MEMORANDUM

TO:	Tyler Rogers, David J. Powers & Associates, Inc.	**FROM:**	Scott Batiuk, WRA, Inc.
CC:		Justin Semion, WRA, Inc. Jordan Rosencranz, WRA, Inc.	
DATE:	May 2, 2023		
SUBJECT:	Peer Review of Biological Resource Assessment Report for the Serramonte Del Rey Precise Plan Project		

1.0 PURPOSE

The purpose of this memorandum is to summarize the results of a peer review conducted by WRA, Inc. (WRA) of the Biological Resource Assessment (BRA) report prepared by Environmental Collaborative for the Serramonte Del Rey Precise Plan project site (Project Area) located at 699 Serramonte Boulevard in Daly City, San Mateo County, California. The peer review focused on potentially sensitive biological resources identified within the Project Area. As part of this peer review, WRA visited the Project Area on August 6, 2021, to observe site conditions. The BRA prepared by Environmental Collaborative was reviewed based on the site visit and an independent review of biological resources database and other species occurrence resources. The results of the peer review are provided below.

2.0 RESULTS

2.1 Nesting Birds

Page 5 of the BRA, states that *"the intensity of human activity on the developed portion of the site limits the likelihood of any bird nesting."* It is recommended that the above statement be omitted from the project's California Environmental Quality Act (CEQA) documentation. It is likely that the relatively abundant trees around the perimeter of the site could support native nesting birds during the breeding season. The level of disturbance surrounding the site is not sufficient to preclude the presence of nesting birds. Many native bird species regularly nest in developed areas, such as house finch (*Haemorhous mexicanus*).

Mitigation Measure BIO-1 details the need for surveys during the nesting season, which would minimize potential impacts to nesting birds to a level that is less than significant. This mitigation measure should be modified slightly. It states:

*"If initial building demolition, vegetation removal, and construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other **migratory birds** [emphasis added] shall be conducted..."*

Surveys should be conducted for all native nesting bird species, not just migratory ones. The revised measure should state:

"If initial building demolition, vegetation removal, and construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other native nesting birds shall be conducted..."

2.2 Roosting Bats

The BRA omits discussion of roosting bats. For bat species, the Western Bat Working Group (WBWG) designates conservation status for species of bats, and those with a high or medium-high priority are considered to be special status species under CEQA. Removal of maternal roosting sites can result in potentially significant impacts to special status bat species. Although the dominance of Monterey cypress (*Hesperocyparis macrocarpa*) and Monterey pine (*Pinus radiata*) on the site makes the establishment of bat maternity roosts in trees relatively unlikely due to the lack of cavities or sufficiently large leaves, tree cavities and man-made structures, including buildings, are commonly used by bat species as maternal roosts. Habitat structure that could support maternal bat roosts exists on site in the landscaped trees and in the buildings. Removal of the trees and structures could result in potentially significant impacts to roosting bats. These potentially significant impacts would be mitigated to a level that is less than significant through implementation of the following mitigation measure:

- To the extent feasible, any tree removal or trimming that is deemed necessary by a certified arborist to maintain tree health should be conducted outside of the bat maternity season (generally April through October). Building demolition should ideally adhere to this work window as well. If this work window is not feasible, pre-construction bat roost assessments conducted by a qualified biologist at least 14 days and no more than 30 days prior to removal are recommended to determine if bats roosts are present that may be impacted by project activities. If special-status bat species or maternity roosts are detected during these surveys, additional measures including avoidance of the roost sites until the end of the maternity roosting season may be recommended.
- Regardless of the timing of tree removal or trimming activities, all felled trees or large limbs should remain on the ground for at least 24-hours prior to chipping, off-site removal, or other processing to allow any roosting individual bats to vacate the premises of their own volition.

2.3 Western bumblebee (*Bombus occidentalis*)

Western bumblebee (*Bombus occidentalis*) is identified in the BRA as recorded from the vicinity in California Natural Diversity Database (CNDDB) records. On page 5, it states that western bumblebee *"technically doesn't have any legal protective status under the state or federal Endangered Species Act,"* and uses this fact as the basis for not assessing whether or not this species has potential to occur in the Project Area.

The Project Area is within the historic range of western bumblebee, and it has potentially suitable nesting and overwintering opportunities as well as a limited number of plants that are attractive to this species. However, this species is unlikely to occur in the Project Area. Western bumblebee has undergone a dramatic reduction in its range since the 2000s, and it has not been documented in the region since the 2000s, despite a large number of surveys having been conducted in the region. This species is now primarily thought to be restricted to high meadows in the Sierra Nevada mountains and in some coastal areas and the Project Site is thought to be outside of the current range of this species. Western bumblebee is unlikely to occur in the Project Area.

2.4 Willow Stands

On pages 3 and 6, the BRA identifies two small stands of *"native red willow (Salix laevigata)"* within the Project Area. WRA investigated both locations. A third stand, located just west of the northern entrance to the Serramonte Ridge Apartment Homes property, is outside of the Serramonte Del Rey Precise Plan project site and is therefore not addressed here.

The stand east of the former high school administrative building is located near the top of a steep slope, and WRA agrees with the boundary of this stand as presented in the BRA. It consists of short arroyo willow (*Salix lasiolepis*), a facultative wetland plant, and both the native California blackberry (*Rubus ursinus*) and the non-native Himalayan blackberry (*Rubus armeniacus*) form dense thickets in the understory of the willows. The stand is surrounded on all sides by upland species such as Monterey cypress, acacia (*Acacia sp.*), and upright veldt grass (*Ehrharta erecta*), though California blackberry and Himalayan blackberry, both facultative species, are also present adjacent to the stand. Arroyo willow was the only willow species observed, and the identification of red willow in the BRA appears to be erroneous. Although arroyo willow is a facultative wetland species, it is commonly observed in upland positions in California. It is also not uncommon for arroyo willows to be growing in areas determined to be uplands in U.S. Army Corps of Engineers-verified aquatic feature delineations in the Bay Area. Given the landscape position (a steep slope where water would not concentrate) of the willow stand east of the former high school administration building in the Project Area, the fact that it is immediately surrounded by upland vegetation on all sides, and the fact that there is nothing that would concentrate runoff from the developed area into the willows, the arroyo willows in this stand are not behaving as hydrophytes, and this stand does not meet wetland criteria and is not a jurisdictional wetland under federal or state wetland definitions.

The other willow stand is located along the southern boundary of the Project Area, south of the Demonstration Garden, and WRA agrees with the boundary of this stand as presented in the BRA. This stand is situated over a low area at the base of a steep embankment. The overstory is comprised almost entirely of a single large, sprawling arroyo willow, the main trunk of which is rooted on the embankment slope. The understory is comprised of dense English ivy (*Hedera helix*), and upland species, with a small patch of upright veldt grass (*Ehrharta erecta*), also an upland species. The substrate of the low, flat portion of this stand is comprised of an approximately 1-inch-deep layer of soil that is underlain by either asphalt or concrete. Based on WRA's site investigation, the soil is a dark sandy loam lacks redoximorphic features and would not meet hydric soil criteria. Arroyo willow was the only willow species observed, and the identification of red willow in the BRA appears to be erroneous. Given the fact that the understory vegetation is comprised of dense, perennial upland species, the fact that the soils did not meet hydric soil indicators, and the fact that the willow is rooted on a steep, dry slope above

the flat area, this arroyo willow stand does not meet wetland criteria under federal or state wetland definitions.

2.5 Meadow

Page 7 identifies a small, grass-dominated area (referred to as a *"meadow"* on page 16 in Figure 1 of the BRA and referred to as such in this report) south of the Demonstration Garden, west of the westernmost willow stand, as a potential wetland. This area is a shallow depression. The BRA states that the grasses present were not identifiable at the time of the site visits and that the soils were saturated. WRA identified the dominant grass as Italian ryegrass (*Festuca perennis*), a facultative species. Other species present include bristly ox-tongue (*Helminthotheca echioides*; facultative), velvet grass (*Holcus lanatus*; facultative), annual beard grass (*Polypogon monspeliensis*; facultative wetland), fringed willowherb (*Epilobium ciliatum*; facultative wetland), and common rush (*Juncus patens*; facultative wetland). A small number of small arroyo willows were present along the edges of the feature. Based on the WRA investigation, the substrate is comprised of an approximately 6-inch-deep layer of loam underlain by a restrictive layer of compact sandy loam. The upper 6 inches of soil had a dark (2.5Y 3/2 on the Munsell Color chart) matrix, and 10 percent of this layer was comprised of dark brown (7.5YR 3/4 on the Munsell Color chart) iron concentrations. The restrictive layer had a lighter (2.5Y 4/2 on the Munsell Color chart) matrix, and 25 percent of this layer was comprised of strong brown (7.5YR 4/6 on the Munsell Color chart) iron concentrations. Based on the upper 6 inches, this soil meets the Redox Dark Surface (F6) and Redox Depressions (F8) hydric soil indicators. Although WRA did not observe wetland hydrology the BRA reports saturated soils in this feature earlier in the year, and this observation of saturated soils during the rainy season is sufficient evidence to meet the wetland hydrology criteria. As such, this meadow meets the technical criteria for a wetland. It is not adjacent to streams and would therefore be regulated by the California Department of Fish and Wildlife. However, because it meets the wetland definitions of the Corps and Regional Water Quality Control Board (RWQCB), it may be jurisdictional by those agencies. WRA agrees with the boundary of the meadow as presented in the BRA.

Based on the location of the meadow adjacent to an active garden, WRA concluded that wetland hydrology for this feature could be man-induced. According to the Corps of Engineers Wetland Delineation manual, if the wetland is created by irrigation from the adjacent garden, it does not meet the technical wetland criteria due to the presence of man-induced hydrology and would not be jurisdictional under either the Corps or RWQCB's regulations. Specifically under the Clean Water Act per section 404 regulations, features defined in 33 CFR 328.3(b), such as "artificially irrigated areas that would revert to dry land if the irrigation ceased" are exempt from Section 404 Jurisdiction. However, given that there was uncertainty about the origin of the wetland, it should be assumed that the wetland could exist regardless of the presence of the garden until it could be shown otherwise.

However, if the meadow was shown to have man-induced hydrology, then it would not be a sensitive feature, and impacts to it would not require mitigation. Demonstrating man-induced hydrology would involve determining the location of water infrastructure in the vicinity of the wetland and assessing if hydrological input into the meadow is a result of man-induced hydrology. If so, then the meadow would need to be evaluated during the first rain season following cessation of irrigation or other hydrological input. If wetland hydrology is absent, then the wetland could be assumed to be man-induced and no mitigation would be required.

If wetland hydrology was found to be present, Mitigation Measure BIO-2 in the Environmental Collaborative BRA would be sufficient mitigation to reduce potential significant impacts to the potentially jurisdictional wetland to a level that is less than significant. However, as discussed in section 2.5.1 below, no mitigation is required as the meadow was determined to be man-induced by two detailed engineering studies:

- Hydrology reconnaissance, Jefferson Union High School District, 699 Serramonte Blvd., Daly City, CA (Balance Hydrologics, Inc)
- Jefferson Union High School District, 699 Serramonte Boulevard, Daly City, CA, Site Investigation; BKF No. 20180823-11 (BKF Engineers)

2.5.1 Recent assessment of meadow drainage, site grading, and site hydrology

To address whether the meadow was man-induced, Balance Hydrologics, Inc. (Hydrology reconnaissance, Jefferson Union High School District, 699 Serramonte Blvd., Daly City, CA) and BKF Engineers (Jefferson Union High School District, 699 Serramonte Boulevard, Daly City, CA, Site Investigation; BKF No. 20180823-11) investigated the southwestern area to assess how the existing drainage system, site grading, and site hydrology affect onsite stormwater drainage. Both investigations found that deferred maintenance of the drainage system resulted in a low-lying area that cannot drain adequately into the drainage system, which created conditions suitable for wetland vegetation. Thus, the meadow was determined to be man-induced due to lack of stormwater system maintenance. Therefore, we conclude that there is a less than significant impact under CEQA, and no mitigation is required. Note that the Corps (not the RWQCB) is the only entity with formal authority to support this conclusion.