

4.4 BIOLOGICAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 regulated by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.4.1 Environmental Setting

Regionally, the project site has a Mediterranean climate characterized by cool, dry summers and moderate winters, with average annual temperatures ranging from 65.2 to 49.3 degrees Fahrenheit (°F). Historical data used to describe the climate was collected at the San Francisco International Airport Station, approximately 5.5 miles south of the project site (Western Regional Climate Center 2019). Precipitation in the project site occurs as rain. Average annual rainfall is 19.94 inches and primarily occurs from October through May.

A Stantec biologist conducted a desktop analysis based on a review of existing information about sensitive biological resources known to occur near the project site to determine whether biological resources are absent, present, and/or are likely to be present. For the purpose of this evaluation, special-status plant species include plants that are as

follows: 1) listed as threatened or endangered under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA); 2) proposed for federal listing as threatened or endangered; 3) state or federal candidate species; 4) designated as rare by the California Department of Fish and Wildlife (CDFW); or 5) California Rare Plant Rank 1A, 1B, 2A or 2B species. Special-status animal species include species that are as follows: 1) listed as threatened or endangered under CESA or FESA; 2) proposed for federal listing as threatened or endangered; 3) state or federal candidate species; or 4) identified by the CDFW as species of special concern or fully protected species.

Sensitive natural communities are those communities that are highly limited in distribution and may or may not contain rare, threatened, or endangered species. The California Natural Diversity Database (CNDDDB) ranks natural communities according to their rarity and endangerment in California. Habitats are considered sensitive if they are identified on the CDFW List of Vegetation Alliances and Associations as being highly imperiled or classified by CDFW in the CNDDDB as natural communities of special concern – Ranks S1 to S3.

A CNDDDB and California Native Plant Society (CNPS) database search for special-status species typically includes nine U.S. Geological Survey 7.5-minute quadrangle maps for a small project located within a single quadrangle—the quadrangle that covers the study area—and the eight quadrangles that surround the project quadrangle. In this case, the *San Francisco South*, *San Francisco North*, *Oakland West*, and *Hunter's Point* topographic quadrangles within a 5-mile radius of the project site were queried.

Other information sources consulted to determine which special-status species could potentially occur in the project site included the following:

- USGS California 7.5-minute topographic quadrangles for San Francisco South, San Francisco North, Oakland West, and Hunter's Point;
- Aerial photographs of the project site and surrounding vicinity (Google Earth 2019);
- United States Fish and Wildlife Service (USFWS) list of endangered and threatened species that may occur in the project site (USFWS 2019a);
- USFWS Designated Critical Habitat (USFWS 2019a)
- USFWS National Wetlands Inventory (USFWS 2019b)
- The CDFW CNDDDB plant and animal records within 5 miles of the project site (CDFW 2019a);
- Special Animals List (CDFW 2019b);
- The CNPS online Inventory of Rare and Endangered Plants (CNPS 2019)
- California Wildlife Habitat Relationships System (WHRS) (CDFW 2014).

Based on this review of existing information, a list of special-status species that have the potential to occur or are known to occur in the project site and vicinity was developed. The list was refined based on the habitat within and adjacent to the project site to determine the potential for those species to occur.

Habitat Communities

Habitat types within the project site were classified based on descriptions provided in *A Guide to Wildlife Habitats of California* (Mayer and Laudenslayer 1988), as well as the California Natural Community List (CDFW 2019c), which is adapted from the technical approach and vegetation alliance classification system described in *A Manual of California Vegetation* (Sawyer et al. 2009). The habitat community present in the project site includes Urban. No aquatic resources were identified in the project site. A description of the habitat within the project site is provided below.

Urban

The project site consists of residential and commercial structures, parking areas, landscaped areas, and an existing park. The existing park includes an open grass area, play structures, and basketball courts. Landscaped areas throughout the project site include ornamental trees and shrubs planted adjacent to roadways and walkways. Additionally, there are trees planted adjacent to the northern and eastern boundary of the project site.

Aquatic Habitats

No aquatic habitats occur within the project site; however, a small unnamed creek flows underneath the project site through a box culvert system that outlets approximately 50 feet east of the project limits into an open earthen channel. The project would not impact the existing culvert that flows underneath the project. Based on aerial imagery, vegetation along the unnamed creek includes unknown shrubs and herbaceous species. Approximately 650 feet downstream of the project site, there is an existing marsh adjacent to the channel. The unnamed creek continues flowing through another box culvert until it reaches an open channel and into the San Francisco Bay. The creek appears to receive runoff from the surrounding developments and roadsides.

Special-Status Species

Plants

A total of 65 special-status plant species were identified based on a review of pertinent literature, the USFWS species list and CNDDDB and CNPS database records. CNNDDB special-status plant species occurrences were reviewed within 5 miles of the project site. For each species, habitat requirements were assessed and compared to the habitats in the project site and immediate vicinity to determine if potential habitat occurs in the project site. The project site does not provide suitable habitat for special-status plants due to the existing development. The unnamed creek, once it outlets adjacent to the project site in an open earthen channel, has limited suitable habitat; therefore, there is low potential to support the following special-status plants within the unnamed creek channel:

- bristly sedge (*Carex comosa*) – CNPS 2B.1
- California seablite (*Suaeda californica*) – Federal Endangered (FE), CNPS 1B.1
- johnny-nip (*Castilleja ambigua* var. *ambigua*) – CNPS 4.2
- marsh sandwort (*Arenaria paludicola*) – FE, State Endangered (SE), CNPS 1B.1
- water star-grass (*Heteranthera dubia*) – CNPS 2B.2

Wildlife

A total of 58 special-status animal species were identified based on a review of pertinent literature, the USFWS species list, CNDDDB database records, and a query of the California WHRS (CDFW 2014). CNNDDB special-status animal species occurrences were reviewed within 5 miles of the project site. For each species, habitat requirements were assessed and compared to the habitats in the project site and the immediate vicinity to determine the species'

potential to occur in or near the project site. The project site does not provide suitable habitat for special-status species due to the existing development. The unnamed creek, once it outlets adjacent to the project site in an open earthen channel, has limited suitable habitat; therefore, there is low potential to support the following special-status animals within the unnamed creek channel:

- California red-legged frog (*Rana draytonii*) – Federal Threatened (FT), Species of Special Concern (SSC)
- San Francisco gartersnake (*Thamnophis sirtalis tetrataenia*) – FE, SE, Federal Protected (FP)
- western bumble bee (*Bombus occidentalis*) – Critically Endangered (CE)
- western pond turtle (*Emys marmorata*) – SSC

Based on this review of existing information, a list of special-status species that have the potential to occur or are known to occur in the project site and vicinity was developed (Appendix E). The list was refined based on the habitat within and adjacent to the project site to determine the potential for those species to occur.

Critical Habitat

The project site is not within USFWS designated critical habitat. There is critical habitat within the vicinity of the project site, including Franciscan manzanita (*Arctostaphylos franciscana*) critical habitat located 0.77-mile northwest and Bay checkerspot butterfly critical habitat located 1.25 miles south of the project site.

4.4.2 Previous Environmental Analysis

City of Daly City General Plan EIR Summary

Chapter 3.3 of the General Plan EIR discusses impacts on biological resources. According to the General Plan EIR, due to the city's urban character there are no wetlands, riparian habitat, or wildlife corridors that would be impacted by future development. The General Plan EIR indicates two undeveloped areas within the Coastal Zone and San Bruno Mountain are the only areas that contain suitable habitat for special-status species. However, adherence to established regulations and General Plan policies would ensure potential impacts to special-status species in these areas would be less than significant. The General Plan EIR also determined that the General Plan would not conflict with the San Bruno Habitat Conservation Plan or the City's Urban Forestry Ordinance.

The following General Plan policies would be applicable to the proposed project:

- Policy RME-8:** Through the development of a Stormwater Management Program, ensure that all new development complies with applicable municipal stormwater Municipal Regional Stormwater National Pollutant Discharge Elimination Service (NPDES) Permit by incorporating controls that reduce water quality impacts over the life of the project in way that is both technically and economically feasible, and reduces pollutants in stormwater discharges to the maximum extent practicable.
- Policy LU-17:** Ensure that private development is responsible for providing any on- or offsite 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 LU-23:** Through the development review process, work to protect and preserve special status plant and animal species.

Plan Bay Area EIR Summary

The following summarizes the potential impacts on biological resources discussed in Chapter 2.9 of the Plan Bay Area EIR and includes the complete text of mitigation measures previously identified by the Plan Bay Area EIR that are applicable to the proposed project.

Impact 2.9-1a: Special-Status Species. The Plan Bay Area EIR analyzed the potential impacts related to species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by CDFW or USFWS, and determined with implementation of Plan Bay Area EIR Mitigation Measure 2.9-1(a), the impact would be less than significant (Refer to Impact BIO-1 in Section 4.4.3, Project-Specific Analysis).

PBA EIR MM 2.9-1[a]: *Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, habitat for special-status plants and wildlife. The assessment shall be conducted by qualified professionals pursuant to adopted protocols and agency guidelines. Where the biological resource assessments establish that mitigation is required to avoid direct and indirect adverse effects on special-status plant and wildlife species, or compensate for unavoidable effects, mitigation shall be developed consistent with the requirements of CEQA, USFWS, CDFW, and local regulations and guidelines, in addition to requirements of any applicable and adopted Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) or other applicable plans developed to protect species or habitat. Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:*

- In support of CEQA, NEPA, CDFW, and USFWS review and permitting processes for individual proposed Plan projects, pre-project biological surveys shall be conducted as part of the environmental review process to determine the presence and extent of sensitive habitats and/or species in the project vicinity. Surveys shall follow established methods and shall be conducted at times when the subject species is most likely to be identified. In cases where impacts to state- or federally-listed plant or wildlife species are possible, formal protocol-level surveys may be required on a species-by-species basis to determine the local distribution of these species. Coordination with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or state candidate, proposed, threatened, or endangered species to determine the need for consultation or permitting actions. Projects shall obtain incidental take authorization from the permitting agencies as required before project implementation.*
- Project designs shall be reconfigured, whenever practicable, to avoid special-status species and sensitive habitats. Projects shall minimize ground disturbances and transportation project footprints near sensitive areas to the extent practicable.*
- Project activities in the vicinity of sensitive resources shall be completed during the period that best avoids disturbance to plant and wildlife species present to the extent feasible.*
- Individual projects shall minimize the use of in-water construction methods in areas that support sensitive aquatic species, especially when listed species could be present.*
- In the event that equipment needs to operate in any watercourse with flowing or standing water where special-status species may be affected, a qualified biological resource monitor shall be present to alert construction crews to the possible presence of such special-status species.*

- *If project activities involve pile driving or vibratory hammering in or near water, interim hydroacoustic threshold criteria for protected fish species shall be adopted as set forth by the Interagency Fisheries Hydroacoustic Working Group, as well as other avoidance methods to reduce the adverse effects of construction to sensitive fish, piscivorous birds, and marine mammal species.*
- *Construction shall not occur during the breeding season near riparian habitat, freshwater marshlands, and salt marsh habitats that support nesting bird species protected under the Endangered Species Act, Migratory Bird Treaty Act, or California Fish and Game Code (e.g., yellow warbler, tricolored blackbird, Ridgway's rail, etc.).*
- *A qualified biologist shall locate and fence off sensitive resources before construction activities begin and, where required, shall inspect areas to ensure that barrier fencing, stakes, and setback buffers are maintained during construction.*
- *For work sites located adjacent to special-status plant or wildlife populations, a biological resource education program shall be provided for construction crews and contractors (primarily crew and construction foremen) before construction activities begin.*
- *Biological monitoring shall be considered for areas near identified habitat for federal- and state-listed species, and a "no take" approach shall be taken whenever feasible during construction near special-status plant and wildlife species.*
- *Efforts shall be made to minimize the adverse effects of light and noise on listed and sensitive wildlife.*
- *Project activities shall comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of special-status species.*
- *Compensatory mitigation for unavoidable loss of habitat or other impacts to special-status species may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies.*

Impact 2.9-1b: Designated Critical Habitat. The Plan Bay Area EIR analyzed the potential impacts related to designated critical habitat for federally listed plant and wildlife species and determined with implementation of Mitigation Measure 2.9-1(b), the impact would be less than significant. Mitigation Measure 2.9-1(b) is not applicable to the proposed project (Refer to Impact BIO-2 in Section 4.4.3, Project-Specific Analysis) because there is no critical habitat in the project area.

Impact 2.9-2: Riparian Habitat, Federally Protected Wetlands, or Other Sensitive Natural Communities. As discussed in the Plan Bay Area EIR, projects would have the potential to affect jurisdictional waters and other sensitive habitats, resulting in a potentially significant impact. The Plan Bay Area EIR identifies Mitigation Measure 2.9-2 to reduce impacts to jurisdictional waters to a less than significant level. Mitigation Measure 2.9-2 is not applicable to the proposed project (Refer to Impact BIO-3 in Section 4.4.3, Project-Specific Analysis) because there is no riparian habitat or federally protected wetlands in the project area.

Impact 2.9-3: Movement of Native Resident or Migratory Fish or Wildlife Species, Wildlife Corridors, and Nursery Sites. The Plan Bay Area EIR analyzed the potential impacts related to substantially interfering with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory

wildlife corridor, or impede the use of native wildlife nursery sites, and determined with implementation of Mitigation Measure 2.9-3, the impact would be less than significant. Mitigation Measure 2.9-3 is not applicable to the proposed project because there are no wildfire corridors in the project area (Refer to Impact BIO-4 in Section 4.4.3, Project-Specific Analysis).

Impact 2.9-4: Local Conservation Policies, Ordinances, and Plans. As discussed in the Plan Bay Area EIR, development projects would be required to follow city and county development requirements, including compliance with local policies, ordinances, and applicable permitting procedures related to protection of biological resources. Additionally, consistency with an adopted HCP or other conservation plan is a legal requirement; and, the design, approval, and permitting of future development and transportation projects within an area covered by an HCP or other conservation plan are intended and expected to comply with that requirement. Therefore, the Plan Bay Area EIR determined that the potential for approved development projects to conflict with local policies or ordinances protecting biological resources would be less than significant and no mitigation measures were identified.

4.4.3 Project-Specific Analysis

Impact BIO-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?

Impact Analysis

Special-Status Plant Species

There is no potential habitat within the project site for special-status plant species with occurrences within a 5-mile radius. The project site is completely developed, and the existing park and landscaped areas are frequently disturbed by maintenance activities such as mowing and trimming. Based on the lack of suitable habitat, the project site does not provide potential habitat for special-status plant species to occur, and there would be no impacts to special-status plants.

Special-Status Wildlife Species

Although there are CNDDDB occurrence records within 5 miles of the project site for special-status animal species (CDFW 2019a), the project site does not provide suitable habitat (i.e., aquatic features, tall trees) for potential special-status animal species to occur. Due to the project site having landscaped areas and ornamental trees, the site provides minimal foraging and nesting habitat for migratory birds under the Migratory Bird Treaty Act or California Fish and Game Code. The adjacent creek, marsh, and associated aquatic vegetation may provide suitable habitat for aquatic and semi-aquatic special-status species and migratory nesting birds; however, this is outside the project site boundaries, and there would be no associated impacts.

Avoidance and minimization measures would be incorporated into the proposed project to avoid direct and indirect effects to special-status species and their habitat. If proposed project activities occur during the nesting bird season (generally considered from February 1 to August 31), construction may cause direct effects (e.g., tree removal and vegetation clearing) and indirect effects to nesting birds (e.g., noise and vibration) by causing adults to abandon active nests, resulting in nest failure and reduced reproductive success. Mitigation Measure BIO-1 (PBA EIR MM 2.9-1[a]) requires preconstruction nesting bird surveys to document all nests on the project site and implementation of protective buffers around documented nests during construction to minimize disturbance to nesting birds during construction. Based on the lack of suitable nesting habitat in the project site, there is low potential for special-status

species to occur, and with the implementation of Mitigation Measure BIO-1 (PBA EIR MM 2.9-1[a]), impacts to migratory nesting bird species would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

Mitigation Measure BIO-1 (PBA EIR MM 2.9-1[a]) is required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

Impact BIO-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact Analysis

The project site does not contain any sensitive natural communities as classified by the CDFW. In addition, no aquatic habitats were identified within the project site that could be considered waters of the United States and subject to the USACE and RWQCB jurisdiction under Sections 404 and 401 of the Clean Water Act, or subject to CDFW jurisdiction under Section 1600 of the California Fish and Game Code. Therefore, the proposed project would have no impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies and regulations or by the CDFW or USFW.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

Impact BIO-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?

Impact Analysis

No aquatic resources or potential wetlands covered under the jurisdiction of the USACE or RWQCB occur within the project site. As such, there would be no impact to state or federally protected wetlands.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

Impact BIO-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 wildlife nursery sites?

Impact Analysis

Habitat corridors are segments of land that provide linkages between different habitats while also providing cover. On a broader level, corridors also function as avenues along which wide-ranging animals can travel, plants can propagate, genetic interchange can occur, populations can move in response to environmental changes and natural disasters, and threatened species can be replenished from other areas. Habitat corridors often consist of riparian areas along streams, rivers, or other natural features. Habitat corridors have been recognized by federal agencies, such as the USFWS, and the state as important habitats worthy of conservation. In general, movement corridors consist of areas of undisturbed land cover that connect larger, contiguous habitats. The project site does not act as a corridor for species dispersal or provide migration habitat connectivity to adjacent habitat and is not part of any defined essential connectivity areas as identified in the California Essential Habitat Connectivity Project (Spencer et al. 2010); therefore, the proposed project would have no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

Impact BIO-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact Analysis

The proposed project would not conflict with any local policies or ordinances protecting biological resources, including tree preservation policies or ordinances. A tree survey was conducted for the proposed project on September 3, 2019 (HortScience | Bartlett Consulting 2019) (Appendix F). The survey included all trees located within the project site and adjacent areas, specifically the northern and eastern limits of the proposed project. A total of 219 trees were counted, including 38 different native and non-native species. A total of 213 trees would be directly impacted by redevelopment and would require removal during each respective demolition phase. Two Italian stone pines (*Pinus pinea*) (#215 & 216) as well as four blackwood acacias (*Acacia melanoxylon*) (#216-219) could potentially be preserved. Minor pruning for adjacent trees along the northern project site limits may be needed for clearance. Additional trees within the SFPUC easement may be located within the development area and may need to be removed. Any tree that would be removed and is within public property would be required to comply with Sections 12.40.120 and 12.40.140 of the City's Municipal Code related to tree removal permits and replacement trees⁵. Therefore, the impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

⁵ The City's Municipal Code 12.40.140 requires replacement trees to be a minimum of two 24-inch box size (the combined canopy of which is approximately ten percent of the average street tree canopy in the City or replacement canopy of 17 sf). If it is determined that replacement trees cannot be planted in the same frontage, costs for two trees, each 24-inch box size, plus labor for planting, shall remain in effect. This replacement tree shall be planted on specified alternate public property.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

Impact BIO-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?

Impact Analysis

The project site is adjacent to the San Bruno Mountain HCP; however, the project site does not fall within this HCP boundary or any other local, regional, or state HCP or natural community conservation plan. As such, there would be no impact with respect to conflicting with provisions of an adopted HCP, natural community conservation plan, or other approved local, regional, or state HCP.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.