

Appendix C
Biological Resources Memorandum

BRIEF BIOLOGICAL CONSTRAINTS ANALYSIS

905 N. CAPITOL AVENUE PROPERTY

San Jose, Santa Clara County, California



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905 N. CAPITOL AVENUE PROPERTY

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SECTION 1. INTRODUCTION

Johnson Marigot Consulting, LLC (JMC) has been retained to provide a biological constraints analysis for the approximately 3.5-acre property located at 905 N. Capitol Avenue in San Jose, California (Assessor's Parcel Numbers: 254-29-026 and 253-29-028) (Figure 1) (the Property). The purpose of this report is to qualitatively identify potential occurrences of and/or habitat for special-status plant and wildlife species on the Property, and to identify state, and/or federal environmental constraints and ordinances applicable to the potential development of the Property.

SECTION 2. METHODOLOGY

A literature review was conducted for special-status species known to occur in the vicinity (3-mile radius) of the Property. In addition to a literature review, the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB)¹ and the California Native Plant Society (CNPS)² Inventory of Rare, Threatened, and Endangered Plants of California were queried for occurrences of special-status species in the vicinity of the Property. A list of these special-status species has been compiled in tables (Appendix 1, Table 2 and 3) which also discuss listing/ranking status, required habitat components, proximity of records to the Property, and probability of occurrence on the Property.

Research was also conducted to identify local, state, and federal natural resource ordinances and laws that would be applicable to the development of the Property; these ordinance and laws are discussed below. It should be noted however, that although some local entitlement requirements are addressed below, this report does not provide summary of all local entitlement requirements.

On November 22, 2021, JMC personnel Sadie McGarvey and Haley Henderson conducted a site visit to evaluate natural resources present on the 3.5-acre property. This site assessment included reconnaissance level surveys of the Property to characterize vegetation, topography, and current and historic uses of the Property (as well as the surrounding properties) and to investigate potential presence of onsite waters of the U.S./State. Observations made during the site visit were used to determine the potential for suitable habitat for special-status species (presence of habitat components necessary to support the species) and sensitive habitat types. Additionally, all species of plants and wildlife observed onsite were noted and are detailed below.

¹ CDFW (California Department of Fish and Wildlife). 2021. California Natural Diversity Database (CNDDDB) – Commercial version dated October 1, 2021. <https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>.

² CNPS (California Native Plant Society). 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org>. Accessed November 2021.

Figure 1. 905 N. Capitol Avenue Property Site and Vicinity Map



Figure 2. 905 N. Capitol Ave Property Site Map



SECTION 3. EXISTING SITE CONDITIONS

The approximately 3.5-acre Property is located on the eastern edge of the City of San Jose, in Santa Clara County, California (the approximate center of the Property is at 37.38272766° N, -121.85736096° W) (Figures 1 and 2). The Property is located southeast of the intersection of Highway 680 and Berryessa Road. The Property is bound to the east by N. Capitol Avenue, the west by Kestral way, and is bisected by Penitencia Creek Road. The northern boundary abuts an existing housing development and the southern boundary borders Penitencia Creek Park. The surrounding area is largely dominated by single family residential and commercial development, with the 4 mile and 163-acre linear Penitencia Creek Park transecting the greater urbanized area.

The 2.1-acre northwestern parcel is comprised of an active residence, with remnants of farming activities surrounding it. The 1.4-acre southeastern parcel is comprised of a ruderal field that historically contained a house and associated buildings. Both parcels are surrounded by chain-link and/or wooden privacy fencing. The site is relatively flat, with a gentle northwestern slope; onsite elevations range between approximately 143 feet above mean sea level (AMSL) at the northern portion of the Property and 150 feet AMSL at the southeast corner of the Property.

3.1 LAND COVER TYPES

Much of the Property is comprised of ruderal vegetation (Figure 3). A residence and ancillary building occur on the northwestern parcel, and a gravel driveway runs from N. Capitol Ave to and alongside the residence. Both parcels are enclosed by fencing or walls with the exception of the driveway entrance. An all-inclusive list of plants observed on the Property is included as Table 1.

3.1.1 RUDERAL

The majority of the northwestern parcel is dominated by ruderal (weedy) vegetation. An old truck and assorted machinery dots the field. The area appears to be mowed with the exception of the ornamental border. The field is dominated with non-native plant species that thrive in disturbed settings such as cheeseweed (*Malva parviflora*), rigput brome (*Bromus diandrus*), and big heron bill (*Erodium botrys*).

The southeastern parcel is characterized by ruderal vegetation with scattered coast live oaks (*Quercus agrifolia*) and redwood (*Sequoia sempervirens*). This field is dominated by the same non-native plants as the northwestern parcel. Field activities appear limited mowed.

3.1.2 ANTHROPOGENIC/ORNAMENTAL

The northwestern parcel supports one single-family residence, including an ancillary building. This residence is accessed via gravel driveways that run from N Capitol Ave. Individual fruit and nut trees such as lemon (*Citrus limon*), mulberry (*Morus* sp.), avocado (*Persea americana*), pomegranate (*Punica granatum*), have been planted throughout this area. Along the fence-line on the western perimeter of the property a row of redwood trees has been planted. The wall and fence are covered with planted lavender trumpet vine (*Bignonia callistegioides*). The residence is surrounded by ornamental plantings including camilia (*Camilia japonica*), bird of paradise (*Strelitzia reginae*), and spider plant (*Chlorophytum comosum*).

3.2 POTENTIAL WATERS OF THE U.S./STATE

The Property does not contain any waters or wetlands that would be regulated by the federal government or State of California. Additionally, there are no depressional features that would support wetland hydrology, nor is there any evidence of seeps or springs.

3.3 SOILS

According to the Natural Resource Conservation Service³, two soil units, or types, have been mapped within the Property boundaries: Urbanland-Elpaloalto Complex, 0-2% Slopes, and Elder fine sandy loam, 0-2% slopes, rarely flooded (Figure 4).

Urbanland-Elpaloalto Complex, 0-2% Slopes is a well-drained soil derived from disturbed and human transported material (Urbanland component) as well as metamorphic and sedimentary rock and/or metavolcanics (Elpaloalto component) and is found within alluvial fans. This soil is a silty clay loam, with a low runoff class, resulting in a low erosion hazard. The water table occurs greater than 80 inches below the surface. According to the California Hydric Soils List for Santa Clara County, this soil type is not a hydric soil.

Elder fine sandy loam, 0-2% slopes, rarely flooded is a somewhat excessively drained soil derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanics and is found within streams. This soil is a fine sandy loam, with moderately rapid permeability and a very low runoff class, resulting in a low erosion hazard. Available water holding capacity is moderate, and the water table occurs greater than 80 inches below the surface. According to the California Hydric Soils List for Santa Clara County, this soil type is not a hydric soil.

3.4 HYDROLOGY

The Property primarily derives its hydrology from direct precipitation. The Property occurs immediately north of the Upper Penitencia Creek. The site is considered to be within the Upper Penitencia Creek-Coyote Creek (180500030203) watershed. A single stormwater drain is located on the southeastern parcel near the western edge, which presumably transports onsite and site-adjacent stormwater flows into the City of San Jose's stormwater system.

³ Natural Resource Conservation Service. 2021. Web Soil Survey. Survey Area: Version 10, September 9, 2021. Accessed November 2021.

Figure 3. 905 N. Capitol Property Land Cover Types



Figure 4. 905 N. Capitol Ave Property Soil Types Map



SECTION 4. BIOLOGICAL RESOURCE CONSTRAINTS

4.1 SPECIAL STATUS SPECIES

Special-status species include those considered to be rare by state and federal resource agencies (CDFW and the United States Fish and Wildlife Service [USFWS]) and/or the scientific community (CNPS), and are accordingly legally protected via local, state, and/or federal law. For purposes of this assessment, special-status species are defined as plants or animals protected pursuant to:

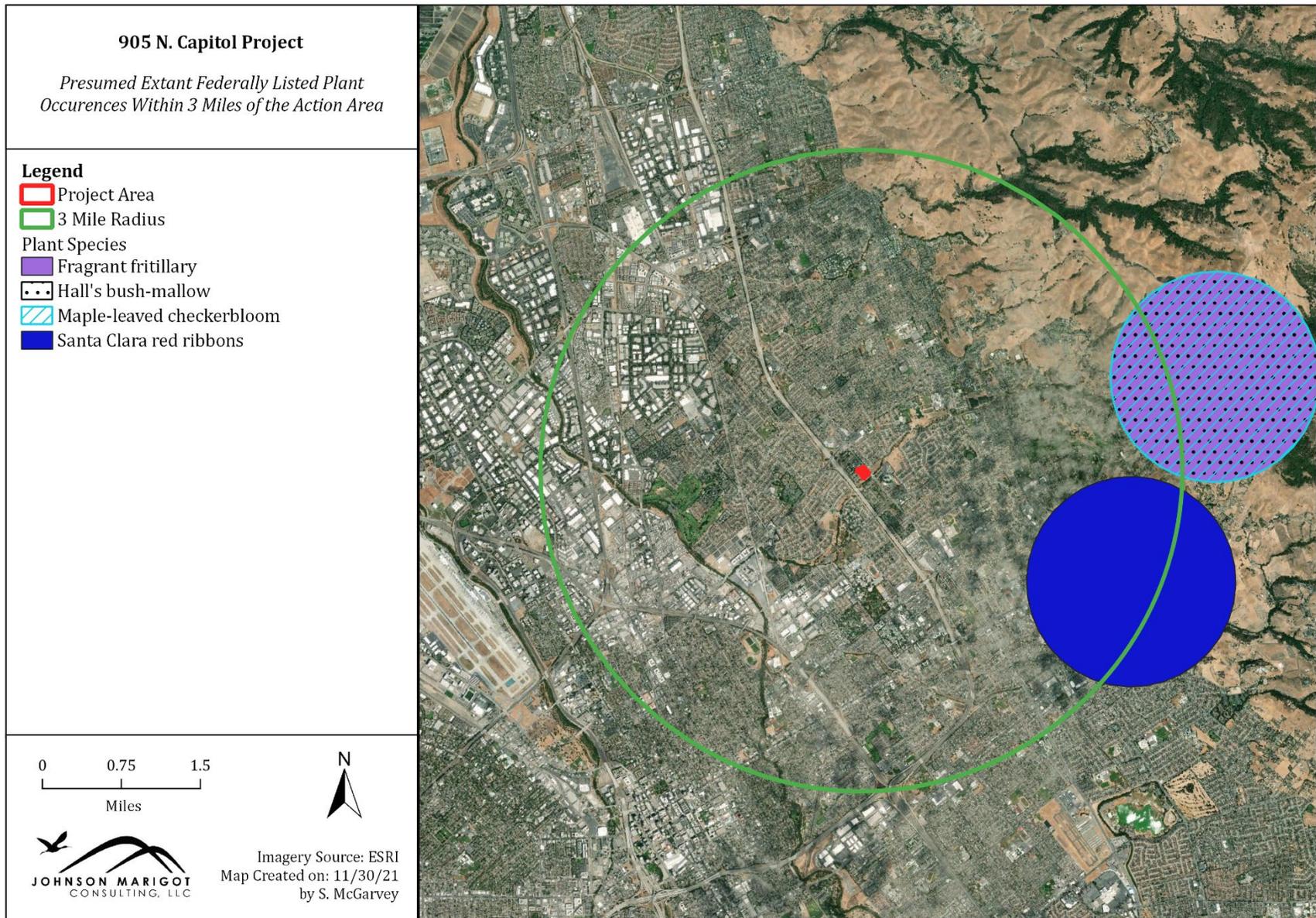
1. Federal Endangered Species Act (FESA),
2. State Endangered Species Act (CESA),
3. California Fish and Game Codes that protect nesting birds (Section 3503), raptors (Section 3503.5), and “fully protected species” (Sections 3511, 4700, 5050, and 5515)
4. Migratory Bird Treaty Act,
5. CNPS “rare” designation - all of the plants constituting California Rare Plant Rank 1A, 1B, and 2, and some Rank 3 and 4 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 of the CESA of the California Department of Fish and Game Code, and are eligible for state listing (CNPS Inventory, 6th Edition, 2001), and/or
6. CDFW "species of special concern" (SSC) designation.

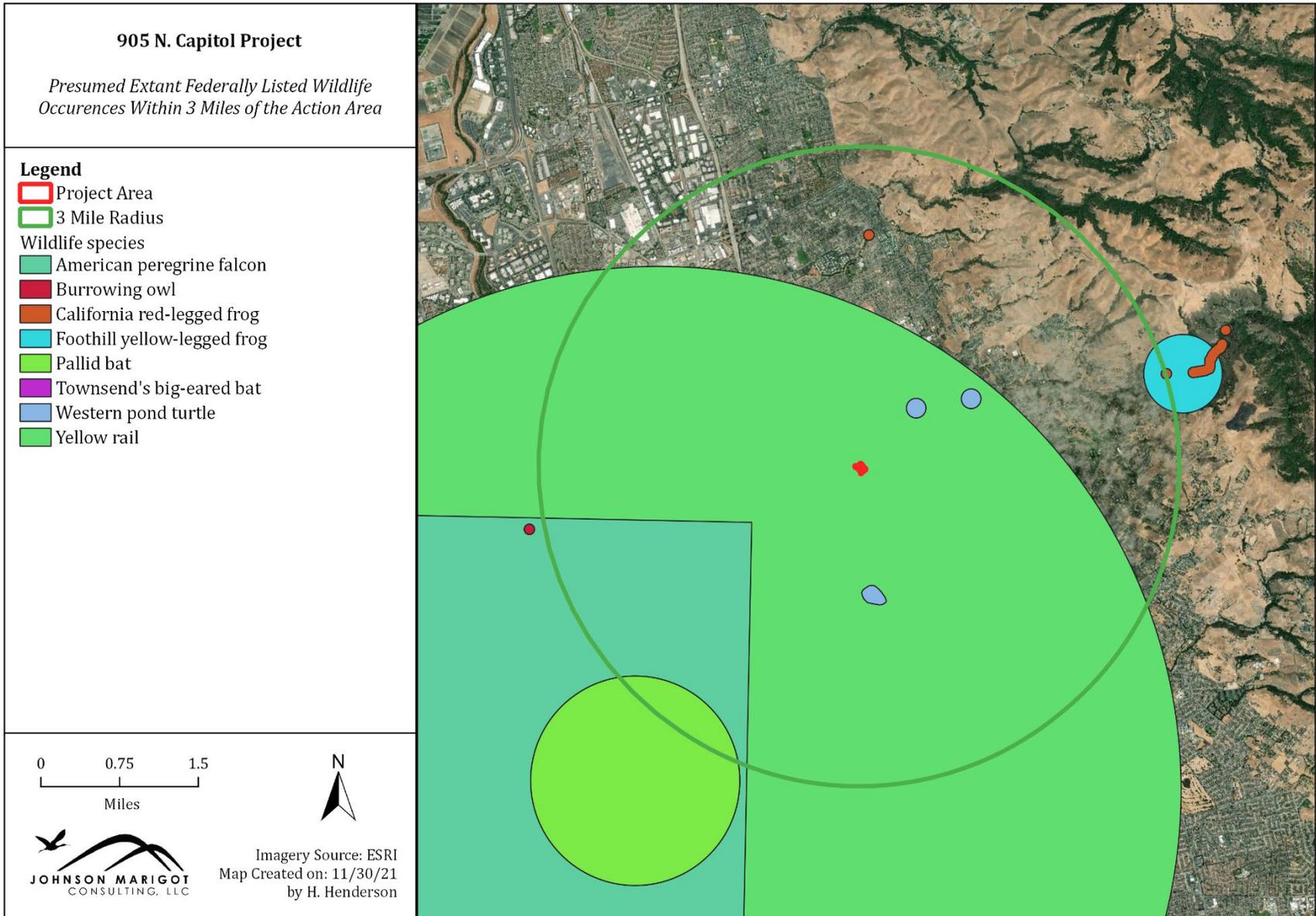
For a brief description of all special-status species known to occur in the vicinity of the Property, see the attached Special-Status Plant/Wildlife Species Known to Occur in the Vicinity of the 905 N. Capitol Ave tables (Tables 2 and 3).

4.1.1 PLANTS

According to the CNDDDB and the CNPS Inventory of Rare, Threatened, and Endangered Plants of California, records for a total of 13 special-status plant species have been documented within 3 miles of the Property (Figure 5a, Table 2) and/or within the same U.S. Geological Survey (USGS) 7.5' topographic quadrangle (quad) as the Property (Calaveras Reservoir quad). All the regionally known special-status plant species require specialized soils or habitats that are not found on the Property, including serpentine soils, and/or coastal scrub, chaparral, and cismontane forest. No occurrences of special-status plant species have been mapped on or adjacent to the Property. No special-status plants are expected to occur on the Property.

Figure 5 (a. and b.). Special Status Species Known to Occur in the Vicinity of the 905 N. Capitol Ave Property





4.1.2 WILDLIFE

4.1.2.1 State and Federally Listed Wildlife

According to the CNDDDB, records for a total of 7 special-status wildlife species have been documented within 3 miles of the Property (Figure 5b, Appendix A. Table 3). Three of these regionally known special-status species require specialized habitats that do not occur on or near the Property such as cliffs/tall structures (American peregrine falcon [*Falco peregrinus anatum*]), relatively permanent ponding water (western pond turtle [*Emys marmorata*]), and marshes and meadows (yellow rail [*Coturnicops noveboracensis*]). Due to the lack of suitable habitat on and adjacent to the Property, none of these species have potential to occur on or adjacent to the Property.

While only a single species of wildlife was observed on the Property during the site assessment (house finch [*Haemorhous mexicanus*]), the Property provides marginal to suitable habitat for 4 regionally known special-status species: California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*).

It is of note that while marginal habitat for California red-legged frog and foothill yellow-legged frog occurs on the Property, these species were not observed onsite during the November site visit, and these species are not expected to occur onsite due to the disturbed and isolated nature of the site, which is surrounded by fencing with minimal openings, as well as the distance of the Property from documented occurrences within Penitencia Creek (3 miles upstream from the Property within the upper and undeveloped portions of the Penitencia Creek watershed). Further, the population of foothill yellow-legged frogs that once occurred in the immediate vicinity of the Property is considered extirpated (CNDDDB Record No. 2089). In contrast, the single-family residence and ancillary buildings and trees on the Property provide suitable roosting habitat for regionally known special-status bats. While roosting bats were not observed onsite during the November site visit, out of an abundance of caution, if tree removal or building demolition is scheduled to occur between May and August (the maternity roosting season for the regionally known bat species with suitable onsite roosting habitat), a preconstruction roosting bat survey should be conducted of all suitable roosting habitat scheduled for removal.

4.1.2.2 Nesting Birds

Nesting birds are protected pursuant to the Migratory Bird Treaty Act and California Fish and Game Codes that protect nesting birds (Section 3503, 3503.5, 3511, 4700, 5050, and 5515). The trees, shrubs, abandoned buildings, and fallow fields that occur on Property provide suitable nesting habitat for many species of passerine birds and raptors known to occur in the vicinity of the Property. No nests were observed during the November 2021 site visit, however, owing to the mobile nature of birds and the seasonality of their nesting cycle, and in light of the presence of abundant suitable nesting habitat onsite, it is possible that birds will nest within the Property during future nesting seasons. In the absence of preconstruction surveys for nesting birds, presence of nesting birds cannot be ruled out. If project-related activities associated with the development of the Property were to commence during the bird nesting season (generally February 1 through August 31), preconstruction nesting bird surveys would be required.

4.2 WATERS OF THE U.S./STATE

No wetlands or other waters features occur on or adjacent to the Property. As such, no waters of the U.S./State would be impacted by development of the property.

4.3 OTHER CONSTRAINTS

4.3.1 LOCAL, STATE, AND FEDERAL PLANS

4.3.1.1 California Environmental Quality Act

The California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The planning process entered into with the City of San Jose (City) will identify the City's specific CEQA process and what issues they would like to see addressed in a CEQA analysis.

4.3.1.2 Envision San Jose 2040 General Plan

The Envision San Jose 2040 General Plan (2040 General Plan) was adopted in 2011 in order to guide future development of the City. The 2040 General Plan has been prepared to guide the City's growth through 2040 including land use, economic, and environmental policies aimed at accommodating employment and housing growth and reducing the environmental impacts of that growth by promoting transit use and walkability. Per the 2040 General Plan, the following goals are relevant to development of the Property with regard to biological resource constraints:

Goal MS-21 – Community Forest

MS-21.5: *As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse affect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.*

It is possible that protected and/or significant trees occur on the Property. If it is determined that any of the trees to be removed from the Property are “protected” trees, a tree removal permit should be obtained from the City of San Jose.

Goal ER-2 – Riparian Corridors

ER-2.1: *Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).*

ER-2.2: *Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.*

ER-2.3: *Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.*

The Property occurs adjacent to Penitencia Creek. The riparian canopy and/or channel of this segment of Penitencia Creek range between 120 and 150 feet east of the southern Property boundary (Figure 6).

Goal ER-5 – Migratory Birds

ER-5.1: *Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.*

ER-5.2: *Require that development projects incorporate measures to avoid impacts to nesting migratory birds.*

No nests were observed during the November 2021 site visit, however, owing to the mobile nature of birds and the seasonality of their nesting cycle, and in light of the presence of abundant suitable nesting habitat onsite, it is possible that birds will nest within the Property during future nesting seasons. In the absence of preconstruction surveys for nesting birds, presence of nesting birds cannot be ruled out. If project-related activities associated with the development of the Property were to commence during the bird nesting season (generally February 1 through August 31), preconstruction nesting bird surveys would be required.

4.3.1.3 Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (SCVHP) was prepared as a cumulative effort between County of Santa Clara; the cities of San Jose, Morgan Hill, and Gilroy; the Santa Clara Valley Water District; and the Santa Clara Valley Transportation Authority. The SCVHP was prepared to provide a framework to protect, enhance, and restore natural resources in specific areas of Santa Clara County, while allowing for appropriate and compatible growth and development, and improving and streamlining the environmental permitting process for impacts on natural resources.

The Property occurs within the boundaries of the SCVHP and is within the Urban Development Land Use Category. As the Property is greater than 2 acres, development of the Property would be qualified for coverage under the SCVHP. However, as any development of the Property is unlikely to result in significant impacts to natural resources, it is unclear that gaining coverage for the project under the SCVHP would be required by the City of San Jose as part of project entitlement.

4.3.1.3.1 Riparian Habitat Protection

The SCVHP includes riparian habitat and water quality protection requirements including a 100-foot development setback from riparian habitats and design measures to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone. The Property occurs adjacent to the Coyote Creek expanded floodplain. The riparian canopy and/or low-flow channel of this segment of Penitencia Creek range between 120 and 150 feet east of the southern Property boundary (Figure 6).

4.3.1.3.2 Burrowing Owl Habitat

The Property does not occur within any areas within the SCVHP study area designated as supporting “Occupied Burrowing Owl Habitat”, “Potential Burrowing Owl Nesting/Overwintering Habitat Depending on Site Specific Conditions”, or “Overwintering Only Habitat”. Current onsite conditions and those of the surrounding land are consistent with this assessment. Burrowing owls are not expected to occur on the Property.

Figure 6. Penitencia Creek Riparian Map



*All lines estimated from arial imagery

4.3.1.4 San Jose Tree Ordinance

A permit from the City of San Jose is required for the removal of street trees, heritage trees, and ordinance-sized trees. There are no street trees (trees are located between the curb and sidewalk of the public right-of-way) or heritage trees (trees with designated significance due to their historical significance, size, or species) on or adjacent to the Property. However, it is possible that there are ordinance-sized trees (single trunk or combined multi-trunk trees measuring 56 inches or more in circumference at 2 feet above ground) on the Property. If it is determined that any of the trees that need to be removed from the Property meet the designation of an ordinance-sized tree, a tree removal permit should be obtained from the City of San Jose.

SECTION 5. CONCLUSIONS AND RECOMMENDATIONS

The Property is dominated by remnants of ruderal vegetation and occupied by smaller areas of residential building and ornamental vegetation. No special-status habitats such as waters of the U.S./State or riparian habitat occur on the Property. The onsite trees and shrubs provide suitable nesting habitat for passerines and raptors. The onsite structures and trees provide suitable roosting habitat for special-status bats.

As the Property provides suitable nesting bird habitat, if work is scheduled to commence during the nesting season (February 1 through August 31), impacts to nesting birds/raptors cannot be ruled out in the absence of preconstruction nesting bird surveys. A preconstruction survey should be conducted of all suitable nesting habitat prior to the commencement of vegetation removal/ground disturbance if such work is scheduled to commence during the nesting season.

Similarly, as the Property provides suitable roosting bat habitat, if tree removal or building demolition is scheduled to occur between May and August (the maternity roosting season for the regionally known bat species with suitable onsite roosting habitat), a preconstruction roosting bat survey should be conducted of all suitable roosting habitat scheduled for removal. In addition, per standard recommendations for tree removal on sites that contain suitable bat roosting habitat, trees should be trimmed and/or removed in a two phased removal system conducted over two consecutive days.

No evidence of jurisdictional waters of the U.S./State was observed on the Property, and accordingly, a Clean Water Act permit would not be required to develop the Property. Similarly, as no state and/or federally listed species are expected to be impacted by the development of the Property, authorizations from CDFW and/or USFWS would not be required to develop the Property.

As part of the planning process, avoidance and minimization measures should be included as part of the proposed project, and the City of San Jose should be engaged to determine concerns and requirements associated with the Property, including any required setbacks associated with the Penitencia Creek corridor.

Appendix A. Tables

Table 1. Plants Observed on the 905 N. Capitol Ave Property

Table 2. Special-Status Plant Species Known to Occur of the Vicinity of the 905 N. Capitol Ave Property

Table 3. Special-Status Wildlife Species Known to Occur in the Vicinity of 905 N. Capitol Ave Property

Table 1. Plants Observed on the 905 N Capitol Ave Property

Species Name	Common Name
<i>Acer palmatum</i>	Japanese maple
<i>Aeonium arboreum</i>	Tree houseleek
<i>Ailanthus altissima</i>	Tree of heaven
<i>Alpinia sp.</i>	Ornamental ginger
<i>Arbutus unedo</i>	Strawberry tree
<i>Argyranthemum frutescens</i>	Marguerite daisy
<i>Arum italicum</i>	Italian Arum
<i>Avena barbata</i>	Slender oat
<i>Baccharis pilularis</i>	Coyote brush
<i>Bignonia callistegioides</i>	Lavender Trumpet Vine
<i>Bromus diandrus</i>	Ripgut brome
<i>Callistemon viminalis</i>	Weeping bottlebrush
<i>Camelia japonica</i>	Common camelia
<i>Chlorophytum comosum</i>	Spider Plant
<i>Citrus limon</i>	Lemon tree
<u><i>Citrus reticulata</i></u>	Tangerine tree
<i>Convolvulus arvensis</i>	Field bindweed
<i>Diospyros kaki</i>	Persimmon tree
<i>Drosanthemum floribundum</i>	Pale dewplant
<i>Erodium bothrys</i>	Big heron bill
<i>Galium sp.</i>	Bedstraw
<i>Garanim molle</i>	Crane's bill geranium
<i>Helminthotheca echioides</i>	Bristly ox-tongue
<i>Hirschfeldia incana</i>	Wild mustard
<i>Lactuca serriola</i>	Prickly lettuce
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Malus domestica</i>	Apple Tree
<i>Malva neglecta</i>	Dwarf mallow

<i>Malva parviflora</i>	Cheeseweed
<i>Morus sp.</i>	Mulberry tree
<i>Olea europaea</i>	Olive
<i>Persea americana</i>	Avocado tree
<i>Populus fremintii</i>	Cottonwood
<i>Punica granatum</i>	Pomegranate
<i>Quercus agrifolia</i>	Coast live oak
<i>Raphanus sativus</i>	Wild radish
<i>Rosa sp.</i>	Ornamental rose
<i>Rumex crispus</i>	Curly dock
<i>Salix babylonica</i>	Weeping willow
<i>Sequoia sempervirens</i>	Coast redwood
<i>Stipa miliacea</i>	Smilo grass
<i>Strelitzia reginae</i>	Bird of Paradise
<i>Trigopogon porrifolius</i>	Salsify
<i>Trifolium sp.</i>	Clover
<i>Vitis vinifera</i>	Cultivated grape
<i>Washingtonia robusta</i>	Mexican Fan Palm

Table 2. Special-Status Plant Species Known to Occur of the Vicinity of the 905 N. Capitol Ave Property

Common Name	Scientific Name	Status	Habitat Type/Components	Occurrence Information	Probability of Occurring on the Property
Santa Clara thorn-int	<i>Acanthomintha lanceolata</i>	CNPS 4.2	Rocky soils in chaparral, cismontane woodland, or costal scrub	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
chaparral harebell	<i>Campanula exigua</i>	CNPS 1B.2	Rocky and usually serpentine soils in chaparral	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Congdon's Tarplant	<i>Centromadia parryi ssp. congdonii</i>	CNPS Rank 1B.1	Seasonal wetlands on heavy clay, saline, or alkaline soils in grasslands and disturbed sites	The closest record for this species is located approximately 5 miles northwest of the Property (CNDDDB Occurrence No. 17).	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Robust Spineflower	<i>Chorizanthe robusta var. robusta</i>	Federal Endangered CNPS Rank 1B.1	Maritime chaparral, cismontane woodland (openings), coastal dunes, and coastal scrub	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Santa Clara red ribbons	<i>Clarkia concinna ssp. automixa</i>	CNPS 4.3	Chaparral and cismontane woodland	The closest record for this species is located approximately 3 miles southeast of the Property (CNDDDB Occurrence No. 10).	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Jepson's woolly sunflower	<i>Eriophyllum jepsonii</i>	CNPS 4.3	Chaparral, cismontane woodland, and costal scrub, sometimes on serpentinite soils	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
fragrant fritillary	<i>Frillaria liliaceae</i>	CNPS 1B.2	Cismontane woodland, coastal prairie, coastal scrub, or valley and foothill grasslands	The closest record for this species is located approximately 4 miles east of the Property (CNDDDB Occurrence No. 33).	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Satan's goldenbrush	<i>Isocoma menziesii var. diabolica</i>	CNPS 4.2	Cismontane woodland	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.

Common Name	Scientific Name	Status	Habitat Type/Components	Occurrence Information	Probability of Occurring on the Property
serpentine leptosiphon	<i>Leptosiphon ambiguus</i>	CNPS 4.2	Cismontane woodland, coastal scrub, or valley and foothill grasslands, sometimes on serpentinite soils	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
wooly-headed lessingia	<i>Lessingia hololeuca</i>	CNPS 3	A range of habitats on clay or serpentinite soils	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Hall's bush-mallow	<i>Malacothamnus hallii</i>	CNPS 1B.2	Chaparral and coastal scrub	The closest record for this species is located approximately 4 miles east of the Property (CNDDDB Occurrence No. 47).	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
Maple-leaved checkerbloom	<i>Sidalcea malachroides</i>	CNPS 4.2	Redwood forest, mixed evergreen forest, and coastal prairie	The closest record for this species is located approximately 4 miles east of the Property (CNDDDB Occurrence No. 5).	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
most beautiful jewelflower	<i>Streptanthus albidus ssp. peramoenus</i>	CNPS 1B.2	Cismontane woodland, chaparral, or valley and foothill grasslands, sometimes on serpentinite soils	CNPS 1 Quad Search	None. The onsite soils and agricultural and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.

Table 3. Special-Status Wildlife Species Known to Occur in the Vicinity of 905 N Capitol Ave Property

Scientific Name	Common Name	Status	Habitat Type/Components	Occurrence Information	Probably of Occurring on the Property
American peregrine falcon	<i>Falco peregrinus anatum</i>	California Fully Protected	Nests on high cliffs using a scrape on a depression or ledge in an open site (sometimes on human-made structures)	The closest record for this species occurs on the USGS Quadrangle southwest of the Property (CNDDDB Occurrence No. 33). Exact location suppressed.	None. The onsite ruderal and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.
California red-legged frog	<i>Rana draytonii</i>	Federally Threatened State Species of Special Concern	Grassland and riparian habitats, with creeks/streams with plunge pools, or wetlands/ponds	The closest record for this species occurs approximately 2.1 miles north of the Property (CNDDDB Occurrence No. 1495).	None. While the onsite ruderal and anthropogenic/ornamental vegetation communities may provide marginal habitat for this species, they are largely isolated from the adjacent open space, and this species has not been documented within Penetencia Creek within dispersal distance of the Property.
Foothill Yellow-legged Frog	<i>Rana boylei</i>	California Species of Concern	In or near rocky streams in a variety of habitats	The closest record for this species occurs approximately 3.0 miles east of the Property (CNDDDB Occurrence No. 2084).	None. While the onsite ruderal and anthropogenic/ornamental vegetation communities may provide marginal habitat for this species, they are largely isolated from the adjacent open space, and this species has not been documented within Penetencia Creek within dispersal distance of the Property.
Pallid Bat	<i>Antrozous pallidus</i>	California Species of Special Concern	Roosts in caves, crevices, mines, and hollow trees, as well as in more open sites, such as porches and open buildings during the night.	An historic record (1943) occurs in the vicinity of the Property (San Jose) (CNDDDB No. 255). Exact location unknown.	Low. The single-family residence and associated trees provide marginal habitat for this species.
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	California Species of Special Concern	Roosts in caves, mines, tunnels, buildings, or other human-made structures	An historic record (1943) occurs in the vicinity of the Property (San Jose) (CNDDDB No. 418). Exact location unknown.	Low. The single-family residence and associated trees provide marginal habitat for this species.

Scientific Name	Common Name	Status	Habitat Type/Components	Occurrence Information	Probably of Occurring on the Property
Western Pond Turtle	<i>Emys marmorata</i>	State Species of Special Concern	A variety of habitats adjacent to permanent or nearly permanent water	The closest record for this species occurs approximately 0.75 mile northeast of the Property (CNDDDB Occurrence No. 1385).	None. The Property does not occur adjacent to permanent or nearly permanent water.
Yellow Rail	<i>Coturnicops noveboracensis</i>	California Species of Special Concern	Grassy marshes and meadows	An historic record (1895) occurs in the vicinity of the Property (San Jose) (CNDDDB No. 37). Exact location unknown.	None. The onsite ruderal and anthropogenic/ornamental vegetation communities do not provide suitable habitat for this species.