

Appendix C

Supporting Biological Resources Information



H. T. HARVEY & ASSOCIATES

Ecological Consultants



**1814-1820 Ogden Drive Redevelopment Project
Biological Resources Report**

Project #4449-01

Prepared for:

Ogden Properties MGMT, LLC
311 9th Avenue
San Mateo, CA 94401

Prepared by:

H. T. Harvey & Associates

July 9, 2020

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List of Preparers

Steve Rottenborn, Ph.D., Principal/Senior Wildlife Ecologist

Kim Briones, M.S., Wildlife Ecologist

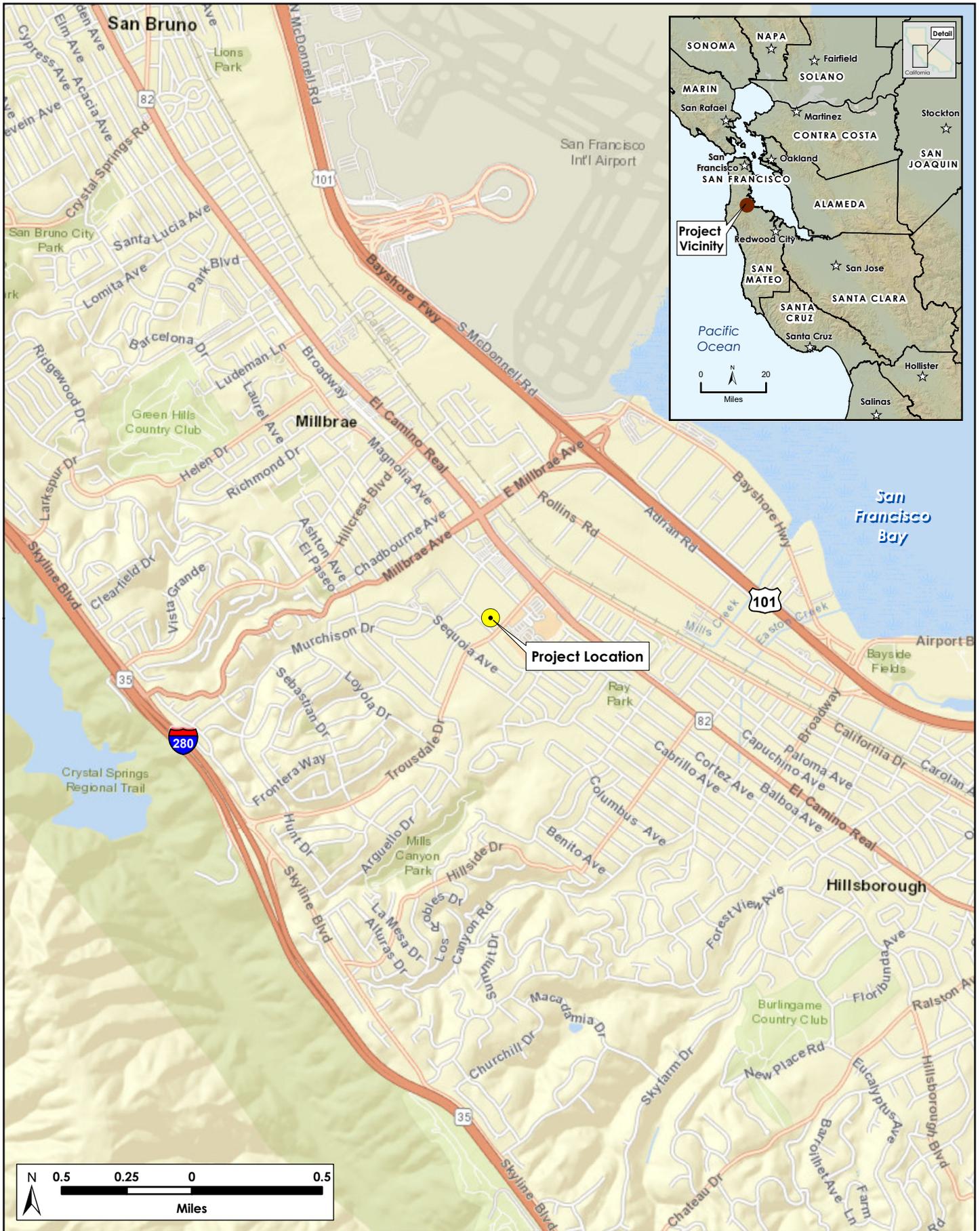
Christian Knowlton, B.S., Wildlife Ecologist

Section 1. Introduction

This report describes the biological resources present in and adjacent to the proposed 1814-1820 Ogden Drive Redevelopment Project, as well as the potential impacts of the proposed project on biological resources and measures necessary to reduce any potentially significant impacts to less-than-significant levels under the California Environmental Quality Act (CEQA). This report was prepared to facilitate CEQA review of the project by the City of Burlingame.

1.1 Project Description and Location

The approximately 0.81-acre (ac) project site is located at 1814-1820 Ogden Drive in Burlingame, California (Figures 1). The project site is bounded by residential development to the east, west, and south and by an open ruderal plot of land to the north (Figure 2). The proposed project entails demolition of two existing office buildings (1814 and 1820 Ogden Drive) and construction of a 90-unit condominium building.



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Figure 1. Vicinity Map
1814-1820 Ogden Drive Redevelopment
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Figure 2. Study Area

1814-1820 Ogden Drive Redevelopment Project
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Section 2. Methods

H. T. Harvey & Associates wildlife ecologist Christian Knowlton, B.S., conducted a reconnaissance-level field survey of the project site on June 17, 2020. The purpose of this survey was to provide a project-specific impact assessment for the proposed project. Specifically, the survey was conducted to (1) assess existing biotic habitats and general plant and wildlife communities on the project site, (2) assess the potential for the project to impact special-status species and/or their habitats, and (3) assess the presence or absence of potential jurisdictional habitats, such as Waters of the U.S./State and riparian habitat. Additionally, Mr. Knowlton conducted a focused survey for evidence of previous raptor nesting activity (i.e., large stick nests) and potential bat roosting habitat.

Prior to conducting the site visit, information concerning threatened, endangered, or other special-status species that could occur in the project region was reviewed, including information from the following sources:

- California Natural Diversity Database (CNDDDB) and its associated species accounts (CNDDDB 2020)
- Species list information for the vicinity from the website of the U.S. Fish and Wildlife Service (USFWS) (<https://ecos.fws.gov/ipac/>)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2020)
- Relevant scientific literature, technical databases, and resource agency reports

A search of the CNDDDB Rarefind database (CNDDDB 2020) was conducted for special-status plant and animal species occurring in the *Montara Mountain*, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles within which the site is located, as well as the five surrounding quadrangles (*San Francisco South, Hunters Point, San Mateo, Woodside, and Half moon Bay*). In addition, for plants we reviewed the Online Inventory of Rare Plants (CNPS 2020) for information regarding the distribution and habitats of vascular plants designated as California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, or 3 that occur in any of the six USGS quadrangles listed above. We also considered the CNPS plant list for San Mateo County, as the CNPS does not maintain quadrangle-level records for CRPR 4 species.

Section 3. Environmental Setting

3.1 Biotic Habitats

Vegetation. The reconnaissance-level field survey identified one land cover/habitat type, developed/landscaped, on the project site. The site is composed of a parking lot and two existing office buildings (Photos 1 and 2). Vegetation on the site consists of ornamental tree species and shrubs. Along the perimeter and throughout the parking lot, these species include pepper tree (*Schinus* sp.), ornamental pine tree (*Pinus* sp.), oleander (*Nerium oleander*), common ivy (*Hedera helix*), ornamental roses (*Rosa* sp.), boxwood (*Buxus* sp.), and Italian cypress (*Cupressus sempervirens*).



Photo 1. Existing office buildings on the project site.



Photo 2. Parking lot surrounding existing buildings on the project site.

Wildlife. The wildlife most often associated with developed and landscaped areas are those that are tolerant of frequent human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), eastern gray squirrel (*Sciurus carolinensis*), house mouse (*Mus musculus*), and Norway rat (*Rattus norvegicus*). Several common native species are also able to utilize these habitats, especially the buildings and landscaped areas, including the western fence lizard (*Sceloporus occidentalis*), striped skunk (*Mephitis mephitis*), and a variety of common bird species. The limited trees and shrubs on the site provide suitable nesting substrate for a number of native bird species such as the house finch (*Haemorhous mexicanus*), dark-eyed junco (*Junco hyemalis*), and mourning dove (*Zenaida macroura*). House finch, American crow (*Corvus brachyrhynchos*), chestnut backed chickadee (*Poecile rufescens*), Anna's hummingbird, and American robin (*Turdus migratorius*) were observed foraging on the project site. They are expected to occur there year-round and could breed on or adjacent to the site. In addition, several large native and ornamental trees directly adjacent to the northeastern site boundary

provide suitable nesting habitat for raptors such as the Cooper's hawk (*Accipiter cooperii*). However, no old nests of raptors were observed on the site during the reconnaissance survey.

Potential day-roosting habitat for bats was observed along the northwest side of the 1814 Ogden Drive building (Photos 3 and 4). Portions of the roof eave vent are deteriorated, and there are many locations where bats could access the eaves. However, a close examination of the area failed to detect any evidence of bat activity (i.e., guano or urine staining) that would suggest that bats have ever occupied this space. Therefore, based on the lack of any bat sign, we determined that roosting bats are absent from the site.



Photo 3. Roof eave vent along the northwest side of 1814 Ogden Drive.



Photo 4. Close-up of gaps in the roof eave vent in the northern corner of 1814 Ogden Drive.

Section 4. Special-Status Species and Sensitive Habitats

As described in *Methods* above, information concerning threatened, endangered, or other special-status species that could occur on the project site was collected from several sources and reviewed by H. T. Harvey & Associates biologists. The specific habitat requirements and the locations of known occurrences of each special-status species were the principal criteria used for inclusion in the list of species potentially occurring on the site. Figures 3 and 4 are maps of the CNDDDB's special-status plant and animal records in the general vicinity of the project site, defined for the purposes of this report as the area within a 5-mile (mi) radius. These generalized maps are valuable on a historical basis, showing areas where special-status species occur or have occurred previously, but they do not necessarily represent current conditions or definitively indicate areas where special-status species are present or absent.

4.1 Special-Status Plants

A list of special-status plants with some potential for occurrence in the project vicinity was compiled using CNPS lists (CNPS 2020) and CNDDDB records (CNDDDB 2020) and reviewed for their potential to occur on the project site. Based on an analysis of the documented habitat requirements and occurrence records associated with these species, all were determined to be absent from the project site. These species were considered absent from the project site due to its entirely developed or landscaped condition, which does not support any natural habitat types. For example, although Franciscan onion (*Allium peninsulare* var. *franciscanum*) has previously been recorded near the site, the habitat in which that species occurs is not present on the project site.

4.2 Special-Status Animals

A number of special-status animal species are known to occur in the project region (Figure 4). However, the dense urban surroundings and absence of specific habitat features favored by various special-status animal species make the site unsuitable for any of these species. For example, the burrowing owl (*Athene cunicularia*), a California Species of Special Concern, is known from the region and has been observed infrequently at the San Mateo Shoreline Park, approximately 4.75 mi to the east (CNDDDB 2020). However, because no burrows of California ground squirrels (*Spermophilus beecheyi*) are present on the project site to provide suitable nesting habitat for burrowing owls, and the developed nature of the site and its surroundings, precludes the potential for this species to occur on the site. Therefore, special-status animals species are determined to be absent from the project site, and we do not expect burrowing owls or any other special-status animal species to be affected by building demolition or construction.



Figure 4. CNDDB-Mapped Records of Special-Status Animals

4.3 Sensitive and Regulated Habitats

The California Department of Fish and Wildlife (CDFW) ranks certain rare or threatened plant communities, such as wetlands, meadows, and riparian forest and scrub, as ‘threatened’ or ‘very threatened’. These communities are tracked in the CNDDDB. Impacts on CDFW sensitive plant communities, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under CEQA (California Code of Regulations: Title 14, Div. 6, Chap. 3, Appendix G). Furthermore, aquatic, wetland and riparian habitats are also afforded protection under applicable federal, state, or local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or CDFW.

Waters of the U.S./State. No habitat observed on the project site possesses the field characteristics used by the federal and state resource/regulatory agencies in defining their jurisdiction (i.e., waters of the U.S., under the Clean Water Act, or waters of the State under the Porter-Cologne Water Quality Control Act). Therefore, no jurisdictional or regulated waters or aquatic habitats were found to occur on the project site.

CDFW Sensitive Habitats. A query of sensitive habitats in Rarefind (CNDDDB 2019) identified three sensitive habitat as occurring in the project vicinity, northern maritime chaparral (Rank G1/S1.2), serpentine bunchgrass (Rank G2/S2.2), and valley needlegrass grassland (Rank G3/S3.1) (Figure 3). None of these habitats are present on the project site, and the closest occurrences of these habitats are between 3 and 5 miles west of the project site; thus these habitats are determined to be absent from the site.

The CDFW also maintains a list of vegetation alliances and associations within the state of California (CDFW 2020). This list includes global (G) and state (S) rarity ranks for associations and alliances. Alliances and associations currently ranked as S1-S3 are considered highly imperiled. Within the project site, all habitats are altered and consist entirely of landscaped shrubs and developed areas with pavement and buildings. Therefore, no sensitive alliances or associations as defined by the CDFW are present on the project site.

Section 5. Impacts and Mitigation Measures

5.1 Overview

The State CEQA Guidelines provide direction for evaluating impacts of projects on biological resources and determining which impacts will be significant. CEQA defines “significant effect on the environment” as “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.” Under State CEQA Guidelines section 15065, a project's effects on biotic resources are deemed significant where the project would:

- “substantially reduce the habitat of a fish or wildlife species”
- “cause a fish or wildlife population to drop below self-sustaining levels”
- “threaten to eliminate a plant or animal community”
- “reduce the number or restrict the range of a rare or endangered plant or animal”

In addition to the section 15065 criteria that trigger mandatory findings of significance, Appendix G of State CEQA Guidelines provides a checklist of other potential impacts to consider when analyzing the significance of project effects. The impacts listed in Appendix G may or may not be significant, depending on the level of the impact. For biological resources, these impacts include whether the project would:

- A. “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 Wildlife or U.S. Fish and Wildlife Service”
- B. “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”
- C. “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”
- D. “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”
- E. “conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance”
- F. “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 impact assessment below is structured based on the six significance criteria (A-F) listed above.

5.1 Impacts on Special-Status Species: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (No Impact)

As described above, no special-status plant species are considered to have potential to occur on the project site, and the presence of special-status animals is precluded by the combination of a lack of suitable habitat and the presence of extensive development in surrounding areas. Therefore, the proposed project would have no impact on special-status plants or animals.

5.2 Impacts on Sensitive Communities: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (No Impact)

No riparian habitats or other sensitive natural communities are present on or immediately adjacent to the project site, and thus none will be impacted by the project.

5.3 Impacts on Wetlands: 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 (No Impact)

No wetlands or other waters of the U.S./State occur on, or immediately adjacent to, the project site. Thus, the project would result in no direct or indirect impacts on jurisdictional wetlands.

5.4 Impacts on Wildlife Movement: 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 (Less than Significant with Mitigation)

Impacts on Wildlife Movement and Native Wildlife Nursery Sites (Less than Significant)

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between these different habitats while also providing cover. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold impact on wildlife: first, as habitat patches become smaller they are unable to support as many individuals (patch size), and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

The entirety of the project site has been developed or landscaped. The proposed project site is also surrounded by existing development. Therefore, the project would not result in the fragmentation of natural habitats. In

addition, the project site does not provide extensive and/or high-quality habitat areas that would support large breeding populations of any wildlife species, and therefore, no native wildlife nursery sites are present.

Nevertheless, small numbers of native bird species nest on the project site. Construction disturbance during the avian breeding 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. However, the habitats on the project site are expected to support only regionally common, urban-adapted breeding birds, due to the absence of sensitive habitats from the project site. In addition, common urban-adapted birds are expected to continue to nest and forage on the project site after project construction is completed. These birds are habituated to disturbance related to the surrounding developed areas, which support only a very small proportion of these species' regional populations. Therefore, project impacts on nesting and foraging birds that use the site, due to habitat impacts or disturbance of nesting birds, would not rise to the CEQA standard of having a substantial adverse effect, and these impacts would not constitute a significant impact on these species or their habitats under CEQA.

Nevertheless, all native bird species are protected from direct take by federal and state statutes. Therefore, we recommend that the following measures be implemented to ensure that project activities comply with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code:

Measure 1. Avoidance. To the extent feasible, construction activities (or at least the commencement of such activities) should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.

Measure 2. Preconstruction/Pre-disturbance Surveys. If it is not possible to schedule construction activities between September 1 and January 31 then preconstruction 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 construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., shrubs, grasslands, buildings) in and immediately adjacent to the impact areas for nests.

Measure 3. 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 prevent the potential delay of the project due to the presence of active nests in these substrates.

Impacts Related to Avian Collisions (Less than Significant)

Development of the proposed project would result in the replacement of two existing buildings one a single story building the other a three story building with a 6 story 90 unit condominium building. Construction of the new building may increase the risk of avian mortality due to collisions. Glass windows and building facades can result in injury or mortality of birds due to collisions with these surfaces. Because birds do not perceive glass as an obstruction the way humans do, they may collide with glass when the sky or vegetation is reflected in glass (e.g., they see the glass as sky or vegetated areas); when transparent windows allow birds to perceive an unobstructed flight route through the glass (such as at corners); and when the combination of transparent glass and interior vegetation (such as in planted atria) results in attempts by birds to fly through glass to reach that vegetation. These risks are highest for buildings in or near areas of high avian activity or movement, such as migratory corridors, large open spaces, large water bodies, and riparian habitats.

Currently, terrestrial land uses and habitat conditions within and adjacent to the project site consist primarily of developed and landscaped uses such as low and mid-rise buildings (i.e., 1 to 6 stories), parking lots, and roads. Vegetation in these areas is limited in extent, and consists primarily of nonnative landscape trees and shrubs. Although a number of bird species will use such vegetation, they typically do so in low numbers. Nonnative vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation (without well-developed ground cover, understory, and canopy layers) further limits resources available to birds.

Proposed conditions on the project site will be similar to existing conditions in terms of habitat for birds, with commercial buildings and associated parking areas and nonnative landscapes. Following construction of the project, birds using habitats on the site or flying through the area may collide with the new six-story building due to the presence of glass on the building façade. However, as stated above, bird use on the site is expected to be relatively low following construction, the site is not located adjacent to any parks or open space areas that receive high bird use, and birds are not expected to preferentially fly through the site on route between natural areas in the region. Thus, due to the low numbers of birds expected to use or travel through the site following project construction, construction of the new buildings on the site is not expected to result in a substantial increase in bird collisions following project construction. Therefore, project impacts resulting from bird collisions would not rise to the CEQA standard of having a substantial adverse effect, and this impact would not constitute a significant impact under CEQA.

5.5 Impacts due to Conflicts with Local Policies: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Less than Significant)

The City of Burlingame's Municipal Code has several stipulations regarding protected trees (Burlingame Municipal Code Chapter 11.06). A protected tree is defined as follows:

- Any tree with a circumference of forty-eight (48) inches or more when measured fifty-four (54) inches above natural grade; or
- A tree or stand of trees so designated by the city council based upon findings that it is unique and of importance to the public due to its unusual appearance, location, historical significance or other factor; or
- A stand of trees in which the director has determined each tree is dependent upon the others for survival.

Removal or pruning of a protected tree requires a permit to remove or prune a protected tree, and either replacement of the tree or an in-lieu fee payment. Removal of a protected tree without a permit from the City of Burlingame would constitute a significant impact under CEQA (Significance Criterion E).

The removal or damage of trees protected by the City municipal code is considered potentially significant under CEQA. However, if any regulated trees are to be removed, the project would comply with the City's municipal code, including obtaining a permit from the City and replacing any regulated trees removed as required by the municipal code. Therefore, impacts related to conflict with local policies or ordinances would be less than significant.

5.6 Impact due to Conflicts with an Adopted Habitat Conservation Plan: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (No Impact)

The project site is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with any such documents.

5.7 Cumulative Impacts

Cumulative impacts arise due to the linking of impacts from past, current, and reasonably foreseeable future projects in the region. Future development activities in the City of Burlingame will result in impacts on the same habitat types and species that will be affected by the proposed project. The proposed project, in combination with other projects in the area and other activities that impact the species that are affected by this

project, could contribute to cumulative effects on special-status species. Other projects in the area include office/retail/commercial development and residential projects that could adversely affect these species.

The cumulative impact on biological resources resulting from the project in combination with other projects in the project area and larger region would be dependent on the relative magnitude of adverse effects of these projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA mitigation measures, and permit requirements for each project; compensatory mitigation and proactive conservation measures associated with each project. In the absence of such avoidance, minimization, compensatory mitigation, and conservation measures, cumulatively significant impacts on biological resources would occur.

However, the City of Burlingame's General Plan contains conservation measures that would benefit biological resources. Further, the project would implement a number of measures to reduce impacts on both common and special-status species, as described above. Thus, the project would not contribute to substantial cumulative effects on biological resources.

Section 6. Literature Cited

- [CDFW] California Department of Fish and Wildlife. 2020. VegCAMP Natural Communities Lists. <https://www.wildlife.ca.gov/data/vegcamp/natural-communities>. Accessed June 2020.
- [CNDDDB] California Department of Fish and Wildlife. 2020. California Natural Diversity Data Base. Rarefind 5. California Department of Fish and Wildlife, Biogeographic Data Branch. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed June 2020.
- [CNPS] California Native Plant Society. 2020. Inventory of Rare and Endangered Plants (online edition, v8-01a). California Native Plant Society. Sacramento, CA. <http://www.rareplants.cnps.org/advanced.html>. Accessed June 2020.
- Cornell Lab of Ornithology 2020. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available: <http://www.ebird.org>. Accessed: June 2020.