

**BIOLOGICAL CONSTRAINTS ANALYSIS REPORT  
TOWN OF ATHERTON GENERAL PLAN  
HOUSING ELEMENT UPDATE PROJECT  
ATHERTON, CALIFORNIA**

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**Prepared for**

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Table 1. Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits

Table 2. Special-Status Wildlife Species Known to Occur within 5 Miles of Atherton's Town Limits

## 1. INTRODUCTION

Monk & Associates, Inc. (M&A) has prepared this Biological Constraints Analysis Report discussing M&A’s search of the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB) for records of special status species within 5 miles of Atherton’s town limits as well as other biological resources and their associated constraints to development on the 25 parcels (hereinafter collectively referred to as the “subject parcels”) proposed for residential development or redevelopment as part of the Town of Atherton General Plan Housing Element Update Project (“the project”) (Figures 1, 2, 3A, 3B).

Biological resources include common plant and animal species, and special-status plants and animals as designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), National Marine Fisheries Service (NMFS), and other resource organizations including the California Native Plant Society. Biological resources also include waters of the United States (U.S.) and State, as regulated by the U.S. Army Corps of Engineers (Corps), California Regional Water Quality Control Board (RWQCB), and CDFW.

## 2. SUBJECT PARCEL LOCATIONS AND SETTING

The subject parcels are all within Atherton’s town limits (Figure 2). The Town of Atherton is an incorporated town in San Mateo County bounded by Redwood City on the north, Menlo Park on the east and south, and Woodside on the west. The Town has an area of approximately 3,600 acres or 5.6 square miles; 89% of which is residential, 5% parks and open space, and 6% public and private schools and municipal facilities. The Town has been primarily developed with lower density residential uses, with very few commercial or industrial uses.

For each of the 25 subject parcels proposed for future development, Table A below lists, for each subject parcel, the habitats visible on Google Earth aerial imagery, the potential for “heritage trees” to be present, and the biological constraints to proposed development. Tree inventories were only available for previous tree surveys conducted at MFO-8, V1, and V4. The other parcels were only reviewed using Google Earth aerial imagery for potential to have heritage trees onsite. Subject parcels with trees visible on aerial imagery may have heritage trees onsite, while parcels with no trees visible in aerial imagery are unlikely to have heritage trees.

**Table A. Atherton Housing Element Update Subject Parcels**

<b>Subject Parcel</b>	<b>Habitats</b>	<b>Housing Element Zoning Action</b>	<b>Heritage Trees Present?<sup>1</sup></b>	<b>Biological Constraints</b>
23 Oakwood	Developed, landscaped, ruderal herbaceous	Municipal code amended site	Likely	Nesting bird and bat survey
MC Site 1	Developed	Municipal code amended site	Possible, but unlikely	None

<sup>1</sup> Based on review of Google Earth aerial imagery. Note that tree inventories were only available for MFO-8, V1 and V4.

<b>Subject Parcel</b>	<b>Habitats</b>	<b>Housing Element Zoning Action</b>	<b>Heritage Trees Present?</b>	<b>Biological Constraints</b>
MC Site 2	Developed	Municipal code amended site	Possible, but unlikely	None
MC Site 3	Developed, landscaped	Municipal code amended site	Likely	Nesting bird and bat survey
MFO-1	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-2	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-3	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-4	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-5	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-6	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-7	Developed, landscaped	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-8	Developed, landscaped	Multi-family housing site	13	Nesting bird and bat survey
MFO-9	Developed	Multi-family housing site	Likely	Nesting bird and bat survey
MFO-10	Developed, annual grassland	Multi-family housing site	Likely	Rare plant survey, nesting bird and bat survey, Burrowing Owl survey
MS Site 1	Developed	Municipal code amended site	Likely	Nesting bird and bat survey
MS Site 2	Developed	Municipal code amended site	Likely	Nesting bird and bat survey
Sacred Heart School	Developed, landscaped	Municipal code amended site	Likely	Nesting bird and bat survey
V1	Landscaped (planted trees), annual herbaceous	Vacant site – no zoning code change	26	Rare plant survey, nesting bird and bat survey
V2	Developed, landscaped	Vacant site – no zoning code change	Likely	Nesting bird and bat survey

<b>Subject Parcel</b>	<b>Habitats</b>	<b>Housing Element Zoning Action</b>	<b>Heritage Trees Present?</b>	<b>Biological Constraints</b>
V3	Developed, landscaped, ruderal herbaceous, oak/hardwood woodland	Vacant site – no zoning code change	Likely	Nesting bird and bat survey, rare plant survey
V4	ruderal herbaceous, oak/hardwood woodland	Vacant site – no zoning code change	At least 4	Nesting bird and bat survey, rare plant survey, woodrat midden surveys
V5	ruderal herbaceous, oak/hardwood woodland	Vacant site – no zoning code change	Likely	Nesting bird and bat survey, rare plant survey, woodrat midden surveys
V6	ruderal herbaceous, oak/hardwood woodland	Vacant site – no zoning code change	Likely	Nesting bird and bat survey, rare plant survey, woodrat midden surveys
V7	Developed, ruderal herbaceous, fragmented mixed oak/hardwood forest	Vacant site – no zoning code change	Likely	Nesting bird and bat survey, rare plant survey
V8	Developed, ruderal herbaceous, cropland	Vacant site – no zoning code change	Likely	Nesting bird and bat survey, rare plant survey

### 3. ANALYSIS METHODS

Prior to preparing this Biological Constraints Report, M&A researched the most recent version of California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDDB) (RareFind 6 application) for records of special-status plants and wildlife within five miles of Atherton's town limits (CNDDDB 2021). The CNDDDB is a database maintained by the CDFW that provides historic and recent records of special-status plant and animal species known from the state of California. M&A also searched the 2021 electronic version of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Plants of California* (CNPS 2001) for records of special-status plants known in the vicinity of the subject parcels.

M&A reviewed all individual parcels subject to the Housing Element Update within the planning area on Google Earth and ESRI ArcMap to determine, visually, if there are or could be suitable habitats on any of the subject parcels that need further investigation (on the ground) and/or have constraints to development. All special-status species records were compiled in tables (Tables 1, 2). M&A examined all known record locations for special-status species to determine if special-status species could occur on any of the subject parcels or within an area of affect. The results of our literature research and desktop review are provided in the sections below.

### 4. SPECIAL-STATUS SPECIES

#### 4.1 Definitions

For purposes of this analysis, special-status species are plants and animals that are legally protected under the California and Federal Endangered Species Acts (CESA and FESA, respectively) or other regulations, and species that are considered rare by the scientific community (for example, the CNPS). Special-status species are defined as:

- plants and animals that are listed or proposed for listing as threatened or endangered under the CESA (Fish and Game Code §2050 *et seq.*; 14 CCR §670.1 *et seq.*) or the FESA (50 CFR 17.12 for plants; 50 CFR 17.11 for animals; various notices in the Federal Register [FR] for proposed species);
- plants and animals that are candidates for possible future listing as threatened or endangered under the FESA (50 CFR 17; FR Vol. 64, No. 205, pages 57533-57547, October 25, 1999); and under the CESA (California Fish and Game Code §2068);
- plants and animals that meet the definition of endangered, rare, or threatened under the CEQA (14 CCR §15380) that may include species not found on either CESA or FESA lists;
- plants occurring on Ranks 1A, 1B, 2A, 2B, 3, and 4 of the CNPS' electronic *Inventory* (CNPS 2001). The CDFW recognizes that Ranks 1A, 1B, 2A and 2B of the CNPS inventory contain plants that, in the majority of cases, would qualify for State listing, and the CDFW requests their inclusion in EIRs. Plants occurring on CNPS Ranks 3 and 4 are "plants about which more information is necessary," and "plants of limited distribution," respectively (CNPS 2001). Such plants may be included as special-status species on a

case by case basis due to local significance or recent biological information (more on CNPS Rank species below);

- migratory nongame birds of management concern listed by the USFWS (Migratory Nongame Birds of Management Concern in the United States: The list 1995; Office of Migratory Bird Management; Washington D.C.; Sept. 1995);
- animals that are designated as "species of special concern" by the CDFW (2023);
- animal species that are "fully protected" in California (Fish and Game Codes 3511, 4700, 5050, and 5515).
- bat species that are designated on the Western Bat Working Group's (WBWG) Regional Bat Species Priority Matrix as: "RED OR HIGH." This priority is justified by the WBWG as follows: "Based on available information on distribution, status, ecology, and known threats, this designation should result in these bat species being considered the highest priority for funding, planning, and conservation actions. Information about status and threats to most species could result in effective conservation actions being implemented should a commitment to management exist. These species are imperiled or are at high risk of imperilment."

In the paragraphs below we provide further definitions of legal status as they pertain to the special-status species discussed in this report or in the attached tables.

Federal Endangered or Threatened Species. A species listed as endangered or threatened under the FESA is protected from unauthorized "take" (that is, harass, harm, pursue, hunt, shoot, trap) of that species. If it is necessary to take a federally-listed endangered or threatened species as part of an otherwise lawful activity, it would be necessary to receive permission from the USFWS prior to initiating the take.

State Threatened Species. A species listed as threatened under the CESA (§2050 of California Fish and Game Code) is protected from unauthorized "take" (that is, harass, pursue, hunt, shoot, trap) of that species. If it is necessary to "take" a State-listed threatened species as part of an otherwise lawful activity, it would be necessary to receive permission from the CDFW prior to initiating the "take."

California Species of Special Concern. These are species in which their California breeding populations are seriously declining and extirpation from all or a portion of their range is possible. This designation affords no legally mandated protection; however, pursuant to the CEQA Guidelines (14 CCR §15380), some species of special concern could be considered "rare." Pursuant to its rarity status, any unmitigated impacts to rare species could be considered a "significant effect on the environment" (§15382). Thus, species of special concern must be considered in any project that will, or is currently, undergoing CEQA review, and/or that must obtain an environmental permit(s) from a public agency.

CNPS Rank Species. The CNPS maintains an “Inventory” of special-status plant species. This inventory has four lists of plants with varying rarity. These lists are: Rank 1, Rank 2, Rank 3, and Rank 4. Although plants on these lists have no formal legal protection (unless they are also State or federally-listed species), the CDFW requests the inclusion of Rank 1 species in environmental documents. In addition, other State and local agencies may request the inclusion of species on other lists as well. The Rank 1 and 2 species are defined below:

- Rank 1A: Presumed extinct in California;
- Rank 1B: Rare, threatened, or endangered in California and elsewhere;
- Rank 2A: Plants presumed extirpated in California, but more common elsewhere;
- Rank 2B: Rare, threatened, or endangered in California, but more common elsewhere.

All of the plants constituting Rank 1B meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (CESA) of the Fish and Game Code and are eligible for State listing (CNPS 2001). Rank 2 species are rare in California, but more common elsewhere. Ranks 3 and 4 contain species about which there is some concern and are reviewed by the CDFW and maintained on “watch lists.”

Additionally, in 2006, the CNPS updated their lists to include “threat code extensions” for each list. For example, Rank 1B species would now be categorized as Rank 1B.1, Rank 1B.2, or Rank 1B.3. These threat codes are defined as follows:

- .1 is considered “seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat)”;
- .2 is “fairly endangered in California (20-80% of occurrences threatened)”;
- .3 is “not very endangered in California (less than 20% of occurrences threatened or no current threats known).”

Under the CEQA review process only CNPS Rank 1 and 2 species are considered since these are the only CNPS species that meet CEQA’s definition of “rare” or “endangered.” Impacts to Rank 3 and 4 species are not regarded as significant pursuant to CEQA.

Fully Protected Birds. Fully protected birds, such as the White-tailed Kite (*Elanus leucurus*), are protected under California Fish and Game Code (§3511). Fully protected birds may not be “taken” or possessed (i.e., kept in captivity) at any time.

## **5. CNDDDB SEARCH AND DESKTOP REVIEW RESULTS**

### **5.1 Potential Special-Status Plants on the Subject Parcels**

Figure 4A provides a graphical illustration of the closest known records for special-status species within 5 miles of the Atherton town limits and helps readers visually understand the number of sensitive species that occur in the vicinity. No special-status plants have been mapped on or adjacent to any of the subject parcels. However, according to the CNPS’ *Inventory* and the CDFW’s CNDDDB, a total of twenty-six (24) special-status plant species are known to occur within 5 miles of Atherton’s town limits (Table 1). Most of these plants occur in specialized habitats such serpentinite, chaparral, coastal dunes, vernal pools, and alkaline soil grasslands which are not present on any of these urban infill sites. Below is a discussion of special-status

plants that have potential to occur on one or more of the subject parcels. Please refer to Table 1 for information on the habitats these special-status plants are found in and the probability that each of these plants could be found on each of the subject parcels.

#### 5.1.1 CONGDON'S TARPLANT

Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) is a CNPS Rank 1B.1 species. It has no state or federal status. This annual member of the sunflower family is found in alkaline soils in grassland habitats from 0 to 755 feet of elevation. It flowers from May through November. This species is severely threatened by development.

The only CNDDDB occurrence (Occurrence #54) of this species within 5 miles of Atherton's Town limits documents 17 plants observed in 2001 in a flat, ruderal grassland area roughly 4.2 miles northeast of subject parcel V1. The annual herbaceous/grassland habitats at 23 Oakwood Boulevard, MFO-10, V1, and V3-V8 could serve as suitable habitat for this species if alkaline soil conditions are present. However, this is very unlikely due to the lack of wetland conditions or aquatic habitats at any of these subject parcels. However, special status plant surveys should be conducted by a qualified botanist during this species' blooming period (May through November) prior to the start of any ground disturbing activities on these parcels.

If this species is observed on any of these parcels, project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be implemented. Please see this report's Recommendations section below for details.

#### 5.1.2 CRYSTAL SPRINGS LESSINGIA

Crystal Springs lessingia (*Lessingia arachnoidea*) is a CNPS Rank 1B.2 species. It has no state or federal status. This annual member of the sunflower family grows primarily in serpentine grasslands but has also been found along roadsides and in cismontane woodland and coastal scrub in elevations between 195 and 655 feet.

The only CNDDDB occurrence (Occurrence #7) of this species within five miles of Atherton's town limits documents an unknown number of plants observed in May 2001 just west of Edgewood County Park roughly 0.3 mile south of the junction of Edgewood Road and I-280. The MFO-10 site is at roughly 185 feet of elevation but all the other subject parcels with annual grassland or woodland habitats are below 150 feet. Special status plant surveys should be conducted at MFO-10 by a qualified botanist during this species' blooming period (July through October) prior to the start of any ground disturbing activities. If this plant is found and cannot be avoided by site development, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.1.3 SMALL-FLOWERED MONOLOPIA

Small-flowered monolopia (*Monolopia gracilens*) is a CNPS Rank 1B.2 species. It has no state or federal status. This annual herb of the sunflower family is found in serpentine grassland, open chaparral, and oak and coniferous woodlands in elevations between 330 and 3,935 feet. It flowers between March and July.

The nearest CNDDDB occurrence (Occurrence #38) of this species within the last 30 years documents 11-50 plants observed in 2023 in serpentine chaparral with gravelly soils roughly 3.8 miles northwest of subject parcel MFO-10. The annual grassland habitat at MFO-10 could provide suitable habitat for this species; therefore, the presence of this plant cannot be dismissed without conducting special status plant surveys. Special status plant surveys should be conducted by a qualified botanist during this species' blooming period (March through July) prior to the start of any ground disturbing activities on MFO-10. If this plant is found and cannot be avoided by site development, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.1.4 WHITE-RAYED PENTACHAETA

White-rayed pentachaeta (*Pentachaeta bellidiflora*) is a federal and state listed endangered species. It is also a CNPS List 1B.1 species. This slender annual herb in the sunflower family is found in grassy or rocky areas in woodlands or grassland habitats, often in serpentine soils on elevations between 115 and 2,035 feet. It blooms from March through May.

The only CNDDDB occurrence (Occurrence #1) of this species within five miles of Atherton's Town limits documents a population originally observed in 1978 and last observed in 2004 in a rocky, bare area in serpentine soils roughly four miles northwest of subject parcel MFO-10. The annual grassland areas at MFO-10, V1, and V3-V8 could provide suitable habitat for this species if there are rocky exposed areas that are not choked by annual grasses. Special status plant surveys should be conducted by a qualified botanist during this species' blooming period (March through May) prior to the start of any ground disturbing activities on these subject parcels to determine if this plant is present or absent. If this plant is found and cannot be avoided by site development, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.1.5 FRAGRANT FRITILLARY

Fragrant fritillary (*Fritillaria liliacea*) is a CNPS Rank 1B.2 species. This plant has no federal or state status. This perennial member of the lily family is found in cismontane woodlands, coastal prairie, coastal scrub, and valley and foothill grasslands, often in serpentine soils in elevations from 10 to 1,345 feet. Fragrant fritillary is an early bloomer, flowering between February and April. It is threatened by grazing, agriculture, urbanization, and non-native plants.

The nearest CNDDDB occurrence (Occurrence #35) of this species documents 25 plants observed in 2015 in a serpentine annual grassland area roughly 2.2 miles northwest of subject parcel MFO-10. Though this species is typically found in serpentine soils, the annual grassland habitat on MFO-10, V1, and V3-V8 could provide marginally suitable habitat for this species. Special status plant surveys should be conducted by a qualified botanist during this species' blooming period (February through April) prior to the start of any ground disturbing activities at these subject parcels to determine if this plant is present or absent. If this plant is found and cannot be avoided by site development, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.1.6 SAN FRANCISCO COLLINSIA

San Francisco collinsia (*Collinsia multicolor*) is a CNPS List 1B.2 species. It has no federal or state status. This annual plant is found in moist, shady scrub and forest habitats, sometimes in serpentine soils. It blooms between March and May and is found in elevations ranging from 100 to 900 feet.

The nearest CNDDDB occurrence (Occurrence #10) of this species documents roughly 300 plants observed in 2015 in mixed foothill woodland and broadleaf forest on a steep slope roughly 4.3 miles west of subject parcel MFO-10. Potentially suitable habitat for this species is present on the annual grassland areas on MFO-10, V1, and V3-V8; its presence cannot be dismissed without conducting formal special status plant surveys. Special status plant surveys should be conducted by a qualified botanist during this species' blooming period (March through May) prior to the start of any ground disturbing activities at these subject parcels. If this plant is found and cannot be avoided by site development, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.1.7 WESTERN LEATHERWOOD

Western leatherwood (*Dirca occidentalis*) is not a federally or California state listed species. It is a CNPS List 1B.2 species. This plant can be found in chaparral, cismontane woodlands, riparian woodlands, closed cone coniferous forest, north coast coniferous forest, riparian forests, and broad-leafed upland forest (elevation 50-395 meters). The flowering period for this deciduous shrub is from January through April.

The nearest CNDDDB occurrence (Occurrence #5) of this species documents 12-50 plants observed in 2020 in thin, rocky, moist soil between foothill woodland and chaparral habitat roughly 1.5 miles south of subject parcel MFO-10. The woodland/forest habitats on MFO-10 and parcels V3-V8 may provide suitable habitat for this species. Special status plant surveys should be conducted by a qualified botanist during this species' blooming period (January through April) prior to the start of any ground disturbing activities on these subject parcels. If this plant is found and cannot be avoided by site development, then mitigation would need to be implemented. See the Recommendations section below for details.

## 5.2 Potential Special-Status Animals on the Project Site

Figure 4B provides a graphical illustration of the closest known records for special-status wildlife species within 5 miles of Atherton's town limits helps readers visually understand the number of sensitive species that occur in the vicinity of the subject parcels. No special-status animal records have ever been mapped on or adjacent to any of the subject parcels. However, a total of 30 special-status animal species are known to occur in the region of the project site (Table 2). Due to the dense residential development surrounding all of the subject parcels, only four species have any possibility of occurring on any of them: Western Burrowing Owl (*Athene cunicularia hypugaea*), White-tailed Kite (*Elanus caeruleus*), pallid bat (*Antrozous pallidus*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). These species are discussed in further detail below.

### 5.2.1 WESTERN BURROWING OWL

The Western Burrowing Owl (*Athene cunicularia hypugaea*) is a California species of special concern.” Its nest, eggs, and young are also protected under California Fish and Game Code (§3503, §3503.5 and §3513). The Burrowing Owl is also protected from direct take under the Migratory Bird Treaty Act (50 CFR 10.13). Finally, based upon this species’ rarity status, any unmitigated impacts to rare species would be considered a “significant effect on the environment” pursuant to §21068 of the CEQA Statutes and §15382 of the CEQA Guidelines. Thus, this owl species must be considered in any project that will, or is currently, undergoing CEQA review, and/or that must obtain an environmental permit(s) from a public agency. When these owls occur on project sites, typically, mitigation requirements are mandated in the conditions of project approval from the CEQA lead agency.

Burrowing Owl habitat is usually found in annual and perennial grasslands, characterized by low-growing vegetation. Often, the burrowing owl utilizes rodent burrows, typically ground squirrel burrows, for nesting and cover. They may also on occasion dig their own burrows or use man-made objects such as concrete culverts or rip-rap piles for cover. They exhibit high site fidelity, reusing burrows year after year. Occupancy of suitable Burrowing Owl habitat can be verified at a site by observation of these owls during the spring and summer months or, alternatively, its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement (whitewash) at or near a burrow. Burrowing Owls typically are not observed in grasslands with tall vegetation or wooded areas because the vegetation obscures their ability to detect avian and terrestrial predators. Since Burrowing Owls spend most of their time sitting at the entrances of their burrows, grazed grasslands seem to be their preferred habitat because it allows them to view the world at 360 degrees without obstructions.

The nearest CNDDDB record of this species (Occurrence #27) documents one adult observed in winter of 2000 and 2003 above a trail through the restored San Mateo landfill area in San Mateo Shoreline Park roughly three miles east of subject parcel MFO-10. The annual grassland habitat at the north end of MFO-10 could provide suitable wintering or breeding burrows for this species.

Based on records for Western Burrowing Owl in this area and the potential habitat found on subject parcel MFO-10, a preconstruction survey for burrowing owls should be conducted prior to commencement of ground disturbing activities. See the Recommendations section below for details.

### 5.2.2 WHITE-TAILED KITE

The White-tailed Kite (*Elanus caeruleus*) is a “Fully Protected” species under the California Fish and Game Code (§3511). Fully protected birds may not be “taken” or possessed (i.e., kept in captivity) at any time. It is also protected under the federal Migratory Bird Treaty Act (50 CFR 10.13) and its eggs and young are protected under California Fish and Game Code (§3503, 3503.5). The White-tailed Kite is typically found foraging in grassland, marsh, or cultivated fields where there are dense-topped trees or shrubs for nesting and perching. They nest in a wide variety of trees of moderate height and sometimes in tall bushes, such as coyote bush (*Baccharis pilularis*). Native trees used are live and deciduous oaks (*Quercus* spp.), willows (*Salix* spp.), cottonwoods (*Populus* spp.), sycamores (*Platanus* spp.), maples (*Acer* spp.), toyon (*Heteromeles*

*arbutifolia*), and Monterey cypress (*Cupressus macrocarpa*). Although the surrounding terrain may be semi-arid, kites often reside near water sources, where prey is more abundant. The particular characteristics of the nesting site do not appear to be as important as its proximity to a suitable food source. Kites primarily hunt small mammals, with California meadow voles accounting from between 50-100% of their diet (Shuford 1993).

The nearest CNDDDB record (Occurrence #87) for this species is located approximately 4.0 miles northwest of the subject parcel MFO-3. This record is from 1971 and documents three nesting pairs observed in an area of coyote brush surrounded by salt marsh habitat. This species could be encountered on any of the subject parcels that have suitable nesting trees in proximity to food and water sources.

Prior to any tree removal or earthwork that would be conducted during the nesting season (February 1 through August 31), M&A recommends that a nesting bird survey be conducted on any of the subject parcels within 15 days of the commencement of work. If active bird nests are identified, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.2.3 PALLID BAT

The pallid bat (*Antrozous pallidus*) is a California “species of special concern.” It has no federal status. The “species of special concern” status designation does not provide any special legally mandated protection for this bat species. However, this status designation likely meets the definition of “rare” pursuant to the California Environmental Quality Act (CEQA) (14 CCR §15380(2)(A)). As such, potential impacts to this bat species should be considered during any CEQA review. Any unmitigated impacts to this species would likely be regarded as a significant adverse impact pursuant to CEQA (§21068).

This bat is a locally common species of low elevations in California. It occurs throughout California except for the high Sierra Nevada from Shasta to Kern Counties, and the northwestern corner of the state from Del Norte and western Siskiyou counties to northern Mendocino County. It occurs in a wide variety of habitats. It is most common in open, dry habitats with rocky areas for roosting. Day roosts are in caves, crevices, mines, and occasionally in hollow trees and buildings. Roost must protect bats from high temperatures. Night roosts may be in more open sites such as porches and open buildings. Pallid bat is a social species that roosts in groups of 20 or more.

The closest known CNDDDB record (Occurrence #297) for the pallid bat is from 1960 and documents one male adult collected in woodland habitat roughly 1.7 miles west of subject parcel MFO-10. As abandoned buildings and trees can provide suitable roosting habitat for this species, impacts to pallid bat cannot be ruled out. Preconstruction bat surveys should be conducted by a qualified biologist prior to development or building demolition on any of the subject parcels. If this species is found during preconstruction surveys, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.2.4 SAN FRANCISCO DUSKY-FOOTED WOODRAT

Hooper (1938) described 11 subspecies of the dusky-footed woodrat. The San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) is one of the 11 described subspecies. The dusky-footed woodrat is found in forested, wooded, and riparian habitats throughout much of California, the Willamette Valley of Western Oregon, and northern Baja California (Carraway and Verts 1991). In the San Francisco Bay Area, they have particular affinities with poison oak in riparian settings but are also frequently found in the South San Francisco Bay area high in California live oak canopies typically towards the outer branches (S. Lynch pers. observations). Nests are typically constructed on or just off the ground in thick poison oak, willows, or other within other dense vegetation.

Dusky-footed woodrats are medium-sized rodents ranging from 200- 400g. The head and body length range from 7 3/5 to 9 inches (193-229 mm) long with a tail length of 6 4/5 to 8 2/3 inches (173-220 mm). The body coloring is brown/grey with white/grey underside and white/dusky coloring on feet. Dusky-footed woodrats have a hairy, brown tails with light undersides, and large ears (Burt and Grossenheider 1980).

Woodrats are, for the most part, generalist herbivores. They consume a wide variety of nuts and fruits, fungi, foliage, and some forbs (Linsdale and Tevis, Jr. 1951). Dusky-footed woodrats are sometimes called packrats attributable to their behavior of collecting bobbles, bottle caps, pieces of deflated shiny helium balloons, and other man-made objects. These artifacts are placed within their relatively large stick nests, some of which can last for twenty or more years.

The closest known CNDDDB record for this species (Occurrence #21) is from 2016 and documents seven nesting adult woodrats captured and relocated in riparian and ruderal grassland habitat along a drainage channel roughly 3.4 miles south of subject parcel V6. The forest and woodland habitats on subject parcels V4, V5, and V6 could provide suitable nesting habitat for this rodent species. Preconstruction woodrat midden surveys should be conducted prior to commencement of ground disturbing activities or vegetation removal on subject parcels V4, V5, and V6. If this species is found during preconstruction surveys, then mitigation would need to be implemented. See the Recommendations section below for details.

#### 5.2.5 NESTING BIRDS

Passerine birds (songbirds) and raptors (i.e., birds of prey), their active nests, eggs, and young are protected under California Fish and Game Code (§3503 and §3503.5). Thus, prior to any tree removal or earthwork that would be conducted during the nesting season (February 1 through September 1) that could disturb nesting birds (for example, ground vibrations from grading equipment will cause some birds to abandon their nests), M&A recommends that preconstruction nesting bird surveys be conducted within 7 days prior to any proposed ground disturbance (grading, paving, building demolition) or vegetation removal (including grubbing and brush clearing) on subject parcels requiring nesting bird surveys as indicated on Table A if this disturbance would occur between February 1st and September 1<sup>st</sup> (the nesting season).

If active bird nests are identified onsite during preconstruction surveys, then mitigation would need to be implemented. See the Recommendations section below for details.

## **6. STATE AND FEDERAL REGULATIONS PERTINENT TO THE SUBJECT PARCELS**

There are many state and federal regulations in place that protect our waterways, native plants and wildlife, and endangered species. Those regulations relevant to the subject parcels and the proposed project are discussed below. There is not a discussion of the Federal or California Endangered Species Acts in this report because the subject parcels do not provide habitat for any federally- or state-listed species, as stated above.

### **6.1 Federal Migratory Bird Treaty Act**

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

#### **6.1.1 APPLICABILITY TO THE PROPOSED PROJECT**

Raptors such as White-tailed Kite, Red-tailed Hawk, and Red-shouldered Hawk could nest on the subject parcels that still contain natural habitats. These raptors (birds of prey) would be protected by the Migratory Bird Treaty Act. Also, common songbirds that nest on man-made structures proposed for demolition or on the subject parcels with natural habitats would be protected pursuant to this Act. As long as there is no direct mortality of species (including their eggs or young) protected pursuant to this Act caused by development of any of the subject parcels, there should be no constraints to development. To comply with the Migratory Bird Treaty Act, preconstruction surveys would have to be conducted for nesting birds (including raptors) if any work is proposed on the subject parcels during the nesting season (February through August) and all active nest sites (nests with viable eggs or young) would have to be avoided while such birds were nesting. Upon completion of nesting, the work could commence as otherwise planned.

### **6.2 California Fish and Game Code § 3503, 3503.5, 3511, and 3513**

California Fish and Game Code §3503, 3503.5, 3511, and 3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered “take.” Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act).

All raptors (that is, hawks, eagles, owls) their nests, eggs, and young are protected under California Fish and Game Code (§3503.5). Additionally, “fully protected” birds, such as the white-tailed kite and golden eagle, are protected under California Fish and Game Code (§3511). “Fully protected” birds may not be taken or possessed (that is, kept in captivity) at any time.

#### **6.2.1 APPLICABILITY TO THE PROPOSED PROJECT**

Raptors that could be impacted by the project include White-tailed Kite, Red-tailed Hawk, and Red-shouldered Hawk. These raptors and many common passerine birds could nest on the subject parcels. If any tree removal or site work would happen between February 1 and

September 1<sup>st</sup>, preconstruction surveys would have to be conducted for nesting birds (including raptors) to ensure that there is no direct take of these birds, or their eggs or active nests, as applicable, during the construction of the proposed project. Any active nests that are found during preconstruction surveys would have to be avoided by the proposed project. Suitable non-disturbance buffers would be established around nest sites until the nesting cycle is complete.

### **6.3 The Clean Water Act**

#### **6.3.1 SECTION 404 OF THE CLEAN WATER ACT**

Congress enacted the Clean Water Act “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” (33 U.S.C. §1251(a)). Pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344), the U.S. Army Corps of Engineers (Corps) regulates the disposal of dredged or fill material into “waters of the United States” (33 CFR Parts 328 through 330). This requires project applicants to obtain authorization from the Corps prior to discharging dredged or “fill” materials into any water of the United States.

In the published 2023 rule from the Federal Register, the term “waters of the United States” is defined as:

1. Waters which are:
  - a. currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  - b. The territorial seas; or
  - c. Interstate waters;
2. Impoundments of waters otherwise defined as waters of the United States under the definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
3. Tributaries of waters identified in (a)(1) or (2), (4), or (6) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
  - i. Waters identified in paragraph (a)(1) of this section; or
  - ii. Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
5. Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

#### **6.3.2 SECTION 401 OF THE CLEAN WATER ACT**

The State Water Resources Control Board (SWRCB) and the California Regional Water Quality Control Board (RWQCB) regulate activities in "waters of the State" (which includes wetlands) through Section 401 of the Clean Water Act. While the Corps administers a permitting program that authorizes impacts to waters of the U.S., including wetlands and other waters, any Corps permit authorized for a proposed project would be inoperative unless it is a Nationwide Permit

(NWP) that has been certified for use in California by the SWRCB, or if the RWQCB has issued a project specific certification of water quality. Where a project will result in dredge or fill of non-federal waters of the State (that is, a water outside of the Corps' jurisdiction), the RWQCB will authorize those fills through waste discharge requirements issued under the Porter Cologne Water Quality Control Act.

On April 2, 2019, the SWRCB adopted a State-level definition of "wetlands," which definition is broader than the federal definition in that unvegetated areas may be considered a wetland water of the State. As a part of the same policy, the SWRCB adopted permit procedures and standards governing the discharge of dredged or fill material into wetlands and other waters of the State. The policy includes, among other things, requirements for analyses to identify the least environmentally damaging practicable alternative (LEDPA) and compensatory mitigation standards including a minimum 1:1 ratio for wetlands and streams, and full functional replacement of all waters on top of this minimum where applicable.

#### 6.3.3 APPLICABILITY TO THE PROPOSED PROJECT

M&A reviewed Google Earth aerial imagery, U.S. topographic maps, and the USGS's Inventory Wetlands Mapper (USFWS 2003) to look for any evidence of wetland or "other waters of the U.S./State on any of the subject parcels. No evidence of aquatic resources of any kind on any of the subject parcels was found. Based on this review, M&A does not believe that any of these subject parcels have any Corps or RWQCB jurisdictional features.

### 6.4 Town of Atherton Tree Ordinance

Section 8.10 of the Town of Atherton Municipal Code provides for the protection and preservation of "Heritage trees" in the Town of Atherton, and removal or destruction of a Heritage tree requires a permit issued in accordance with section 8.10.040 of the Municipal Code (Title 8, Chapter 8.10 Removal of and Damage to Heritage Trees).

Section 8.10.020 defines a "Heritage tree" as:

1. A tree meeting any of the following conditions:
  - a. An oak tree (*Quercus lobata*, *Quercus agrifolia* or *Quercus douglasii*) located anywhere on a lot, that has a minimum trunk circumference of forty-eight inches or diameter of fifteen and two-tenths inches (15.2 inches diameter at breast height), as measured at fifty-four inches above the natural grade.
  - b. A tree located outside the main buildable area that has a minimum trunk circumference of forty-eight inches or diameter of fifteen and two-tenths inches, as measured at fifty-four inches above the natural grade.
  - c. A split trunk or low-branching tree located outside the main buildable area that has a minimum trunk circumference of forty-eight inches or diameter of fifteen and two-tenths inches, as measured at fifty-four inches above the natural grade. If the trunk branches or splits below this point, the smallest circumference or diameter below the lowest branch shall be measured.
  - d. A multi-stemmed tree located outside the main buildable area that has a total trunk circumference of forty-eight inches or total diameter of fifteen and two-tenths inches

- when calculated as follows: considering all the branches at fifty-four inches above natural grade, add the measurement of the largest branch to one-half the measurement of each additional branch. Reference the Guide for Plant Appraisal authored by representatives to the Council of Tree and Landscape Appraisers.
2. A tree so designated by the city council, based upon findings that the particular tree is unique and of importance to the public due to its unusual age, appearance, location or other factors;
  3. A tree that has been removed without a permit that cannot be measured pursuant to subsection (L)(1) of this section will be presumed to have been a heritage tree if it meets any of the following criteria:
    - a. The tree has a stump of at least seventeen and three-quarters inches in diameter as measured at the natural grade;
    - b. The tree is a native oak with a minimum of seventy-five years of age;
    - c. The tree is any other species of tree with a minimum of forty-five years of age, unless otherwise specified in this section;
    - d. The tree is a redwood with a minimum age of thirty years of age;
    - e. In the absence of remaining physical evidence, photographs and other circumstantial evidence of characteristics, including but not limited to height, canopy dimensions, and similar trees in the immediate area may be used to create a presumption that the tree was a heritage tree.
  4. *Exemptions.* The trees listed below shall not be classified as heritage trees, regardless of their size or age, nor shall they be used for replacement plantings:
    - a. Bailey acacia (*Acacia bailenyana*)
    - b. Green wattle (*Acacia decurrens*)
    - c. Black acacia (*Acacia melanoxydon*)
    - d. Tree of heaven (*Ailanthus altissima*)
    - e. Mimosa (*Albizia julibrissin*)
    - f. Eucalyptus—Any species

#### Section 8.10.030 Prohibitions and protections

- A. No person shall remove a heritage tree unless a permit has first been issued in accordance with Section 8.10.040.
- B. All heritage trees must be shown and designated on every plot map that may be required by the town in connection with any application for a subdivision, variance, use permit, special structures permit, or building permit. In addition, a heritage tree protection and preservation plan may be required with each application, as determined by the town arborist. The heritage tree protection and preservation plan shall adhere to the specifications found in the town's current heritage tree preservation standards and specifications document. Said plan shall also show heritage trees which border the development area but are on a

neighboring property or share a border within fifteen feet of the property line and shall include neighbor notification as prescribed in the town's current heritage tree preservation standards and specifications document.

C. No person shall disturb and/or damage a heritage tree by any means whatsoever, including, without limitation, those actions defined in Section 8.10.020(I), or conduct any prohibited activities within the defined TPZ as specified in the town's current tree preservation standards and specifications document, unless a permit has first been issued by the town. Staff-level decisions about the TPZ may be appealed to the planning commission within ten days of the decision in writing to the town.

D. The provisions of this chapter shall not be deemed to repeal or otherwise affect the provisions of Chapter 8.08, relating to dead or dangerous trees (Ord. 641 § 1 (Exh. A (part)), 2020; Ord. 547 § 1, 2004; Ord. 533 § 2, 2002; Ord. 522 § 1, 2001; Ord. 444 § 3, 1989).

#### 8.10.040 Permit process.

A. The application for a heritage tree removal permit shall be filed with the building department on a prescribed form. The building department may require the applicant, at the applicant's expense, to furnish a written report from a certified arborist.

B. If the heritage tree which is the subject of an application meets the requirements as set forth in this section and is determined by staff to be a dead or dangerous tree as defined in Section 8.10.020(E) and pursuant to Chapter 8.08, based upon a review of the permit application and the inspection report, then the building department shall grant the permit and attach reasonable conditions to ensure compliance with the intent and purpose of this chapter such as, but not limited to, requiring replacement of the tree or trees removed with plantings acceptable to the building department. Such replacements shall not require submittal of a bond.

C. If the building department determines that the tree does not meet the requirements of a dead or dangerous tree and if the applicant requests planning commission review for removal and/or relocation, then the application shall be referred to the planning commission for consideration at a public meeting, noticed in accordance with Section 17.06.080(B). Each application for a heritage tree removal permit shall be accompanied by a fee in an amount as set by resolution of the city council sufficient to cover all costs of processing the permit. The application for planning commission review shall contain all requested information in order to be deemed complete.

D. Planning commission shall hear all evidence presented, and shall grant the heritage tree removal permit unless it finds that the removal of the subject heritage tree would be contrary to the purpose and intent of the general plan of the town, while considering the following criteria:

1. The probability of failure which is a function of heritage tree and site conditions such as, but not limited to, structural defects, presence of disease, species history, age or remaining life span, and varying weather conditions;
  2. The probability of a public safety hazard, personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services;
  3. The number, species, size and location of existing trees in the area and the effect of the requested removal upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty, health, safety and general welfare of the area and town as a whole;
  4. Good forestry practices such as, but not limited to, the age, number of healthy trees a given parcel of land will support and/or the long-term benefits of a proposed reforestation plan relative to existing site conditions;
  5. The necessity to remove or relocate the heritage tree(s) to allow for operation of existing solar panels that were installed prior to the planting of the heritage tree(s) on the subject or adjoining property; and
  6. The necessity to remove the heritage tree(s) to allow reasonable use or other enjoyment of the property when there is no demonstrated feasible alternative to the removal while meeting other adopted goals and policies of the general plan to the greatest extent feasible.
- E. At the discretion of the planning commission, for each heritage tree permitted to be removed the permittee may be required to plant three trees of fifteen-gallon container size, or two trees of twenty-four-inch box container size, or one tree of fifteen-gallon container size and one tree of thirty-six-inch container size. Replacement trees shall not be those listed as disfavored trees above. Where heritage oak trees are allowed to be removed from within the buildable area, they shall each be replaced with one or more trees of forty-eight-inch container size of oak species at a location approved by the planning commission. The planning commission may also attach other reasonable conditions to ensure compliance with the intent and purpose of this chapter.
- F. Any person required to plant replacement trees and/or relocate a heritage tree(s) pursuant to this section shall maintain such trees in a good and healthy condition to ensure permanent establishment of said trees, to the satisfaction of the town arborist. Such person shall execute a maintenance agreement with the town for a duration of between one year and three years, at the discretion of the town arborist. Such person shall also post a maintenance bond or security deposit equal to the appraised value of each tree that is planted and/or relocated. If the condition of the replacement planting(s) is not satisfactory to the town arborist during the term of the maintenance agreement, the town may take additional steps to ensure permanent establishment of replacement trees, including planting of new trees and/or an extension of the

maintenance agreement and bond/security deposit. This requirement shall not apply to dead or dangerous trees.

The maintenance bond/security deposit shall be returned at permittee's request at the termination of the maintenance agreement, subject to the approval of the town arborist. The town shall attempt to notify permittee at the address on file. If no response is received from initial town attempt by thirty days from notification, then the town shall attempt a second time to notify the permittee. If after three years from the termination of the maintenance agreement the permittee has not requested the return of the maintenance bond/security deposit, the funds shall be considered forfeited and shall be deposited into the town's general fund and shall be purposed for projects and/or improvements as identified in the town's current adopted capital improvement plan (CIP) and/or other adopted town plan or program.

#### 6.4.1 HERITAGE TREES TO BE IMPACTED BY THE PROPOSED PROJECT

M&A reviewed a tree survey and report completed for the property at 97 Santiago Avenue (Subject Parcel V1 on Table 1 above) in April 2022 by Kielty Arborist Services, LLC. The report states that 26 Heritage trees were observed on the property or on neighboring properties, the majority of which are native oak trees. M&A also reviewed a tree survey and report conducted at 95 Faxon Road (Subject Parcel V4 on Table 1 above) in May 2023. At the request of the landowner, that survey and report only analyzed 5 coast live oaks on the property; 4 out of the 5 trees surveyed were concluded to be Heritage trees. A Town tree inventory was also taken at the Gilmore House (MFO-8 in Table 1) and at least 13 Heritage trees were noted. No known tree surveys or reports have been conducted at any of the other subject parcels, but it is likely that several of the subject parcels contain trees that would qualify as Heritage trees under the Town of Atherton's tree ordinance.

Tree removal permits should be obtained prior to removal of any trees that may qualify as Heritage trees based on meeting any of the conditions listed in Section 8.10.020 of the Town of Atherton's Municipal Code (listed above).

## 7. RECOMMENDATIONS

1. Preconstruction nesting bird surveys should be conducted within 7 days prior to any proposed ground disturbance (grading, paving, building demolition) or vegetation removal (including grubbing and brush clearing) on subject parcels requiring nesting bird surveys as indicated on Table A if this disturbance would occur between February 1<sup>st</sup> and September 1<sup>st</sup>, the nesting season. The nesting bird surveys should include an examination of all buildings onsite and all trees and shrubs onsite and within 200 feet of the entire subject parcel (i.e., within a zone of influence of nesting birds), not just trees slated for removal. The zone of influence includes those areas outside the project site where birds could be disturbed by earth- moving vibrations and/or other construction-related noise. If any active bird nests are identified onsite or within a zone of influence, a non-disturbance buffer would have to be erected around the nesting site and fenced.

The nest buffer should be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and should be established by a qualified ornithologist or biologist with extensive experience working

with nesting birds near and on construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known from the region of the project site. Upon completion of nesting surveys, if nesting birds are identified on or within a zone of influence of the subject parcel, a qualified ornithologist/biologist that frequently works with nesting birds should prescribe adequate nesting buffers to protect the nesting birds from harm while the project is constructed.

No construction or earth-moving activity should occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In this region, most species complete nesting by mid-July. This date can be significantly earlier or later and would have to be determined by the qualified biologist. At the end of the nesting cycle, and fledging from the nest by its occupants, as determined by a qualified biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site.

2. The Town of Atherton has a Tree Ordinance that requires acquisition of a tree removal permit prior to removal of any potential “heritage trees.” A tree removal permit should be obtained prior to removal of any trees with a minimum trunk circumference of forty-eight inches or diameter of fifteen and two-tenths inches, as measured at fifty-four inches above the natural grade, excluding the following species: Bailey acacia (*Acacia bailenyana*), Green wattle (*Acacia decurrens*), Black acacia (*Acacia melanoxylon*), Tree of heaven (*Ailanthus altissima*) and Mimosa (*Albizia julibrissin*).
3. Based on records for Western Burrowing Owl in this area and the potential habitat found on subject parcel MFO-10, a preconstruction survey for burrowing owls should be conducted at MFO-10 prior to commencement of ground disturbing activities. The CDFW’s *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) states that take avoidance (preconstruction) surveys should be conducted 14 days prior to ground disturbance. As Burrowing Owls can recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance to ensure absence of the species.

If burrowing owls are detected during preconstruction surveys, the following restricted activity dates and setback distances are recommended per the CDFG’s *Staff Report on Burrowing Owl Mitigation* (CDFG 2012).

- a. From April 1 through October 15, low disturbance and medium disturbance activities should have a 200-meter buffer while high disturbance activities should have a 500-meter buffer from occupied nests.

- b. From October 16 through March 31, low disturbance activities should have a 50-meter buffer, medium disturbance activities should have a 100-meter buffer, and high disturbance activities should have a 500-meter buffer from occupied nests.
  - c. No earth-moving activities or other disturbance should occur within the aforementioned buffer zones of occupied burrows. These buffer zones should be fenced as well. If Burrowing Owls were found in the proposed project area, a qualified biologist would also need to delineate the extent of Western Burrowing Owl habitat on the site.
4. The forest and woodland habitats on subject parcels V4, V5, and V6 could provide suitable nesting habitat for Dusky-footed woodrats. Prior to commencement of ground disturbing activities or vegetation removal on these subject parcels, a qualified biologist should survey all oak/bay woodland and forested habitats for evidence of nesting San Francisco dusky-footed woodrats (i.e., large stick nests). Since woodrats use their nests year-round, surveys for woodrat nests may be conducted at any time of the year. If woodrat nests are identified, they will be flagged in the field and delineated on project site maps. For any woodrat nest identified on a subject parcel, the mitigation listed below should be implemented.

If any woodrat nests are identified, CDFW should be contacted immediately to coordinate mitigation. A qualified biologist should conduct a pre-construction survey for San Francisco dusky-footed woodrat nests no more than 30 days prior to the onset of site grubbing/grading or construction activities within 50 feet of construction zones. Identified nests should be avoided, where possible. If avoidance is not possible, the nest(s) should be manually deconstructed when helpless young are not present, typically during the non-breeding season (October through January). If it is determined that young may be present during the pre-construction survey, a suitable buffer, depending on the type of proposed impact, nest location and topography of where the nest is located, shall be established by the qualified biologist (typically ranges between 20-50 feet). This non-disturbance buffer should remain in place around the nest until the young are independent enough to successfully move from the nest to be deconstructed.

5. The trees and buildings on the subject parcels may provide roosting and maternity habitat for special-status bats including the pallid bat (*Antrozous pallidus*). In order to avoid impacts to roosting pallid bat or other special-status bats, building or tree removal should only be conducted during seasonal periods of bat activity: between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 1<sup>st</sup> to avoid hibernating bats, and prior to the formation of maternity colonies. Then a qualified biologist, one with at least two years of experience surveying for bats, should do preconstruction surveys for roosting bats within 14 days of starting work. If the qualified biologist finds evidence of bat presence during the surveys, then he/she should develop a plan for removal and exclusion, when there are not dependent young present.
6. Prior to the Town of Atherton's approval of development on MFO-10, V1, and V3-V8, special-status plant surveys should be conducted in appropriate habitats during the appropriate period in which the species discussed above are most identifiable. Project

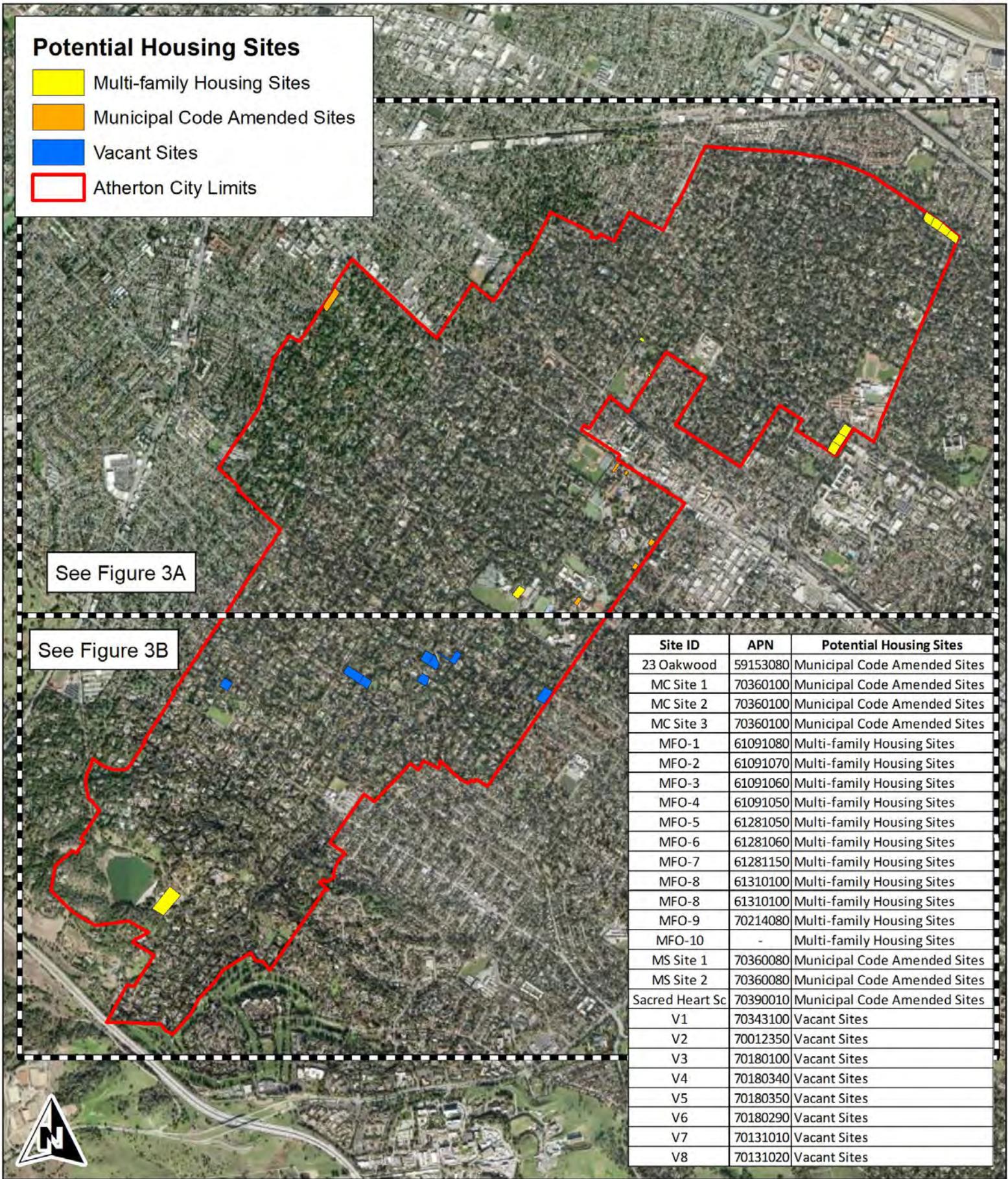
construction should not be initiated on these subject parcels until all special-status plant surveys are completed and subsequent mitigation, if necessary, is implemented.

If special-status plant species are found during these surveys, those individuals or populations should be avoided to the maximum degree possible. If avoidance is not possible while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be developed in consultation with the agencies that are responsible for protection of that plant species based on its protection status [i.e., Town of Atherton (for plants protected by CEQA), CDFW (plants protected by California law/regulation), or USFWS (protected by federal law/regulation)]. Appropriate mitigation prescriptions for impacts on special-status plants should be included as conditions of project approval.

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See Figure 3A

See Figure 3B

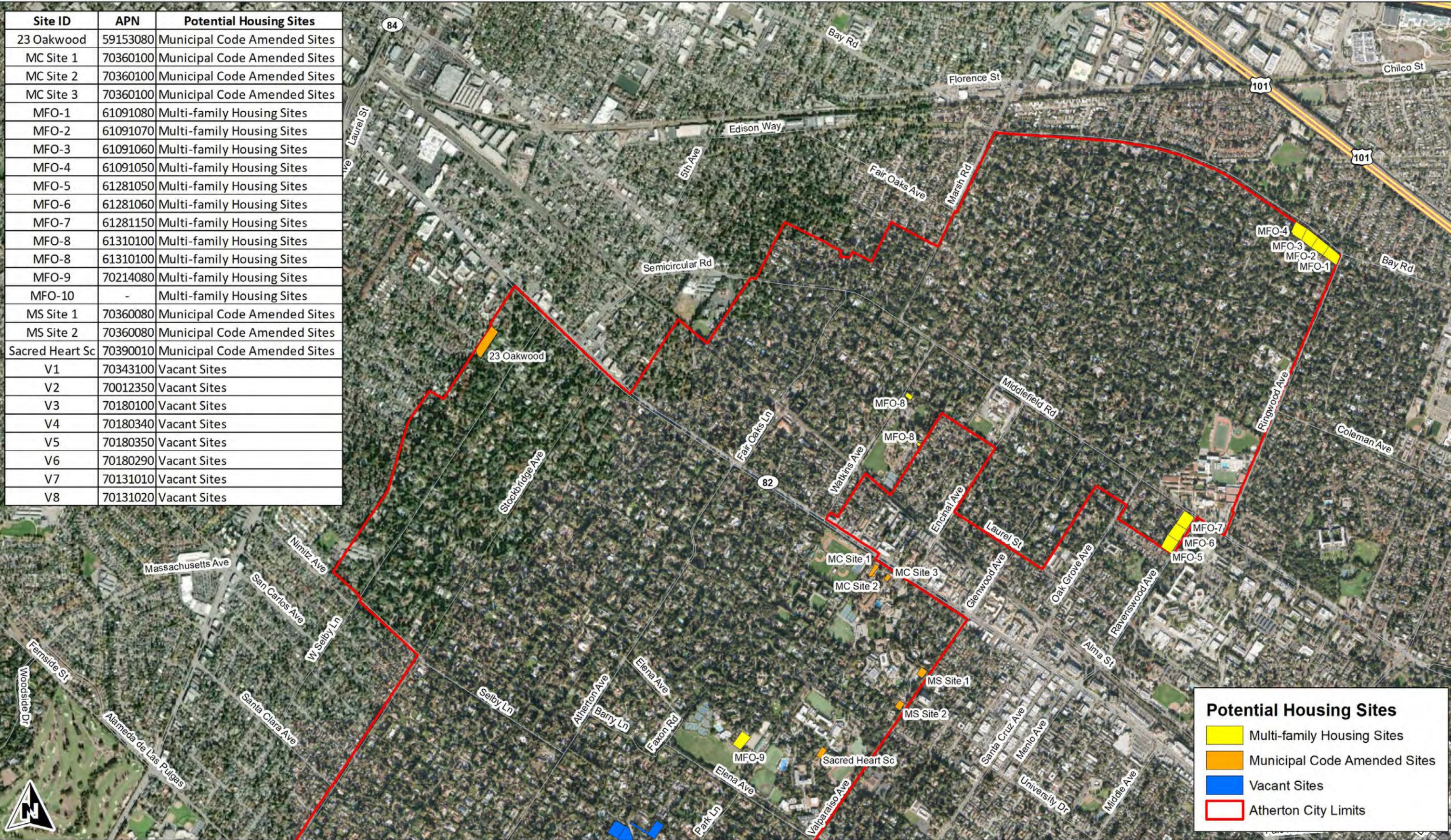
Site ID	APN	Potential Housing Sites
23 Oakwood	59153080	Municipal Code Amended Sites
MC Site 1	70360100	Municipal Code Amended Sites
MC Site 2	70360100	Municipal Code Amended Sites
MC Site 3	70360100	Municipal Code Amended Sites
MFO-1	61091080	Multi-family Housing Sites
MFO-2	61091070	Multi-family Housing Sites
MFO-3	61091060	Multi-family Housing Sites
MFO-4	61091050	Multi-family Housing Sites
MFO-5	61281050	Multi-family Housing Sites
MFO-6	61281060	Multi-family Housing Sites
MFO-7	61281150	Multi-family Housing Sites
MFO-8	61310100	Multi-family Housing Sites
MFO-8	61310100	Multi-family Housing Sites
MFO-9	70214080	Multi-family Housing Sites
MFO-10	-	Multi-family Housing Sites
MS Site 1	70360080	Municipal Code Amended Sites
MS Site 2	70360080	Municipal Code Amended Sites
Sacred Heart Sc	70390010	Municipal Code Amended Sites
V1	70343100	Vacant Sites
V2	70012350	Vacant Sites
V3	70180100	Vacant Sites
V4	70180340	Vacant Sites
V5	70180350	Vacant Sites
V6	70180290	Vacant Sites
V7	70131010	Vacant Sites
V8	70131020	Vacant Sites

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Figure 2. Town of Atherton General Plan Housing  
 Element Update Project Location Map  
 Atherton, California

7.5-Minute Palo Alto quadrangle  
 Aerial Photograph Source: ESRI  
 Map Preparation Date: November 9, 2023

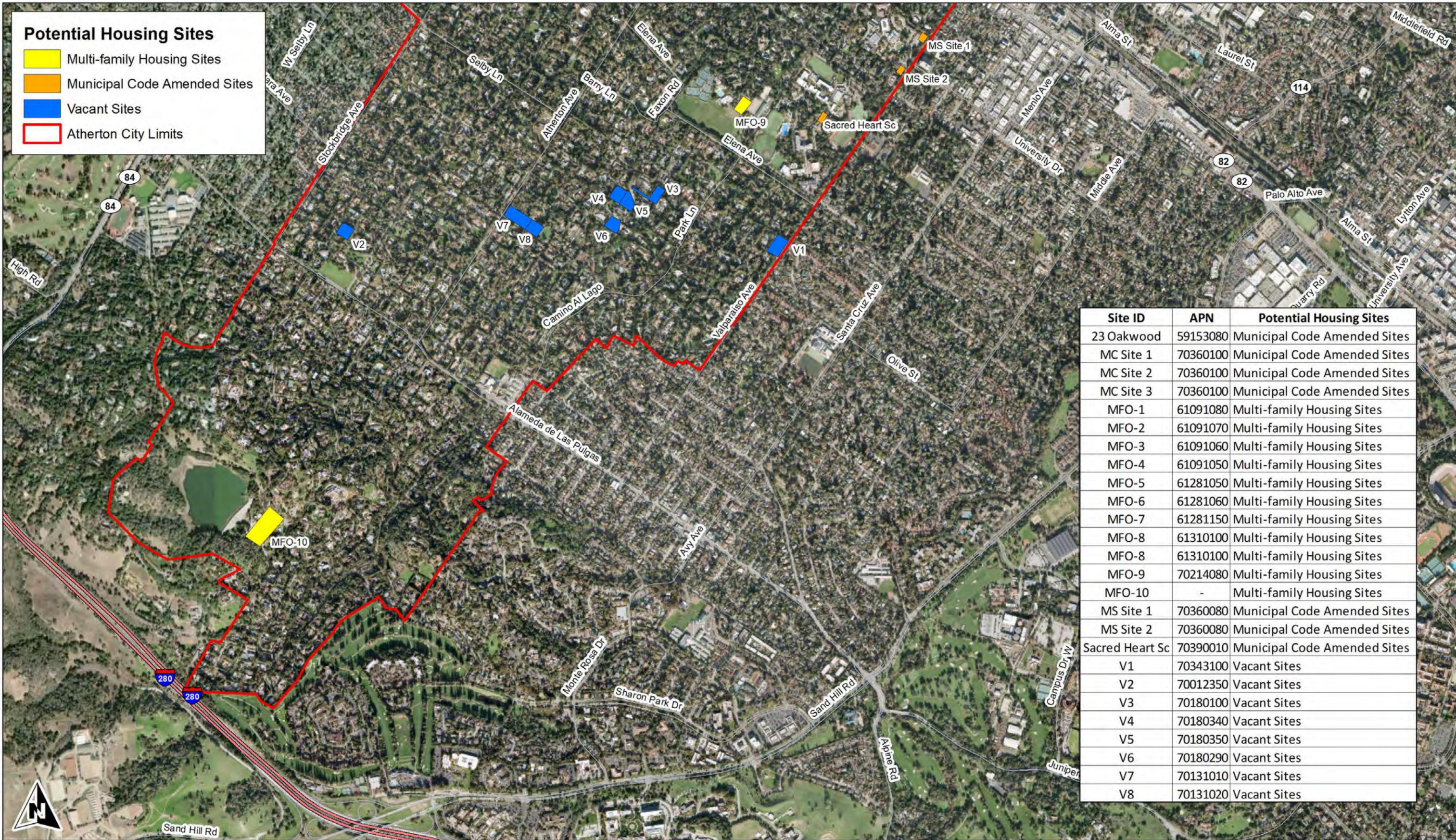
Site ID	APN	Potential Housing Sites
23 Oakwood	59153080	Municipal Code Amended Sites
MC Site 1	70360100	Municipal Code Amended Sites
MC Site 2	70360100	Municipal Code Amended Sites
MC Site 3	70360100	Municipal Code Amended Sites
MFO-1	61091080	Multi-family Housing Sites
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MFO-3	61091060	Multi-family Housing Sites
MFO-4	61091050	Multi-family Housing Sites
MFO-5	61281050	Multi-family Housing Sites
MFO-6	61281060	Multi-family Housing Sites
MFO-7	61281150	Multi-family Housing Sites
MFO-8	61310100	Multi-family Housing Sites
MFO-8	61310100	Multi-family Housing Sites
MFO-9	70214080	Multi-family Housing Sites
MFO-10	-	Multi-family Housing Sites
MS Site 1	70360080	Municipal Code Amended Sites
MS Site 2	70360080	Municipal Code Amended Sites
Sacred Heart Sc	70390010	Municipal Code Amended Sites
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V3	70180100	Vacant Sites
V4	70180340	Vacant Sites
V5	70180350	Vacant Sites
V6	70180290	Vacant Sites
V7	70131010	Vacant Sites
V8	70131020	Vacant Sites



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Figure 3A. Aerial Photograph of the Subject Parcels  
 Town of Atherton General Plan Housing Element Update Project  
 Atherton, California

Aerial Photograph Source: ESRI  
 Map Preparation Date: November 9, 2023



**Potential Housing Sites**

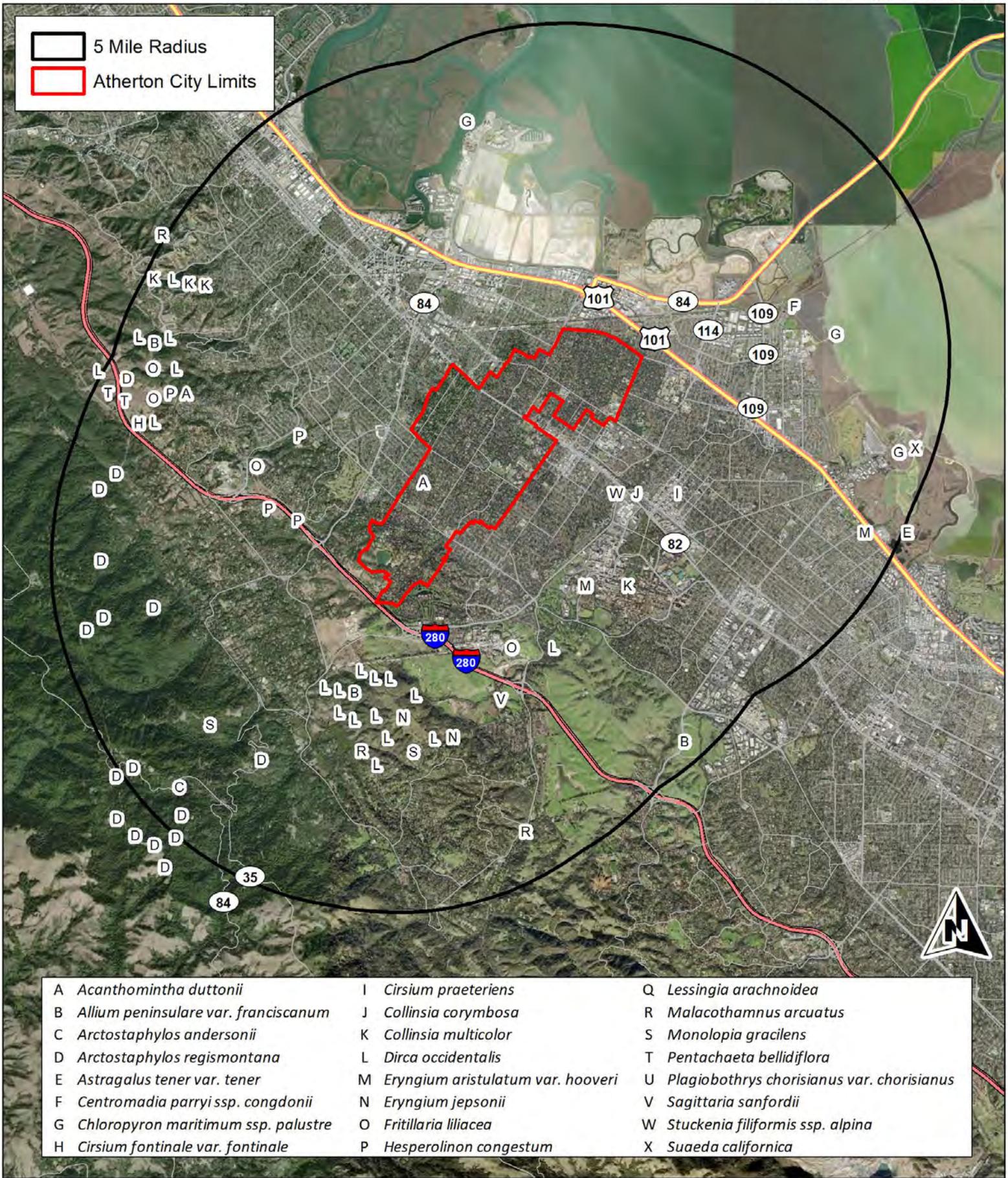
- Multi-family Housing Sites
- Municipal Code Amended Sites
- Vacant Sites
- Atherton City Limits

Site ID	APN	Potential Housing Sites
23 Oakwood	59153080	Municipal Code Amended Sites
MC Site 1	70360100	Municipal Code Amended Sites
MC Site 2	70360100	Municipal Code Amended Sites
MC Site 3	70360100	Municipal Code Amended Sites
MFO-1	61091080	Multi-family Housing Sites
MFO-2	61091070	Multi-family Housing Sites
MFO-3	61091060	Multi-family Housing Sites
MFO-4	61091050	Multi-family Housing Sites
MFO-5	61281050	Multi-family Housing Sites
MFO-6	61281060	Multi-family Housing Sites
MFO-7	61281150	Multi-family Housing Sites
MFO-8	61310100	Multi-family Housing Sites
MFO-8	61310100	Multi-family Housing Sites
MFO-9	70214080	Multi-family Housing Sites
MFO-10	-	Multi-family Housing Sites
MS Site 1	70360080	Municipal Code Amended Sites
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V8	70131020	Vacant Sites

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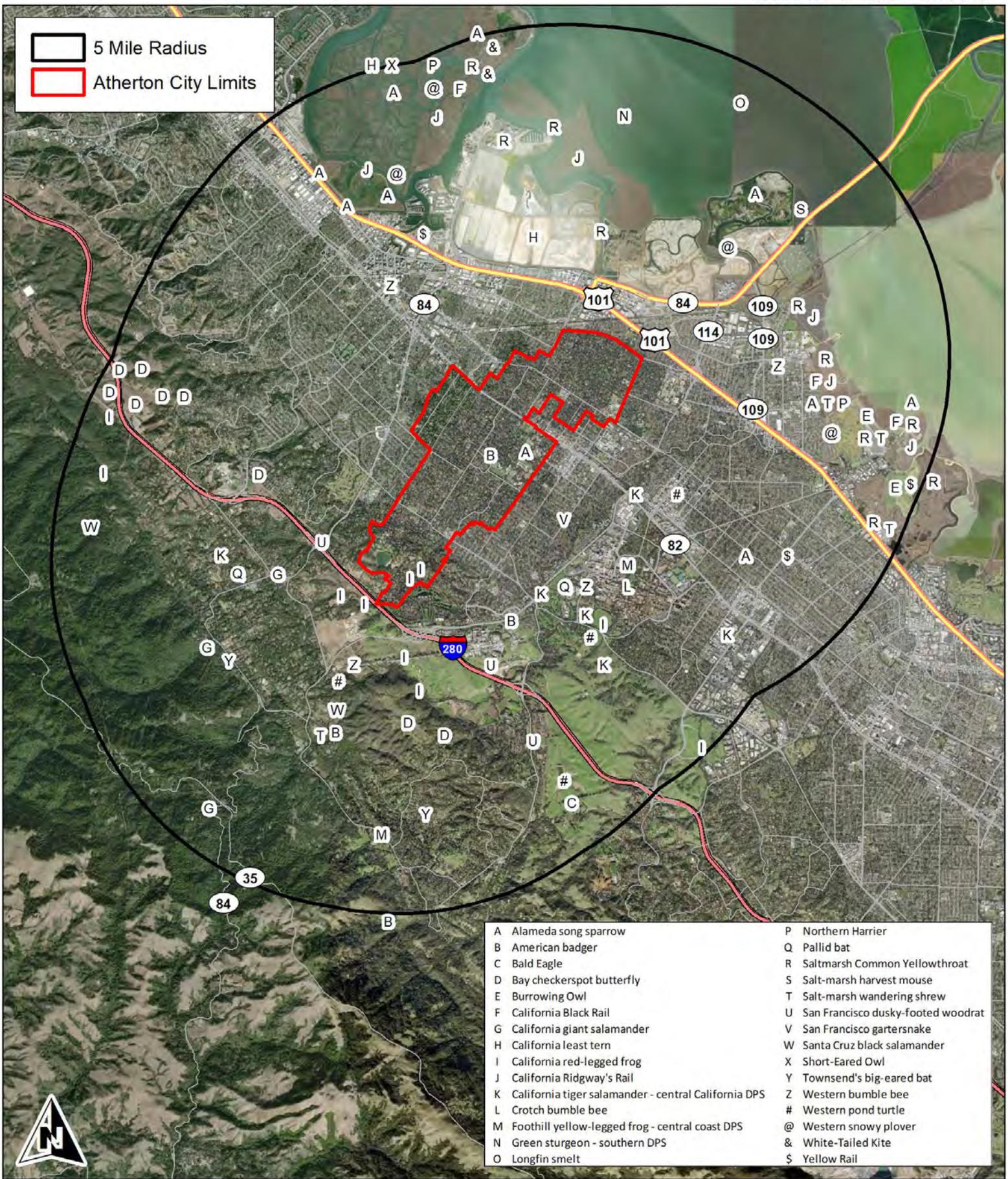
Figure 3B. Aerial Photograph of the Subject Parcels  
 Town of Atherton General Plan Housing Element Update Project  
 Atherton, California

Aerial Photograph Source: ESRI  
 Map Preparation Date: October 19, 2023



A	<i>Acanthomintha duttonii</i>	I	<i>Cirsium praeteriens</i>	Q	<i>Lessingia arachnoidea</i>
B	<i>Allium peninsulare</i> var. <i>franciscanum</i>	J	<i>Collinsia corymbosa</i>	R	<i>Malacothamnus arcuatus</i>
C	<i>Arctostaphylos andersonii</i>	K	<i>Collinsia multicolor</i>	S	<i>Monolopia gracilens</i>
D	<i>Arctostaphylos regismontana</i>	L	<i>Dirca occidentalis</i>	T	<i>Pentachaeta bellidiflora</i>
E	<i>Astragalus tener</i> var. <i>tener</i>	M	<i>Eryngium aristulatum</i> var. <i>hooveri</i>	U	<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>
F	<i>Centromadia parryi</i> ssp. <i>congdonii</i>	N	<i>Eryngium jepsonii</i>	V	<i>Sagittaria sanfordii</i>
G	<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	O	<i>Fritillaria liliacea</i>	W	<i>Stuckenia filiformis</i> ssp. <i>alpina</i>
H	<i>Cirsium fontinale</i> var. <i>fontinale</i>	P	<i>Hesperolinon congestum</i>	X	<i>Suaeda californica</i>

Figure 4A. Known Records for  
 Special-Status Plant Species  
 Within 5 Miles of Atherton's Town Limits



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Figure 4B. Known Records for Special-Status Wildlife Species Within 5 Miles of Atherton's Town Limits

Source: CDFW, California Natural Diversity Data Base, 2023  
 Map Preparation Date: November 9, 2023

**Table 1**  
**Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits**

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
<b>Alismataceae</b>					
<i>Sagittaria sanfordii</i> Sanford's arrowhead	Fed: - State: - CNPS: Rank 1B	May-October	Marshes and swamps (assorted shallow freshwater).	Species occurs within 5 miles of City limits.	None. No habitat. No impacts expected.
<b>Alliaceae</b>					
<i>Allium peninsulare franciscanum</i> Franciscan onion	Fed: - State: - CNPS: Rank 1B.2	May-June	Cismontane woodland; valley and foothill grassland [clay, often serpentine]. 100- 300 m.	Species occurs within 5 miles of City limits.	None. No serpentinite likely on these urban infill parcels. No impact expected.
<b>Apiaceae</b>					
<i>Eryngium aristulatum hooveri</i> Hoover's button-celery	Fed: - State: - CNPS: Rank 1B.1	July-July	Vernal pools.	Species occurs within 5 miles of City limits.	None. No vernal pool habitats or seasonal wetland habitats within the project area. No impact expected.
<i>Eryngium jepsonii</i> Button-celery	Fed: - State: - CNPS: Rank 1B.2	April-August	Occurs on clay in vernal pools and grassland	Species occurs within 5 miles of City limits.	None. No vernal pools or seasonal wetland habitats within the project area. No impact expected.
<b>Asteraceae</b>					
<i>Centromadia parryi congonii</i> Congdon's tarplant	Fed: - State: - CNPS: Rank 1B.2	May-November	Valley and foothill grassland (alkaline).	Species occurs within 5 miles of City limits.	Unlikely. Needs alkaline wetland conditions. No impact expected.

**Table 1**  
**Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits**

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
<i>Cirsium fontinale fontinale</i> Fountain thistle	Fed: FPE State: CE CNPS: Rank 1B	June-October	Chaparral (openings); valley and foothill grassland; [serpentinite seeps].	Species occurs within 5 miles of City limits.	None. No habitat present. No impact expected.
<i>Cirsium praeteriens</i> Palo Alto thistle	Fed: State: CNPS: Rank 1A	June-July	Biennial or perennial herb	Species occurs within 5 miles of City limits.	Unlikely. Only known from historic occurrences (1897 and 1901). Believed to be extirpated. No impact expected. However, this plant will be searched for during preconstruction surveys of
<i>Lessingia arachnoidea</i> Crystal Springs lessingia	Fed: - State: - CNPS: Rank 1B	July-October	Cismontane woodland; coastal scrub; valley and foothill grassland; [serpentinite, often roadsides].	Species occurs within 5 miles of City limits.	Low. No serpentinite in the project areas but this plant has been found in other habitats and along roadcuts. Surveys necessary prior to grading/site development on MFO-10. See text.
<i>Monolopia gracilens</i> Small-flowered monolopia	Fed: State: CNPS: Rank 1B.2	March-July	Coniferous and broadleaved upland forest openings, chaparral openings, and serpentine valley and foothill grassland. Elevation 100-1200 m.	Species occurs within 5 miles of City limits.	Low. MFO-10 may provide suitable habitat. Surveys necessary prior to site grading or development. See text.
<i>Pentachaeta bellidiflora</i> White-rayed pentachaeta	Fed: FE State: CE CNPS: Rank 1B	March-May	Valley and foothill grassland (often serpentinite).	Species occurs within 5 miles of City limits.	Low. MFO-10 may provide habitat. Surveys necessary prior to site grading or development. See text.
<b>Boraginaceae</b>					
<i>Plagiobothrys chorisianus chorisianus</i> Choris's popcornflower	Fed: - State: - CNPS: Rank 1B	April-June	Chaparral; coastal prairie; coastal scrub; [mesic].	Species occurs within 5 miles of City limits.	None. No chaparral, coastal prairie, or scrub habitats present on any of the subject parcels. No impact expected.

**Table 1**  
**Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits**

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
<b>Caryophyllaceae</b>					
<i>Silene verecunda verecunda</i> San Francisco campion	Fed: - State: - CNPS: Rank 1B	March-June	Coastal bluff scrub; chaparral; coastal prairie; coastal scrub; valley and foothill grassland.	Species occurs within 5 miles of City limits.	Low. Habitats onsite not ideal but MFO-10 may provide suitable habitat. Surveys necessary. See text.
<b>Chenopodiaceae</b>					
<i>Suaeda californica</i> California sea-blite	Fed: FE State: - CNPS: Rank 1B	July-October	Marshes and swamps (coastal salt).	Species occurs within 5 miles of City limits.	None. No marshes on any of the subject parcels. No impact expected.
<b>Ericaceae</b>					
<i>Arctostaphylos andersonii</i> Santa Cruz manzanita	Fed: - State: - CNPS: Rank 1B	January-April	Broadleaf upland forest; north coast coniferous forest (openings and edges)	Species occurs within 5 miles of City limits.	None. No habitat present. No impact expected.
<i>Arctostaphylos regismontana</i> Kings Mountain manzanita	Fed: - State: - CNPS: Rank 1B	January-April	Broad-leaved upland forest; chaparral; north coast coniferous forest; [granitic or sandstone].	Species occurs within 5 miles of City limits.	None. No habitat present. No impact expected.
<b>Fabaceae</b>					
<i>Astragalus tener tener</i> Alkali milkvetch	Fed: - State: - CNPS: Rank 1B.2	March-June	Playas; mesic grasslands (adobe clay), vernal pools (alkaline).	Species occurs within 5 miles of City limits.	None. No aljaline soils or vernal pools on the project site. No impact expected.

**Table 1**  
**Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits**

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
<b>Lamiaceae</b>					
<i>Acanthomintha duttonii</i> San Mateo thorn-mint	Fed: FE State: CE CNPS: Rank 1B	April-June	Chaparral; valley and foothill grassland [serpentinite].	Species is located with City limits (Occ. 2). 1977	Low. Sighting is from 1977 and this plant is known from serpentine grassland and chaparral which is unlikely to occur on any of these urban infill parcels. No impact expected.
<b>Liliaceae</b>					
<i>Fritillaria liliacea</i> Fragrant fritillary	Fed: - State: - CNPS: Rank 1B.2	February-April	Coastal prairie; coastal scrub; valley and foothill grassland; [often serpentinite].	Species occurs within 5 miles of City limits.	Low. Typically found on serpentine substrates. MFO-10 may provide marginal habitat. Surveys necessary prior to site grading/development.
<b>Linaceae</b>					
<i>Hesperolinon congestum</i> Marin dwarf flax	Fed: FT State: CT CNPS: Rank 1B.1	April-July	Chaparral; valley and foothill woodland; [serpentinite].	Species occurs within 5 miles of City limits.	None. No serpentinite present in the project area boundaries. No impact expected.
<b>Malvaceae</b>					
<i>Malacothamnus arcuatus</i> Arcuate bush mallow	Fed: - State: - CNPS: Rank 4	April-July	Chaparral.	Species occurs within 5 miles of City limits.	None. No chaparral within project area. Very unlikely to occur. No impact expected.
<b>Orobanchaceae</b>					
<i>Chloropyron maritimum palustre</i> Point Reyes salty bird's-beak	Fed: - State: - CNPS: Rank 1B.2	June-October	Marshes and swamps (coastal salt).	Species occurs within 5 miles of City limits.	None. No habitat present. No impact expected.

**Table 1**  
**Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits**

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
<b>Plantaginaceae</b>					
<i>Collinsia corymbosa</i> Round-headed Chinese houses	Fed: - State: - CNPS: Rank 1B	April-June	Coastal dunes.	Species occurs within 5 miles of City limits.	None. No habitat present. No impact expected.
<i>Collinsia multicolor</i> San Francisco collinsia	Fed: - State: - CNPS: Rank 1B	March-May	Closed-cone coniferous forest; shady scrub forest, coastal scrub.	Species occurs within 5 miles of City limits.	Low. Though the habitat is not ideal, MFO-10 may provide suitable habitat. Surveys needed prior to site grading/development. See text.
<b>Thymelaeaceae</b>					
<i>Dirca occidentalis</i> Western leatherwood	Fed: - State: - CNPS: Rank 1B.2	January-April	Chaparral; riparian, broadleaf, and coniferous woodlands and forests; [mesic locations].	Species occurs within 5 miles of City limits.	Low. MFO-10 may provide woodland habitat necessary for this plant. Surveys necessary prior to site grading/development.

**Table 1**

**Special-Status Plant Species Known to Occur within 5 Miles of Atherton's Town Limits**

Family	Taxon	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Common Name						

**\*Status**

**Federal:**

- FE - Federal Endangered
- FT - Federal Threatened
- FPE - Federal Proposed Endangered
- FPT - Federal Proposed Threatened
- FC - Federal Candidate

**State:**

- CE - California Endangered
- CT - California Threatened
- CR - California Rare
- CC - California Candidate
- CSC - California Species of Special Concern

**CNPS Continued:**

**CNPS:**

- Rank 1A - Presumed extinct in California
- Rank 1B - Plants rare, threatened, or endangered in California and elsewhere
- Rank 1B.1 - Seriously endangered in California (over 80% occurrences threatened/ high degree and immediacy of threat)
- Rank 1B.2 - Fairly endangered in California (20-80% occurrences threatened)
- Rank 1B.3 - Not very endangered in California (<20% of occurrences threatened or no current threats known)

- Rank 2 - Plants rare, threatened, or endangered in California, but more common elsewhere
- Rank 2A - Extirpated in California, common elsewhere
- Rank 2B.1 - Seriously endangered in California, but more common elsewhere
- Rank 2B.2 - Fairly endangered in California, but more common elsewhere
- Rank 2B.3 - Not very endangered in California, but more common elsewhere
- Rank 3 - Plants about which we need more information (Review List)
- Rank 3.1 - Plants about which we need more information (Review List)  
Seriously endangered in California
- Rank 3.2 - Plants about which we need more information (Review List)  
Fairly endangered in California
- Rank 4 - Plants of limited distribution - a watch list
- Rank 4.2 - Plants of limited distribution; fairly threatened in California
- Rank 4.3 - Plants of limited distribution; not very threatened in California

**Table 2**  
**Special-Status Wildlife Species Known to Occur Within 5 Miles of Atherton's Town Limits**

Species	*Status	Habitat	Closest Locations	Probability on Project Site
<b>Insects</b>				
Crotch bumble bee <i>Bombus crotchii</i>	Fed: State: Other: CC	Inhabits grassland and scrub areas, with select food plants: Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum. Nests underground, often in abandoned rodent dens.	Species occurs within 5 miles of City limits.	None. No suitable habitat on any of the subject parcels.
Western bumble bee <i>Bombus occidentalis</i>	Fed: State: Other: CC	Confined to high elevation sites and north coast. Inhabits grassland with select food plants: Melilotus, Cirsium, Trifolium, Centaurea, Chrysothamnus, and Eriogonum. Typically nests underground in abandoned rodent burrows or other cavities.	Species occurs within 5 miles of City limits.	None. No suitable habitat on any of the subject parcels.
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	Fed: State: Other: FT -	Found in serpentine grasslands around San Francisco Bay. Dwarf plantain ( <i>Plantago erecta</i> ) is the larvae's host plant. Owl's-clover ( <i>Castilleja</i> spp.) is a nectar source.	Species occurs within 5 miles of City limits.	None. No suitable habitat on any of the subject parcels.
<b>Fish</b>				
Green sturgeon - Southern DPS <i>Acipenser medirostris</i>	Fed: State: Other: FT -	Found in rivers, estuaries, and marine waters. Spawns in the Sacramento River and Klamath River. Prefers lower reaches of large rivers for spawning. Needs swift currents and large cobble.	Species occurs within 5 miles of City limits.	None. No suitable aquatic habitat on any of the subject parcels.
Longfin smelt <i>Spirinichus thaleichthys</i>	Fed: State: Other: -- CT	Endemic to the Sacramento-San Joaquin River system. Inhabits open waters in the Delta and Suisun Bay. After spawning, larvae are carried downstream to brackish nursery areas.	Species occurs within 5 miles of City limits.	None. No suitable aquatic habitat on any of the subject parcels.

**Table 2**  
**Special-Status Wildlife Species Known to Occur Within 5 Miles of Atherton's Town Limits**

Species	*Status	Habitat	Closest Locations	Probability on Project Site
<b>Amphibians</b>				
Santa Cruz black salamander <i>Aneides flavipunctatus niger</i>	Fed: State: Other: CSC	Occurs in mixed deciduous woodland, coniferous forests, coastal grasslands. Found under rocks near streams, in talus, under damp logs, and other objects. Rarely encountered very far from water.	Species occurs within 5 miles of City limits.	None. No suitable habitat on or near any of the subject parcels.
California tiger salamander (Cntrl CA DPS) <i>Ambystoma californiense</i>	Fed: FT State: CT Other:	Found in grassland habitats of the valleys and foothills. Requires burrows for aestivation and standing water until late spring (May) for larvae to metamorphose.	Species occurs within 5 miles of City limits.	None. No suitable aquatic breeding or upland dispersal habitat on any of the subject parcels. Residential development surrounding subject parcels serves as barriers to movement of this species.
California giant salamander <i>Dicamptodon ensatus</i>	Fed: State: CSC Other:	Inhabits wet coastal forests in or near clear, cold permanent and semi-permanent streams and seepages. Found from Santa Cruz County to Mendocino County in two to three isolated regions.	Species occurs within 5 miles of City limits.	None. No suitable aquatic habitat on or near any of the subject parcels.
California red-legged frog <i>Rana draytonii</i>	Fed: FT State: CSC Other:	Occurs in lowlands and foothills in deeper pools and streams, usually with emergent wetland vegetation. Requires 11-20 weeks of permanent water for larvae development.	Species is located with City limits (Occ. 640). 2016	None. No suitable aquatic habitat on or near any of the subject parcels and the residential development surrounding them serve as barriers to movement of this species.
Foothill yellow-legged frog ** <i>Rana boylei</i>	Fed: -- State: CE Other:	Found in partially shaded, shallow streams with rocky substrates. Requires perennial pools or flowing water. Needs some cobble-sized rocks as a substrate for egg laying. Requires water for 15 weeks for larval transformation.	Species occurs within 5 miles of City limits.	None. No suitable aquatic habitat on or near any of the subject parcels.
<b>Reptiles</b>				
Western pond turtle <i>Emys marmorata</i>	Fed: - State: CSC Other:	Uncommon to common in suitable aquatic habitat throughout CA, west of the Sierra-Cascade crest and absent from desert regions, except the Mojave River. Associated with permanent or nearly permanent water in a wide variety of habitat types.	Species occurs within 5 miles of City limits.	None. No suitable aquatic habitat on or near any of the subject parcels.

Table 2

## Special-Status Wildlife Species Known to Occur Within 5 Miles of Atherton's Town Limits

Species	*Status	Habitat	Closest Locations	Probability on Project Site
San Francisco garter snake <i>Thamnophis sirtalis tetrataenia</i>	Fed: FE State: CE Other:	Found in freshwater marshes, ponds, and slow-moving streams on the San Francisco peninsula. Prefers dense cover and water depths of at least one foot.	Species is located with City limits (Occ. 75). 1922	None. No suitable marsh or aquatic habitat on or near any of the subject parcels.
<b>Birds</b>				
White-tailed Kite <i>Elanus leucurus</i>	Fed: State: FP Other:	Found in lower foothills and valley margins with scattered oaks and along river bottomlands or marshes adjacent to oak woodlands. Nests in trees with dense tops.	Species occurs within 5 miles of City limits.	Very low. Preconstruction surveys will be conducted prior to development.
Bald eagle <i>Haliaeetus leucocephalus</i>	Fed: - State: CE Other:	Ocean shorelines, lake margins, and river courses for both nesting and wintering. Most nests within one mile of water.	Species occurs within 5 miles of City limits.	None. No suitable nesting habitat on any of the subject parcels. Regardless, preconstruction nesting bird surveys will be conducted prior to development.
Northern Harrier <i>Circus hudsonius</i>	Fed: - State: CSC Other:	Nests on the ground or in shrubby vegetation typically in grasslands, fallow farm lands, near freshwater and salt water marshes.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels. Preconstruction surveys will be conducted prior to development.
Yellow rail <i>Coturnicops noveboracensis</i>	Fed: - State: CSC Other:	Summer resident in eastern Sierra Nevada in Mono County. Fresh-water marshlands.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels.
California Black Rail <i>Laterallus jamaicensis coturniculus</i>	Fed: -- State: CT Other:	Inhabits salt marshes bordering larger bays. Prefers tidal salt marshes of pickleweed.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels.

**Table 2**  
**Special-Status Wildlife Species Known to Occur Within 5 Miles of Atherton's Town Limits**

Species	*Status	Habitat	Closest Locations	Probability on Project Site
California Ridgway's rail <i>Rallus obsoletus obsoletus</i>	Fed: FE State: CE Other:	Inhabits salt water and brackish marshes with tidal sloughs in San Francisco Bay. Prefers dense pickleweed for cover, but forages for invertebrates along mud-bottomed sloughs.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels.
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	Fed: FT State: CSC Other:	Prefers sandy beaches, salt pond levees, and shores of large alkali lakes. Requires sandy, gravelly, or friable soil for nesting.	Species occurs within 5 miles of City limits.	None. No suitable habitat on or near any of the subject parcels.
California least tern <i>Sterna antillarum brownii</i>	Fed: FE State: CE Other:	Breeds colonially along the coast from San Francisco Bay to Northern Baja California. Nests on bare or sparsely vegetated flat substrates, such as beaches, alkali flats, landfills, or paved areas.	Species occurs within 5 miles of City limits.	None. No suitable habitat on or near any of the subject parcels.
Western Burrowing Owl <i>Athene cucularia hypugaea</i>	Fed: -- State: CSC Other:	Found in open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Species occurs within 5 miles of City limits.	Very low. Grassland areas on MFO-10 and V1 may have marginally suitable habitat. Preconstruction surveys will be conducted prior to development of these two subject parcels.
Short-eared owl <i>Asio flammeus</i>	Fed: -- State: WL Other:	Found in fresh and saltwater marshes; lowland meadows; irrigated alfalfa fields. Tule patches/ tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Species occurs within 5 miles of City limits.	None. No suitable habitat on any of the subject parcels.
Salt Marsh Common Yellowthroat <i>Geothlypis trichas sinuosa</i>	Fed: - State: CSC Other:	Resident of freshwater and salt water marshes in the San Francisco Bay region. Requires thick, continuous cover for foraging and tall grasses, tules, or willows for nesting.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels.

**Table 2**  
**Special-Status Wildlife Species Known to Occur Within 5 Miles of Atherton's Town Limits**

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Alameda Song Sparrow <i>Melospiza melodia pusillula</i>	Fed: -- State: CSC Other:	Found in Salicornia marshes in the southern arm of San Francisco Bay. Nests in low Grindelia bushes and in Salicornia.	Species is located with City limits (Occ. 38). 1914	None. No suitable marsh habitat on or near any of the subject parcels.
<b>Mammals</b>				
Salt marsh wandering shrew <i>Sorex vagrans halicoetes</i>	Fed: -- State: CSC Other:	Tidal salt marshes of the south San Francisco Bay. Medium high marsh 6-8 ft above sea level where abundant driftwood is scattered among pickleweed.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	Fed: -- State: CSC Other: -	Occurs in humid coastal regions of northern and central California. Roosts in limestone caves, lava tubes, mines, and buildings. Extremely sensitive to disturbance.	Species occurs within 5 miles of City limits.	None. No suitable roosting habitat on any of the subject parcels. This species is extremely sensitive to disturbance and not expected to occur on these urban infill sites.
Pallid bat <i>Antrozous pallidus</i>	Fed: - State: CSC Other:	Occurs in deserts, grasslands, shrublands, woodlands, and forests. Most common in dry habitats with rocky areas for roosting. Roosts in caves, crevices, mines, and occasionally hollow trees. Night roosts in open areas such as porches and open buildings.	Species occurs within 5 miles of City limits.	Very low. Preconstruction surveys will be conducted prior to development. See text.
Salt marsh harvest mouse <i>Reithrodontomys raviventris</i>	Fed: FE State: CE Other:	Inhabits saline marshes in the San Francisco Estuary. Prefers pickleweed marshes. Requires higher areas for escaping high water.	Species occurs within 5 miles of City limits.	None. No suitable marsh habitat on or near any of the subject parcels. No impacts expected.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i>	Fed: -- State: CSC Other:	Inhabits forests, woodlands, and chaparral with a moderate canopy and moderate to dense understory. Uses shredded grass, leaves, and other material for nests.	Species occurs within 5 miles of City limits.	Low. Marginally suitable habitat in the forested areas on V4, V5, and V6. Preconstruction surveys will be conducted prior to development. See text.

**Table 2**

**Special-Status Wildlife Species Known to Occur Within 5 Miles of Atherton’s Town Limits**

Species	*Status	Habitat	Closest Locations	Probability on Project Site
American badger <i>Taxidea taxus</i>	Fed: - State: CSC Other:	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Need sufficient food, friable soils & open, uncultivated ground. Prey on burrowing rodents. Dig burrows.	Species is located with City limits (Occ. 130). 1894	None. No suitable habitat on or near any of these urban infill sites.

**\*Status**

Federal:

- FE - Federal Endangered
- FT - Federal Threatened
- FPE - Federal Proposed Endangered
- FPT - Federal Proposed Threatened
- FC - Federal Candidate
- FPD - Federally Proposed for delisting

State:

- CE - California Endangered
- CT - California Threatened
- CR - California Rare
- CC - California Candidate

State:

- CSC - California Species of Special Concern
- FP - Fully Protected
- WL - Watch List. Not protected pursuant to CEQA

\*\* This frog is listed as “endangered” in the east/southern Sierra, west/central, and southern California coasts and “threatened” in the Northern Sierra and Feather River. This frog is not protected pursuant to CESA on the northern coast of California (all counties from Marin and Solano Counties north to Oregon boarder).