December 22, 2022

Patrick Kallas
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San Jose, CA 95126

Subject: 1957 Pruneridge Avenue Project – Biological Resources Assessment (HTH #11255)

Dear Patrick Kallas:

Per your request, this report provides H. T. Harvey & Associates' assessment of existing conditions and potential impacts related to common and special-status bird species for the proposed project located at 1957 Pruneridge Avenue in Santa Clara, California. The project site currently consists of a permanently closed church and preschool with associated paved parking areas and landscaped vegetation. It is our understanding that the project entails the demolition of existing improvements and the construction of new residential buildings on the project site.

This report evaluates potential project impacts related to common and special-status bird species under the California Environmental Quality Act (CEQA) and includes a description of existing site conditions, expected use of the site by common and special-status bird species, potential project impacts related to common and special-status bird species, and any mitigation measures necessary to mitigate potentially significant impacts related to birds to less-than-significant levels under CEQA.

Project Location and Description

The approximately 2.5-acre project site is located at 1957 Pruneridge Avenue in Santa Clara, California (Figure 1). The site is bounded by Pruneridge Avenue to the south, commercial development to the east and west, and residential development to the north (Figure 2). Surrounding areas consist primarily of dense residential development.

The project site consists of two existing buildings, a paved parking lot, and associated ornamental trees and vegetation. The project would entail the demolition of all existing improvements on the project site and the construction of 22 detached two-story residences.

Methods

Prior to conducting field work, H. T. Harvey & Associates ecologists reviewed the project description, plans, and maps provided by David J. Powers & Associates through November 2022; aerial images (Google Inc. 2022); the California Department of Fish and Wildlife's California Natural Diversity Database (2022); records of birds reported in nearby areas, such as at Santa Clara Mission Cemetery and Mission City Memorial Park, on eBird (Cornell Lab of Ornithology 2022) and on the South-Bay-Birds List Serve (2022); and other relevant reports, scientific literature, and technical databases. For the purposes of this report, the *project vicinity* is defined as the area within a 5-mile radius surrounding the project site.

Following our background review, H. T. Harvey & Associates ornithologist Craig Fosdick, M.S., conducted a reconnaissance-level survey of the project site on November 30, 2022 to characterize bird use of the site and immediately surrounding areas.

Existing Conditions

Biotic Habitats

The approximately 2.5-acre project site consists of a permanently closed church and preschool with associated pedestrian walkways, paved parking areas, and landscaped vegetation. Scattered mature trees present around the buildings on the site include nonnative deodar cedar (*Cedrus deodara*), Mexican fan palm (*Washingtonia robusta*), Chinese juniper (*Juniperus chinensis*), and Japanese maple (*Acer palmatum*) as well as locally nonnative ponderosa pine (*Pinus ponderosa*), Douglas fir (*Pseudotsuga menziesii*), and coast redwood (*Sequoia sempervirens*) (Photos 1–3). Nonnative landscape plants and shrubs within this area include Chinese holly (*Ilex cornuta*), European olive (*Olea europaea*), Maitén tree (*Maytenus boaria*), blue pulmbago (*Plumbago auriculata*), and glossy privet (*Ligustrum lucidum*). Along the site's northern boundary, a strip of landscape vegetation supports two native coast live oaks (*Quercus agrifolia*) as well as several nonnative spineless yucca (*Yucca elephantipes*) (Photo 4).

Photo 1. Landscape vegetation and pedestrian pathways surround the church on the project site.

Photo 2. Scattered mature trees on project site include deodar cedars and Mexican fan palms.

Photo 3. Landscape vegetation and trees surround the preschool in the southwestern corner of the project site.

Photo 4. Nonnative spineless yucca is present along the northern edge of the project site.

Assessment of Bird Use

Terrestrial land uses and habitat conditions on the project site and in surrounding areas consist primarily of developed areas such as buildings, parking lots, and roads. Vegetation in most of the surrounding areas is very limited in extent, and consists primarily of nonnative landscaped trees and shrubs. Nonnative vegetation supports fewer of the resources required by native birds compared to native vegetation, and the structural simplicity of the vegetation (without well-developed ground cover, understory, and canopy layers) further limits resources available to birds (Anderson et al. 1977, Mills et al. 1989). Thus, although a number of bird species will regularly use the vegetation on the project site and surrounding developed areas, they typically do so in low numbers, and particularly rare species or species of conservation concern are not expected to occur on the project site. As a result, the number of individual birds that inhabit and regularly use vegetation on the project site at any given time is relatively low under existing conditions.

Habitat conditions on the project site are of relatively low quality for most native birds found in the region owing to the predominance of nonnative vegetation, the small size of the vegetated habitat patches, the scarcity of layered vegetation with structural complexity, and human disturbance due to pedestrian and vehicular traffic on and adjacent to the project site. Nevertheless, there is a suite of common, urban-adapted bird species that occur in such urban areas and are expected to occur on the site regularly. These include the nonnative European starling (*Sturnus vulgaris*) and rock pigeon (*Columba livia*) as well as the native American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), California towhee (*Melozone crissalis*), lesser goldfinch (*Spinus psaltria*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), and northern mockingbird (*Mimus polyglottos*). All of these birds are year-round residents that can potentially nest on or adjacent to the project site. The hooded oriole (*Icterus cucullatus*), which is present in the region only during migration and summer, may nest in the fan palm on the project site. A number of other species, primarily migrants or wintering birds (i.e., nonbreeders), are expected to occur occasionally on the project site as well, including the yellow-rumped warbler (*Setophaga coronata*), white-crowned sparrow (*Zonotrichia leucophrys*), and golden-crowned sparrow (*Zonotrichia atricapilla*). For example, migrants may occasionally forage in the ornamental vegetation on the site. However, no bird species are expected to occur on the site in large numbers, and all of the species expected to occur regularly are regionally abundant species. No special-status birds (i.e., species of conservation concern) are expected to nest, or occur regularly on, the project site; these species are discussed in greater detail below.

It is possible that up to one pair of raptors (e.g., hawks, owls, and falcons) could nest in one of the mature trees on the project site, but no existing raptor nests were detected in these trees during the site visit, suggesting that raptors have not nested on the site in recent years. No raptors were observed on or adjacent to the project site during the survey, although common raptor species such as red-tailed hawks (*Buteo jamaicensis*), red-shouldered hawks (*Buteo lineatus*), Cooper's hawks (*Accipiter cooperii*), and barn owls (*Tyto alba*) occur in low numbers in the surrounding vicinity and may perch or forage for prey on the site occasionally.

The project site is located in a highly urbanized area, and is surrounded by commercial and multi-family residential development with landscape vegetation similar to that on the project site (Figure 3). As a result, bird use of these surrounding areas is as described above for the project site. No sensitive habitats are located within the site vicinity. Many parks, cemeteries, and recreational fields are located in the site vicinity; the nearest open areas to the project site are the 1.5-acre Everett Alvarez Jr. Park located 0.2 mile to the northwest, the 30-acre Mission City Memorial Park located 0.2 mile to the north, the 45-acre Santa Clara Mission Cemetery located 0.5 mile to the north, the 27-acre Pruneridge Golf Club located 0.6 mile to the west, the 6.7-acre Henry Schmidt Park located 0.5 mile to the northwest, and the 39-acre Central Park located 1.3 miles to the north. Due to the predominant nonnative vegetation and high levels of disturbance within and adjacent to these parks, cemeteries, and recreational fields, as well as the highly urbanized surrounding context, these areas are not expected to provide especially valuable habitat for birds or attract large numbers of birds to the site vicinity.

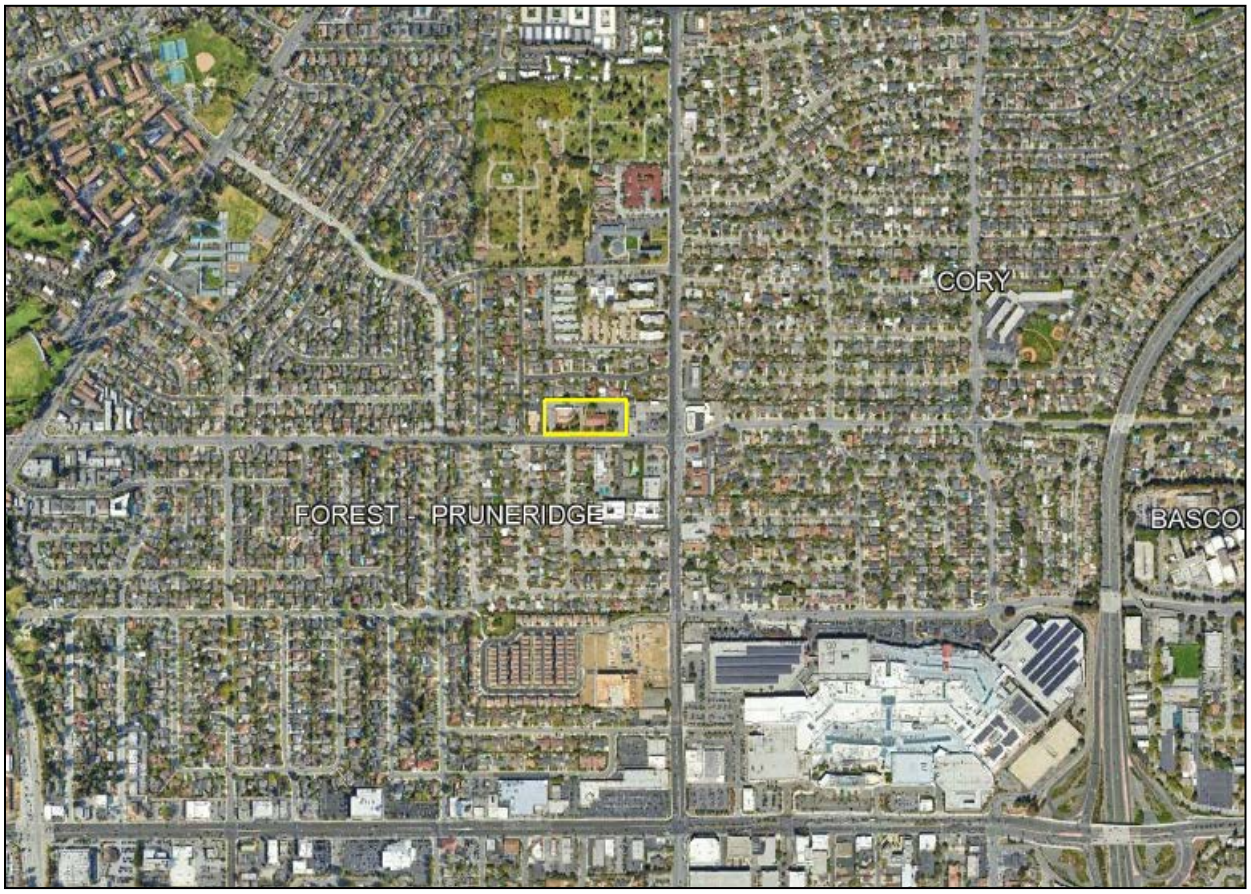

Figure 3. The project site (delineated in yellow) and surroundings are dominated by residential and commercial development.

The project site is also not located in a landscape position that would result in high numbers of birds, especially migratory birds, to be moving past the project site. Although a number of birds move along the edges of San Francisco Bay, the site is located approximately 6.3 miles from the edge of baylands habitats and is separated from those habitats by dense urban development. Moderate numbers of migratory songbirds are often concentrated at the edge of the bay during spring and fall migration. Because the project site is well inland from the baylands edge, waterbirds using habitats around the Bay would not commute in the direction of the project site. However, they tend to use more heavily vegetated areas such as riparian corridors or large, well-vegetated parks such as Coyote Point in San Mateo, Shoreline Park in Mountain View, or Sunnyvale Baylands Park in Sunnyvale. Similarly, the site is well removed from habitats in the Santa Cruz Mountains that are heavily used by resident and migratory birds. No extensive areas of natural habitat are present in the vicinity of the project site, and the project site is not located between two high-quality habitat areas such that birds would be flying past the site at an altitude as low as the proposed buildings. The nearest urban parks that provide habitat for large numbers and high diversities of birds are Los Gatos Creek County Park 4.2 miles to the south, Ulistac Natural Area 5.1 miles to the north, Stevens Creek County Park 6.5 miles to the west, and Lake Cunningham 7.7 miles to the east (Cornell Lab of Ornithology 2022); the project site is isolated from these locations by miles of dense commercial and residential development. As a result, there is no expectation that migratory songbirds would be particularly attracted to, or would make heavy use of, the habitats in the immediate project vicinity.

Special-Status Bird Species

A number of special-status bird species are known to occur (or to have occurred historically) in the project region, including the burrowing owl (*Athene cunicularia*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), and Alameda song sparrow (*Melospiza melodia pusillula*) (CNDDB 2022). However, the dense urban surroundings and absence of specific habitat features favored by these, and all other special-status bird species known to occur in the region, make the site unsuitable, as follows:

- No burrows of California ground squirrels (*Otospermophilus beecheyi*) are present on the site to provide suitable nesting or roosting habitat for the burrowing owl, a California species of special concern. The closest occurrences of burrowing owls to the project site are located at the Mineta San José International Airport approximately 2.3 miles to the northeast and Moffett Federal Airfield approximately 7.2 miles to the northwest. The developed nature of the site and its surroundings precludes the presence of suitable habitat for this species, and no suitable nesting, roosting, or foraging habitat for burrowing owls is present on or adjacent to the project site.
- The San Francisco common yellowthroat, a California species of special concern, is a subspecies of common yellowthroat that nests in fresh and saltwater marshes near the edge of the Bay, and in riparian habitats along streams. The Alameda song sparrow, also a California species of special concern, is a subspecies of song sparrow that is endemic to the Central and South San Francisco Bay. No suitable nesting or foraging habitat for these species is present on the project site, which does not support marsh habitats, wetland vegetation, or riparian habitat, and is not located within or adjacent to tidal areas. Thus, these species are determined to be absent from the project site.

A number of special-status bird species can occasionally occur on the project site as nonbreeding foragers. These include the white-tailed kite (*Elanus leucurus*), Vaux's swift (*Chaetura vauxi*), and tricolored blackbird (*Agelaius tricolor*). These species are not expected to nest on or immediately adjacent to the project site due to a lack of suitable nesting habitat, and will be affected very little, if at all, by the proposed project:

- The white-tailed kite, a state fully protected species, is known to nest along the periphery of the urbanized Valley floor in eastern Cupertino (e.g., at Rancho San Antonio Open Space Preserve, along Stevens Creek, and at Fremont Older Open Space Preserve). However, the project site is separated from these areas by several miles of high-intensity urbanization, and no large, open grassland areas are present within or near the project site to provide foraging opportunities for this species. Although potentially suitable nesting habitat for white-tailed kites is present on the project site in the form of mature trees (e.g., pines and redwoods), the species is not expected to nest on the site due to the lack of foraging opportunities (e.g., grasslands that support small mammal prey) in the vicinity. Further, no old, existing raptor nests were detected on the site during the reconnaissance survey, indicating that raptors have not nested on the site in recent years. Individual white-tailed kites may fly over the site occasionally, but are not expected to make regular use of the site for perching or foraging.

- The Vaux's swift may occasionally forage aerially over the site, and the tricolored blackbird can occasionally occur on or adjacent to the project site as a nonbreeding forager, but these species do not nest on or adjacent to the site. These species are not expected to nest, roost, or breed on or immediately adjacent to the project site due to a lack of suitable nesting, roosting, or breeding habitat, and will be affected very little, if at all, by the proposed project.

In conclusion, the only special-status animal species potentially using the project site are the white-tailed kite, Vaux's swift, and tricolored blackbird, which may occur only as occasional nonbreeding foragers.

Biotic Impacts and Mitigation

Following is an assessment of potential project impacts related to common and special-status bird species. For each potential impact, we describe potential CEQA and regulatory considerations.

Impacts on the White-Tailed Kite, Vaux's Swift, and Tricolored Blackbird (Less than Significant)

The white-tailed kite, Vaux's swift, and tricolored blackbird may occur on or adjacent to the project site as nonbreeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers within or near the project impact area.

The white-tailed kite (a California fully protected species) may occur on the site occasionally, but sufficient open foraging habitat to support a nesting pair of this species is not present on or near the project site, and the species is not expected to nest on the site or occur there regularly. The Vaux's swift (a species of special concern) may fly over the site in small numbers on occasion during the migration seasons, but this species is not known to nest in Santa Clara and is not expected to make regular use of the project site. The tricolored blackbird (a state threatened species) is not expected to occur on or close to the project site as a breeder due to the absence of suitable habitat, but individuals may occur occasionally as foragers during the nonbreeding season.

Activities under the proposed project would have some potential to impact foraging habitats and/or disturb individuals of these species. Construction activities might result in a temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals, as individuals of these species would fly away from any construction areas or equipment before they could be injured or killed. Further, the project site does not provide important foraging habitat used regularly or by large numbers of individuals of either of these species. As a result, impacts of the project will have little impact on these species' foraging habitat and no substantive impact on regional populations of these species. Therefore, this impact would be less than significant.

Impacts on Nesting Birds (Less than Significant)

Although no special-status birds are expected to nest on or near the site, a variety of common, urban-adapted bird species, including up to one pair of raptors and several pairs of other bird species (as discussed under *Assessment of Bird Use* above), could nest on the site. Construction disturbance during the bird nesting season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. Due to the absence of native or sensitive habitats from the project site, the habitat on the site supports only regionally common, urban-adapted breeding birds, and the numbers that occur on the site (i.e., one to several pairs of each species) represent only a very small proportion of these species' regional populations. This type of impact would not be considered significant under CEQA, in our opinion, because of the local and regional abundances of the species that could potentially nest on the site and the very low magnitude of the potential impact of development on these species (i.e., the project is expected to impact only a few pairs of these species, which is not a substantial impact on their regional populations). Therefore, in our opinion, project impacts on nesting and foraging birds that occur on the site would not rise to the CEQA standard of having a substantial adverse effect.

Nevertheless, several species of common native birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, including raptors, may nest in trees and shrubs or on structures both on the site and immediately adjacent to the site. Therefore, removal of vegetation or demolition of structures supporting active nests may cause the direct loss of eggs or young, while construction-related activities located near an active nest may cause adults to abandon their eggs or young. Recommended measures to ensure project compliance with the MBTA and California Fish and Game Code are provided under *Compliance with Additional Laws and Regulations for Nesting Birds* below.

Compliance with Additional Laws and Regulations for Nesting Birds

Several species of common native birds protected by the MBTA and California Fish and Game Code, including raptors, may nest in trees and shrubs on the site or immediately adjacent to the site. It is also possible that protected native birds could nest on the buildings on the site. The removal of vegetation or demolition of a building supporting active nests may cause the direct loss of eggs or young, while construction-related activities located near an active nest may cause adults to abandon their eggs or young. This type of impact would not be significant under CEQA, in our opinion, because of the local and regional abundances of the species that could potentially nest on the site and the very low magnitude of the potential impact of development on these species (i.e., the project is expected to impact only a few pairs of these species, which is not a substantial impact on their regional populations). However, the following measures should be implemented to ensure that project activities do not violate the MBTA and California Fish and Game Code:

Measure 1. Avoidance of the Nesting Season. To the extent feasible, commencement of demolition and construction activities should be scheduled to avoid the nesting season. If demolition and construction activities are scheduled to commence outside the nesting season, potential demolition/construction impacts on nesting

birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

Measure 2. Pre-Activity/Pre-Disturbance Surveys. If it is not possible to schedule the commencement of demolition and construction activities between September 1 and January 31, then pre-activity surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of demolition or construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and buildings) in and immediately adjacent to the impact areas for nests.

Measure 3. Non-Disturbance Buffers. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.

Measure 4. Inhibition of Nesting. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and minimize the potential delay of the project due to the presence of active nests in these substrates.

Summary

In conclusion, the findings of our assessment are as follows:

- Although a number of common bird species, including raptors, will regularly use the vegetation on the project site and surrounding developed areas, they typically do so in low numbers, and particularly rare species or species of conservation concern are not expected to occur on the project site.
- Activities under the proposed project would have some potential to impact foraging habitats and/or disturb individual special-status birds such as the white-tailed kite (a state fully protected species), Vaux's swift (a California species of special concern), and tricolored blackbird (a state threatened species). However, the project will have little impact on these species' foraging habitat and no substantive impact on regional populations of these species. Therefore, this impact would be less than significant under CEQA.
- Construction disturbance during the bird nesting season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings of common raptors and other protected birds, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. This type of impact would not be considered significant under CEQA, in our opinion, because of

the local and regional abundances of the species that could potentially nest on the site and the very low magnitude of the potential impact of development on these species.

- Several species of common native birds protected by the MBTA and California Fish and Game Code, including up to one pair of raptors, may nest in trees, in shrubs, and on buildings on or immediately adjacent to the site. Recommended measures are provided to ensure that project activities do not violate the MBTA and California Fish and Game Code, including avoidance of the nesting season, pre-activity surveys, non-disturbance buffers, and inhibition of nesting.

Please feel free to contact me by email at rcarle@harveyecology.com or by phone at (408) 677-8737 if you have any questions regarding this report. Thank you for contacting H. T. Harvey & Associates regarding this project.

Sincerely,

Robin Carle, M.S.
Senior Associate Wildlife Ecologist/Project Manager

Attachments: Figures 1 and 2

References

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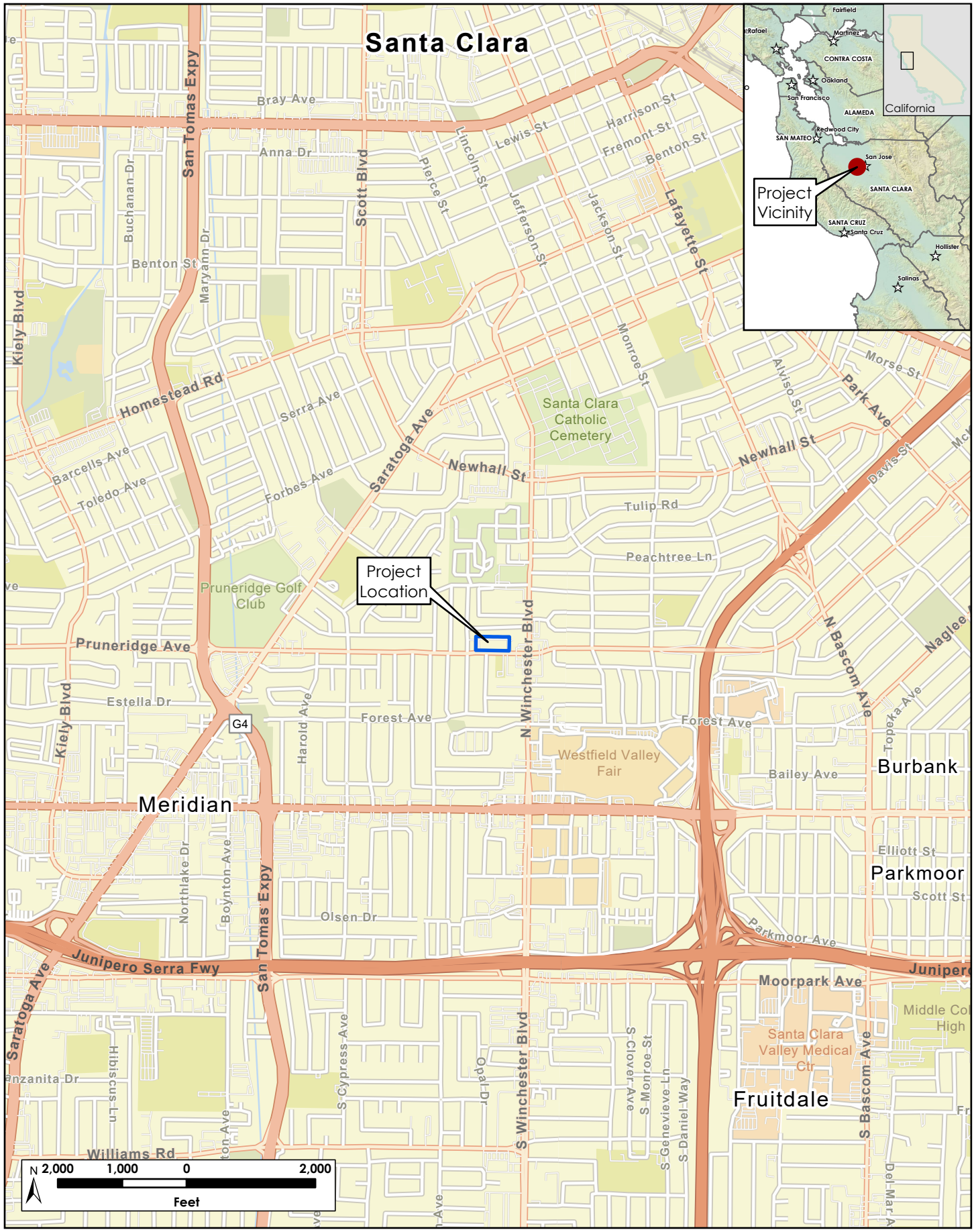

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Figure 1. Vicinity Map
1957 Pruneridge Avenue Biological Resources Assessment (11255)
December 2022

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Figure 2. Project Site
1957 Pruneridge Avenue Biological Resources Assessment (11255)
December 2022