i> Stage's dufourine bee	G1G2 S1	None None		700 700	1 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Erethizon dorsatum</i> North American porcupine	G5 S3	None None	IUCN_LC-Least Concern	509 509	523 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Euphydryas editha bayensis</i> Bay checkerspot butterfly	G5T1 S1	Threatened None		100 1,000	30 S:2	0	0	0	0	2	0	2	0	0	0	2
<i>Falco peregrinus anatum</i> American peregrine falcon	G4T4 S3S4	Delisted Delisted	CDF_S-Sensitive CDFW_FP-Fully Protected USFWS_BCC-Birds of Conservation Concern	10 10	58 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Geothlypis trichas sinuosa</i> saltmarsh common yellowthroat	G5T3 S3	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	30 300	112 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Gilia millefoliata</i> dark-eyed gilia	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive		54 S:1	0	0	0	0	0	1	1	0	1	0	0



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California Natural Diversity Database



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Grindelia hirsutula</i> var. <i>maritima</i> San Francisco gumplant	G5T1Q S1	None None	Rare Plant Rank - 3.2 SB_UCSC-UC Santa Cruz	700 1,000	15 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Helianthella castanea</i> Diablo helianthella	G2 S2	None None	Rare Plant Rank - 1B.2	700 700	107 S:1	0	1	0	0	0	0	0	1	1	0	0
<i>Hemizonia congesta</i> ssp. <i>congesta</i> congested-headed hayfield tarplant	G5T2 S2	None None	Rare Plant Rank - 1B.2 SB_UCBG-UC Botanical Garden at Berkeley		52 S:2	0	0	0	0	1	1	2	0	1	1	0
<i>Heteranthera dubia</i> water star-grass	G5 S2	None None	Rare Plant Rank - 2B.2		9 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Horkelia cuneata</i> var. <i>sericea</i> Kellogg's horkelia	G4T1? S1?	None None	Rare Plant Rank - 1B.1 SB_UCSC-UC Santa Cruz USFS_S-Sensitive	300 600	58 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Horkelia marinensis</i> Point Reyes horkelia	G2 S2	None None	Rare Plant Rank - 1B.2		36 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Hydroporus leechi</i> Leech's skyline diving beetle	G1? S1?	None None		680 680	13 S:1	0	0	0	0	0	1	1	0	0	1	0
<i>Ischnura gemina</i> San Francisco forktail damselfly	G2 S2	None None	IUCN_VU-Vulnerable	25 25	7 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Lasiurus cinereus</i> hoary bat	G5 S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority		238 S:3	0	0	0	0	0	3	3	0	3	0	0
<i>Layia carnosa</i> beach layia	G2 S2	Endangered Endangered	Rare Plant Rank - 1B.1 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_SBBG-Santa Barbara Botanic Garden	40 40	25 S:1	0	0	0	0	1	0	1	0	0	0	1
<i>Leptosiphon rosaceus</i> rose leptosiphon	G1 S1	None None	Rare Plant Rank - 1B.1		31 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Lessingia germanorum</i> San Francisco lessingia	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1	500 500	5 S:1	0	0	1	0	0	0	1	0	1	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Lichnanthe ursina</i> bumblebee scarab beetle	G2 S2	None None		15 15	8 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Malacothamnus arcuatus</i> arcuate bush-mallow	G2Q S2	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden	700 700	30 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Melospiza melodia pusillula</i> Alameda song sparrow	G5T2? S2S3	None None	CDFW_SSC-Species of Special Concern USFWS_BCC-Birds of Conservation Concern	10 25	38 S:2	0	0	0	0	0	2	2	0	2	0	0
<i>Mylopharodon conocephalus</i> hardhead	G3 S3	None None	CDFW_SSC-Species of Special Concern USFS_S-Sensitive	20 20	33 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Pentachaeta bellidiflora</i> white-rayed pentachaeta	G1 S1	Endangered Endangered	Rare Plant Rank - 1B.1 SB_UCBG-UC Botanical Garden at Berkeley	500 500	14 S:1	0	0	0	0	1	0	1	0	0	1	0
<i>Plagiobothrys chorisianus var. chorisianus</i> Choris' popcornflower	G3T1Q S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive SB_UCSC-UC Santa Cruz	1,150 1,150	42 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Plebejus icarioides missionensis</i> Mission blue butterfly	G5T1 S1	Endangered None		400 750	14 S:9	0	1	0	0	0	8	7	2	9	0	0
<i>Rallus obsoletus obsoletus</i> California Ridgway's rail	G5T1 S1	Endangered Endangered	CDFW_FP-Fully Protected NABCI_RWL-Red Watch List	0 7	99 S:3	0	0	2	0	0	1	1	2	3	0	0
<i>Rana draytonii</i> California red-legged frog	G2G3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	12 600	1637 S:6	2	1	2	0	1	0	1	5	5	1	0
<i>Silene scouleri ssp. scouleri</i> Scouler's catchfly	G5T4T5 S2S3	None None	Rare Plant Rank - 2B.2	780 1,000	23 S:6	0	0	0	0	0	6	5	1	6	0	0
<i>Silene verecunda ssp. verecunda</i> San Francisco campion	G5T1 S1	None None	Rare Plant Rank - 1B.2 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_UCSC-UC Santa Cruz	500 1,200	20 S:2	0	0	0	0	0	2	1	1	2	0	0



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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Speyeria callippe callippe</i> callippe silverspot butterfly	G5T1 S1	Endangered None		400 900	12 S:5	0	1	0	0	0	4	3	2	5	0	0
<i>Spirinchus thaleichthys</i> longfin smelt	G5 S1	Candidate Threatened		0 0	46 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Thamnophis sirtalis tetrataenia</i> San Francisco gartersnake	G5T2Q S2	Endangered Endangered	CDFW_FP-Fully Protected	10 600	66 S:7	0	1	1	0	4	1	5	2	3	0	4
<i>Trifolium amoenum</i> two-fork clover	G1 S1	Endangered None	Rare Plant Rank - 1B.1 SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden SB_UCBG-UC Botanical Garden at Berkeley SB_USDA-US Dept of Agriculture		26 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Triphysaria floribunda</i> San Francisco owl's-clover	G2? S2?	None None	Rare Plant Rank - 1B.2	100 450	50 S:5	0	0	0	0	2	3	5	0	3	2	0
<i>Triquetrella californica</i> coastal triquetrella	G2 S2	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	1,200 1,200	13 S:1	0	0	0	0	0	1	0	1	1	0	0

APPENDIX C

National Wetland Inventory Map of Site



U.S. Fish and Wildlife Service

National Wetlands Inventory

Serramonte Del Rey Site



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

April 8, 2021

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.