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DANIEL EDELSTEIN, CONSULTING BIOLOGIST

March 17, 2015

Steve Monowitz, Acting Director of Planning and Building
San Mateo County
455 County Center
Redwood City, CA 94063

Subject:
Prospective Development Project Upon Vacant Lot (APN# 037-015-090)
Near Your Residence

Dear Mr. Monowitz:

This letter summarizes my assessment of habitat (site visit conducted on March 13, 2015) adjacent to a vacant lot (Site) — APN# 037-015-090 on 14th Street in Montara, CA. I am pleased to provide the following summary of biological regulatory elements that apply to local, state and federal agencies as they evaluate potential negative biological impacts of the prospective project (Project) upon the Site.

As a Certified Wildlife Biologist Associate, note my comments, below, primarily center on regulatory elements that I believe local, state, and federal agencies should assess to ensure the Project complies with diverse ordinances, codes, regulations, and laws — and that these regulatory elements be subject to due process via initiation of the California Environmental Quality Act (CEQA) in relation to the Site.

Note the scope and intention of this letter is not intended to serve as a Biological Assessment. Instead, my comments are based on background research and an initial reconnaissance of the Site to determine the presence of special-status plant and wildlife species. The Site and habitat adjacent to it provides suitable habitat for several special-status species that have been seen in the area[1, 2]

Regulatory elements you should urge local, state, and federal agencies to consider include:

1. As part of the CEQA process, local, state, and federal agencies should be required to identify and assess the potential significant negative environmental impacts of the Project and, in so doing, provide mitigation measures.

2. Because CEQA should be central regulatory driver utilized for evaluation of potential negative biological impacts in relation to the proposed Project, at minimum an initial review of the Project

[1] California Natural Diversity Database (CNDDB) query on March 13, 2015 included the Madera Mountain 7.5 US Geological Survey quadrangle.
[2] See: San Mateo County, Local Coastal Program Policies, Planning and Building Department, June 2013. (See Section 7.36)

and its environmental effects should be conducted. A biological assessment review submittal may be sufficient for documenting the biological resources present on the Site and adjacent to it, in addition to noting potential negative impacts that may result from the Project.

However, depending on the potential degree of negative effects noted in the biological assessment, a further, and more substantial, environmental review may be necessary in the form of an environmental impact report (EIR). Note, a project should not be approved if it cannot mitigate significant environmental negative effects.

3. Noting the Project may occur within 50 feet or fewer to a proposed new road, within 75 feet of an unnamed ephemeral creek, and within 100 feet of the perennial Montara Creek (i.e., a blue line stream/creek), the Project would likely encroach into buffer zone established per ordinance codes overseen by the County of San Mateo Planning and Building Division, Section 7.11 that states:

> *Establishment of Buffer Zones*
>
> 1. *On both sides of riparian corridors, from the "limit of riparian vegetation" extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.*
> 2. *Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams*[3].

4. During my assessment, I noticed the unnamed ephemeral creek likely hosts flowing water during or after rain events. In the absence of rain events, habitat within its creek bed and upland from it remains moist, thereby serving as habitat that hosts several potential wetland indicator plant species.

Equally important, the perennial Montara Creek hosts water year-round. Banks of the creek and upland from it host riparian plant species that qualify it as a wetland. Wetland species growing here include willow (*Salix lasiolepis*) and potentially other wetland plant species that the CCC has noted occur in the area.

Note a proposed roadway addition to the Project may encroach within 50 feet or closer to the unnamed creek adjacent to the Site. This scenario would be a violation of the aforementioned county code because it would be in buffer zone (see attached Appendix A).

5. Related to the above information, disturbance from the Project in upland forest habitat amid and adjacent to the Project's building footprint potentially host foraging and dispersing special-status wildlife species such as California Red-legged Frog (*Rania draytonii*) and San Francisco Gartersnake (*Thamnophis sirtalis tetrataenia*)[4]. The same forest habitat could potentially host roosting, foraging and/or nesting special-status bird species, including Cooper's Hawk (*Accipiter*

[3] See: http://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/SMC_Midcoast_LCP_2013.pdf
[4] California Natural Diversity Database (CNDDB) query on March 13, 2015 included the Madera Mountain 7.5 US Geological Survey quadrangle.

cooperii), which is a member of the International Union for the Conservation of Nature's Red List of Threatened Species[5]. These above-mentioned species, California Red-legged Frog and San Francisco Garter Snake are sometimes seen in the area.

Riparian habitat associated with the unnamed creek and Montara Creek are even more likely places where the aforementioned frog and snake species could occur.

Consequently, permitting agencies should ensure that due process occurs to safeguard these special-status species.

6. Documented records of bird sightings in the Montara area include observations of notable and/or uncommon species — Cooper's Hawk, Sharp-shinned Hawk, Northern Pygmy Owl, Northern Saw-whet Owl, Hermit Warbler, Yellow Warbler, and Allen's Hummingbird — that utilize habitat similar to composition present on the Site and adjacent to it within the unnamed creek and Montara Creek[6, 7]

7. Given the Site's location, potential wildlife, plant, wetland, and coastal zone issues overseen by the California Coastal Conservancy (CCC) should be assessed before permits are granted. This assessment process should include public hearings that are coordinated by the CCC.

8. Other potential permits that the Project may require include:
a) A streambed alteration agreement (per California Department of Fish and Wildlife) (CDFW)[8].
b) A series 404 permit corresponding to wetlands and the Clean Water Act (per the US Army Corps of Engineers)[9].
c) A permit corresponding to waste discharge requirements (WDRs) based on regulation of discharges into waters of the United States such as Madera Creek (per the California State Water Resources Control Board)[10].
d) An incidental take permit corresponding to potential negative impacts upon special-status species in habitat adjacent to the Project (per the US Fish and Wildlife Service)[11].
e) A permit related to development within the coastal zone upon which the Site resides (per the California Coastal Commission)[12].

9. Beyond the above requirements, given the Project may require the addition of a road that could encroach close to riparian habitat, a Stormwater Pollution Prevention Plan (SWPPP) should be created to ensure less than significant impacts occur upon the riparian zone where the unnamed creek and Montara Creek[13] occur.

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[5] See: *http://en.wikipedia.org/wiki/IUCN_Red_List*
[6] See: http://ebird.org/ebird/subnational2/US-CA-081?yr=all&m=&rank=mrec&hs_sortBy=taxon_order&hs_o=asc
[7] California Natural Diversity Database (CNDDB) query on March 13, 2015 included the Madera Mountain 7.5 US Geological Survey quadrangle.
[8] See: https://www.wildlife.ca.gov/Conservation/LSA
[9] See: http://water.epa.gov/lawsregs/guidance/wetlands/sec404.cfm
[10] See: http://www.waterboards.ca.gov/water_issues/programs/npdes/
[11] See: http://www.fws.gov/midwest/endangered/permits/hcp/hcp_wofactsheet.html
[12] See: http://www.coastal.ca.gov/cdp/cdp-forms.html
[13] See: http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml

Vital to the SWPPP should be the development and execution of Best Management Practices to ensure less than significant impacts occur upon the Site and adjacent parcels and natural habitats.

10. Note that habitat within the Site and adjacent to the Project hosts potential nesting spots for several songbird species that would need to be accounted for because several large, old trees (including Monterey Cypress, (*Cupressus macrocarpa*) grow on the Site and/or are within 50 feet of the proposed construction footprint. Many other species of trees that annually host songbird and raptor species grow within 250 feet of the Site.

Based on regulations contained within the CDFW's codes, any activity that would cause take of a bird, nest, or reduction or failure of reproductive success (i.e. direct loss of nest, disturbance resulting in nest abandonment, disturbance resulting in increased mortality of chicks) would be a violation of the CDFW's codes[14], such as:

3503: Unlawful Destruction of nest or eggs. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulations made pursuant hereto.

3503.5: Birds-of-prey or their eggs. It is unlawful to take, possess, or destroy any bird in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulations made pursuant hereto.

3511: Identifies fully protected bird species.
In addition most bird species are afforded protection under the Federal Migratory Bird Treaty Act (Section 3513 of the Fish and Wildlife Code).

In order to avoid violation of these codes, a qualified biologist (with appropriate education and background) should confirm that no active nest is within or adjacent to the project site before the area is disturbed (during breeding season).

11. Given the above information that notes the presence of large, old trees on the Site and nearby it, the local "heritage tree" ordinance for San Mateo County should be accommodated in relation to the Project[15].

12. Based on the Project also including additional future building sites near Montara Creek beyond the single aforementioned building footprint referred to as the Project, it's important that agencies go beyond assessing potential negative impacts to a wider scope that is termed negative "cumulative impacts"[16]. Although negative "cumulative impacts" are often overlooked during a CEQA process (such as those deserving to be evaluated in relation to the Project), it is important to assess whether a combination of potential additional residential housing and ongoing,

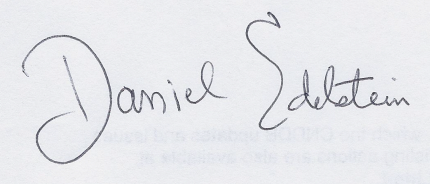
[14] See: https://www.dfg.ca.gov/wildlife/nongame/regcode.html
[15] See: https://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/Regulation%20of%20the%20Removal%20and%20Trimming%20of%20Heritage%20Trees.pdf
[16] See: http://environment.transportation.org/environmental_issues/indirect_effects/

incremental, gradual development of the Montara Creek watershed area would create short- and long-term negative impacts upon the area's habitat quality, including its common and special-status plant and wildlife species.

Note the Montara Creek watershed also serves as a "wildlife movement corridor," meaning it offers vital passageway dispersal habitat adult and natal offspring of the aforementioned special-status California Red-legged Frog and San Francisco Garter snake, as well as dispersal and migration area for common reptile, amphibian, bird, and mammal species that utilize the Site's watershed partially or throughout the year.

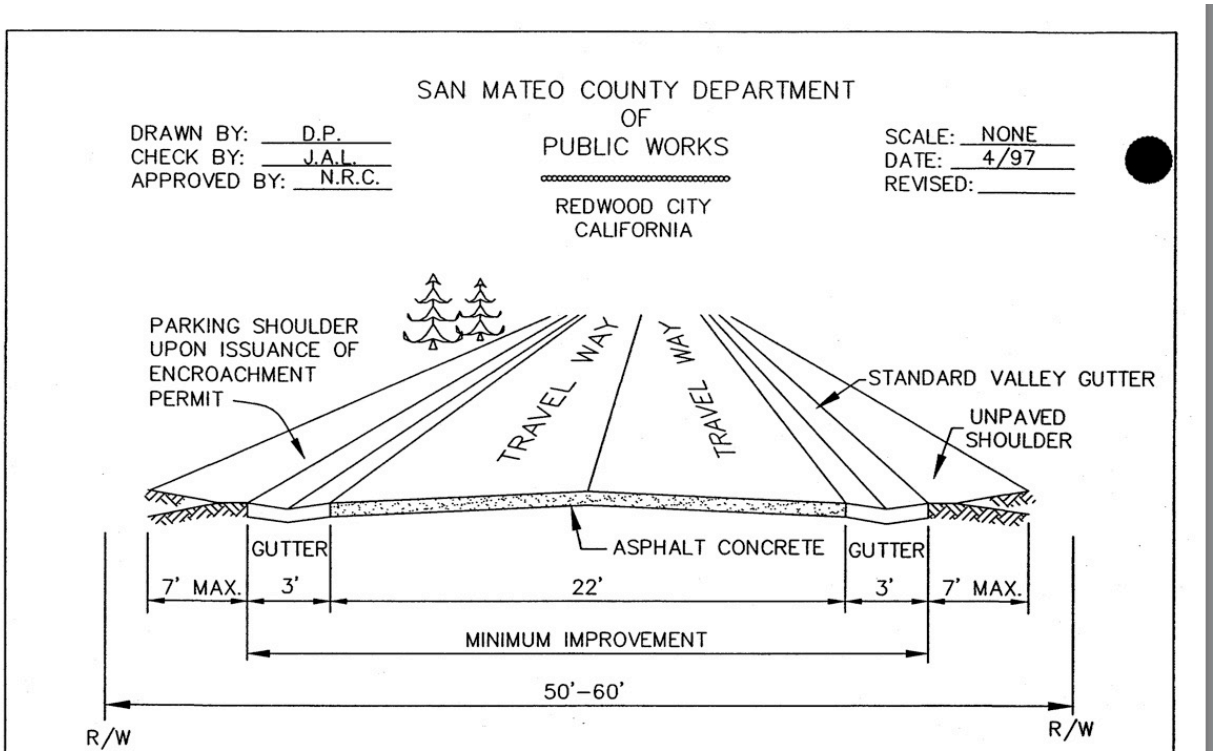
13. In summary, a public and regulatory due process should be executed in relation to the Project to ensure potential negative biological impacts are avoided. If mitigation measures are required, the execution of them should provide for a short- and long-term result of less than significant negative impacts upon on the Site and within the Montara Creek watershed adjacent to and nearby the Site.

Sincerely,



Daniel Edelstein
Certified Wildlife Biologist Associate

Appendix A



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December 13, 2017

Paul McGregor
160 West Point Avenue
Half Moon Bay, CA 94019

Re: Updated Biological Resources Addendum Letter for APN 037-015-090, Montara, California

Dear Mr. MrGregor,

The purpose of this letter report is to provide the results of an updated assessment of the natural community, sensitive habitats, and special status species resources potentially present at APN 037-015-090 in Montara, California (Project Site) required for a new coastal development permit by the San Mateo County Planning Department. The purpose of the assessment is to complete an updated review of potential biological resources since the 2015 WRA report, and an analysis of impacts to sensitive habitats from development of the proposed Project Site, under the guidelines of the Mid-Coast Local Coastal Plan (LCP) and the California Environmental Quality Act (CEQA). This report describes the results of the site and impact assessment and provides recommendations for avoidance and minimization measures for any sensitive habitats protected by local, state, and federal laws and regulations present on or in the immediate vicinity of the Project Site.

The proposed project is for the development of a single-family residence and driveway on an undeveloped 0.31-acre parcel (APN 037-015-090) located at the terminus of 14th Street in Montara, San Mateo County, California (Attachment A: Figures 1 and 2). Vegetation communities observed on site are consistent with those described in the 2015 WRA report.

Background

A Biological Resources Assessment report was prepared on August 7, 2015 by WRA, Inc. for the subject property or project site. Prior to this report, a Riparian Habitat Areas Assessment was also prepared on April 17, 2015. The results of both assessments concluded that the subject property in its entirety is located outside of any stream or riparian corridors and their associated prescribed setbacks. Only one sensitive community, Monterey cypress was observed. No special status plants were determined to have potential to occur. Two special status birds were determined to have potential to occur: olive-sided flycatcher and Allen's hummingbird. Avoidance measures including work windows or pre-construction surveys and nest buffers were

recommended for nesting birds in the Study Area, previously noted as the subject property in its entirety. The report also concludes that suitable habitat is absent for special status cavity nesting birds such as Nuttall's woodpecker and oak titmouse, and for special status bats including Townsend's big-eared bat (formerly listed as a State Candidate) or pallid bat. Habitat for special status species San Francisco dusky-footed woodrat was observed, though no woodrat houses were found during the July 24, 2015 site visit.

Methods

On October 10, 2017 Sol Ecology biologists conducted a biological resources survey at the Project Site. Prior to the site visit, the Soil Survey of San Mateo County, California [U.S. Department of Agriculture (USDA) Web Soil Survey, Google Earth aerial images, USGS topographic quadrangle maps, and *A Manual of California Vegetation, Online Edition*[1] was reviewed to assess the potential for sensitive biological communities and special status species to occur in the Project Site. In addition, database searches of the California Natural Diversity Database (CNDDB)[2] were performed for known occurrences of special-status species near the Project Site, particularly any recent occurrences documented since the 2015 report; these searches focused on the Montara Mountain 7.5-minute USGS quadrangle and the five surrounding USGS quadrangles within five miles of the Project Site.

On October 10, 2017 Sol Ecology biologists performed reconnaissance-level surveys for sensitive habitats on and adjacent to the Project Site. The focus of the surveys was to identify whether suitable habitat elements for special status species documented in the surrounding vicinity are present on the Project Site or not and whether the project would have the potential to result in impacts to any of these species and/or their habitats either on- or off-site. The Project Site was also evaluated for the sensitive habitats protected under federal and state regulation, including wetlands and/or waters.

In addition, the Project Site was evaluated to determine if any coastal wetland (one-parameter rule) is present. Coastal wetlands are defined in the LCP as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground (also known as hydrophytic); in either case, hydrology must be present also. Hydrophytic plants commonly found in wetlands in San Mateo County include: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

[1] [CNPS] California Native Plant Society. 2017. A Manual of California Vegetation, Online Edition. Sacramento, California. Online at: http://vegetation.cnps.org/; most recently accessed: November 2017.
[2] California Department of Fish and Wildlife (CDFW). 2017. California Natural Diversity Database. Wildlife and Habitat Data Analysis Branch, Sacramento, CA.

Coastal Wetland Criteria

Soils

The Natural Resource Conservation Service (NRCS) defines a hydric soil as follows:

> *"A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part."*
>
> Federal Register July 13, 1994,
> U.S. Department of Agriculture, NRCS

Soils formed over long periods of time under wetland (anaerobic) conditions often possess characteristics that indicate they meet the definition of hydric soils. Hydric soils can have a hydrogen sulfide (rotten egg) odor, low chroma matrix color, generally designated 0, 1, or 2, used to identify them as hydric, presence of redox concentrations, gleyed or depleted matrix, or high organic matter content.

Hydrology

Evidence of wetland hydrology can include primary indicators, such as visible inundation or saturation, drift deposits, oxidized root channels, and salt crusts, or secondary indicators such as the FAC-neutral test, presence of a shallow aquitard, or crayfish burrows. The Arid West Supplement[3] contains 16 primary hydrology indicators and 10 secondary hydrology indicators. Only one primary indicator is required to meet the wetland hydrology criterion; however, if secondary indicators are used, at least two secondary indicators must be present to conclude that an area has wetland hydrology. Additionally, available topographic LiDAR data[4] was evaluated to determine whether stream morphology of the unnamed tributary provides the physical factors necessary for the formation of wetlands (e.g. channel pattern and shape, slope, and gradient).

Vegetation

Plant species observed on the Project Site were identified using the CNPS Online Manual. Plants were assigned a wetland indicator status according to the National Wetland Plant List (NWPL)[5] as described below. To be qualify, a wetland must contain at least a 50 percent cover of some combination of obligate and facultative wetland plants. FAC species were not considered due to their common association with coastal upland habitats unless in present in combination with an obligate species and clear indicators of hydrology were present.

[3] U.S. Army Corps of Engineers (Corps). 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). September.
[4] 2010 USACE NCMP Topobathy Lidar: CA" Digital Elevation Model from the USACE National Coastal Mapping Program (JALBTCX)
[5] Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner. 2014. The National Wetland Plant List: 2014 Update of Wetland Ratings. Phytoneuron 2014-41: 1-42

Wetland indicator statuses listed in the NWPL are based on the expected frequency of occurrence in wetlands as follows:

OBL	Obligate (OBL)	Always found in wetlands	>99% frequency
FACW	Facultative Wetland	Usually found in wetlands	67-99%
FAC	Facultative	Equal in wetland or non-wetlands	34-66%
FACU	Facultative Upland	Usually found in non-wetlands	1-33%
UPL	Upland	Upland/Not listed (upland)	<1%

Results

Biological communities present in the Project Site were classified based on existing plant community descriptions described in the California Native Plant Society (CNPS) Online Manual of California Vegetation. Sensitive habitats are those habitats defined as sensitive under the Mid-Coast LCP Section 7.1 as well as any federal or state wetlands or waters. Sol Ecology concurs with the findings of the 2015 WRA report regarding biological communities present on site that no sensitive habitats, including coastal wetlands are present on the subject property. Sol Ecology further finds that no coastal wetlands are present within 100 feet of the project site based on findings described below.

Wetland Assessment

A Sol Ecology biologist trained in wetland delineation evaluated coastal wetland criteria including presence of hydrology in combination with the presence of either hydric soils or hydrophytic vegetation as described below. No evidence of hydric soils was observed and no areas on or within 100 feet of the project site contained both hydrology and greater than 50 percent dominant hydrophytes indicating coastal wetland habitat is not present.

Soils

Soils on the subject property and adjacent unnamed tributary consist of typic Argiustolls. These are steep, eroded, very shallow to moderately deep soils on marine terraces. The surface soil is sandy loam or loam. The underlying material is only slightly consolidated coastal alluvium derived from sedimentary rock and, if not protected, the soils will gully readily. All the soils tend to crust and seal after drying, and movement of water into them is slow. These soils occur on marine terraces along the coast from Montara to the southern tip of the county. Cover consists of grasses and brush. Brush is especially thick on the north-facing slopes, and it reappears rapidly after clearing. These soils are steeper, shallower, and more susceptible to gully erosion than other coastal alluviums. This soil type is not hydric and based on composition, is highly unlikely to provide wetland habitat due to runoff and erosion factors.

Hydrology

The unnamed tributary was examined using available LiDAR topographic data to determine the potential for wetland hydrology to be present within the channel itself. This method was

employed in lieu of direct site examination due to accessibility issues (the biologist was unable to safely or legally access the channel bottom). From the closest vantage point, the biologist did observe the channel was deeply incised with little to no vegetation on the banks except for a few ferns. Topographical data suggests that the slope and gradient of the channel precludes the formation of typical in-stream wetland habitat due to periodic high flows that scour the banks and any potential habitat within the channel itself. This is further supported by soil type and the absence of riparian vegetation seen anywhere on the banks or adjacent areas suggesting this feature does not retain moisture following flow events and thus, riparian and/or wetland habitats are likely absent.

Areas adjacent to the unnamed tributary within 100 feet of the project site were also examined for hydrology indicators that would suggest the presence of a coastal wetland. Because nearly all the project site and adjacent land is on a slope, there was no evidence of any depressional areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or hydrophytic vegetation. There was one area on the adjacent property where water appears to collect and sheet flow down the hillside in a very narrow swale-like feature. This feature did not contain any evidence of bed or bank, or other indicators such as water marks, sediment or drift deposits, soil cracks, algal mats, water staining, or iron deposits. Photographs of this feature are provided in Attachment B. This feature was examined for the presence of hydric soils and dominant hydrophytic vegetation; none were found.

Vegetation

Two facultative wetland plants were identified on the project site: clustered field sedge (*Carex praegracilis*) and common rush (*Juncus patens*); however, these two plants were found only sparingly and did not account for more than 50 percent of the total vegetative cover in the narrow gully/swale described above, even in combination with other FAC plants. Likewise, both species, as well as nearly all of the FAC species observed, are known to occur in non-wetland habitats particularly in disturbed areas or in shaded coastal areas characteristic of the forested habitat on site. No obligate species were found anywhere on or within 100 feet of the project site. As described above, the singular indicator of hydrology was a narrow swale found on the adjacent property. This feature was dominated by upland plant species primarily, though a few individuals of field sedge and rush were observed. A list of all plants found on the project site is provided in Attachment C.

Special Status Species

Special-status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed species and those that are formal candidates for listing. Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (Inventory) with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. CDFW Species of Special Concern, CDFW California Fully

Protected species, USFWS Birds of Conservation Concern, and CDFW Special-status Invertebrates are all considered special-status species. Furthermore, CDFG Fish and Game Code prohibits the take of actively nesting birds as well as common bats and their roosts. Lastly, special status species in this report include all rare or unique species listed in the Mid-Coast LCP.

Twenty-one special status plants and ten special status wildlife species have been documented within five miles of the Project Site (Attachment A, Figures 3 and 4). A discussion of the potential for these species to occur is described below.

Plants

None of the twenty-one special status plants has potential to occur on the project site. These species occur in chaparral, coastal scrub, and open grassland habitats or along streams. As such, no additional measures are prescribed. This finding is consistent with the 2015 WRA report.

Wildlife

Of the ten species with potential to occur within five miles, two species have potential to occur on-site: California red-legged frog and San Francisco garter snake. These two species and their potential to occur on the project site are discussed below. The remaining species are not likely to ever be present due to the absence of suitable habitat (e.g. aquatic habitat such as ponds or streams, grassland, coastal scrub, coastal bluff, or chaparral habitats). Numerous migratory birds and raptors, including the two special status species described in the 2015 WRA report also have potential to occur; however, many of the species documented in the area (including special status and common species) are not likely to be present due to the absence of tree cavities and broken-top or platform trees. Lastly, Figure 4 depicts an occurrence of obscure bumble bee overlapping with the project site. Information provided in the CNDDB database on this occurrence note mapping was based on an approximate location near Moss Beach. This species inhabits open grassy coastal prairies and Coast Range meadows, which are not present on the subject property and therefore, this species is likely absent.

California Red-legged Frog (*Rana draytonii*), Federal Threatened Species, CDFW Species of Special Concern. The California red-legged frog (CRLF) is dependent on suitable aquatic, estivation, and upland habitat. During periods of wet weather, starting with the first rainfall in late fall, red-legged frogs disperse away from their estivation sites to seek suitable breeding habitat. Aquatic and breeding habitat is characterized by dense, shrubby, riparian vegetation and deep, still or slow-moving water. Breeding occurs between late November and late April. Following breeding during the wet season, adult frogs may disperse into upland habitats which include areas up to 300 feet from aquatic and riparian habitat and are comprised of grasslands, woodlands, and/or vegetation that provide shelter, forage, and predator avoidance. At the end

of the wet season, CRLF may disperse up to one-mile overland from upland or breeding habitats (often via riparian corridors) to aquatic non-breeding habitats.[6]

Since the 2015 report, CRLF has been documented in Montara Creek in a pool located approximately 0.75 mile east (upstream) of the project site; both adults and juveniles were observed indicating Montara Creek provides suitable breeding habitat for CRLF. Given the project site is within the known dispersal distance from this occurrence and Montara Creek, there is potential for CRLF to disperse on to the site. However, no suitable aquatic or upland habitat (breeding or non-breeding habitat) is present.

San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*), Federal Endangered, State Endangered. CDFW Fully Protected Species. The preferred habitat of the San Francisco garter snake (SFGS) is a densely vegetated pond near an open hillside where they can sun themselves, feed, and find cover in rodent burrows; however, considerably less ideal habitats can be successfully occupied.[7] According to the 5-year review by USFWS, there are two significant components to SFGS habitat: ponds that support California red-legged frog (*Rana draytonii,* CRLF), American bullfrog (*Lithobates catesbeiana*), or the Sierran treefrog (*Pseudacris sierra*); and surrounding upland that supports Botta's pocket gopher *(Thomomys bottae)* and the California meadow vole *(Microtus californicus*). Recent studies at Año Nuevo State Reserve continue to confirm SFGS are regularly within 300 and 650 feet of foraging (pond) habitats and upland sites. If dispersal occurs in pursuit of prey, and during periods of heavy rain or shortly after, SFGS may make long-distance movements of up to 1.25 miles along drainages within the dense riparian cover; however, SFGS have not been documented to travel over open terrain.[8]

SFGS has a very low potential to occur on the project site. Suitable habitat is present in Montara Creek and its associated riparian habitat located more than 200 feet to the south of the project site; there is no pond habitat however, within 650 feet. SFGS may disperse in pursuit of prey or during or after periods of heavy rain up the unnamed tributary, but is not likely to remain in this area due to deeply incised banks and lack of riparian cover. As such, it is highly unlikely this species would occur on-site.

Discussion and Recommendations

The findings of this updated biological resources addendum are largely consistent with the 2015 WRA report. Sol Ecology found conditions on the site largely similar and upon further investigation of the surrounding area found no evidence of coastal wetlands within 100 feet of the project footprint. Sol Ecology did however determine based on recent data that the project site does provide suitable dispersal habitat for CRLF. CRLF may be impacted by construction

[6] Fellers, G.M. and P.M. Kleeman. 2007. California red-legged frog (Rana draytonii) movement and habitat use: Implications for conservation. Journal of Herpetology 41(2): 276-286.
[7] USFWS. 2006. San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*) 5-Year Review: Summary and Evaluation. Sacramento Fish and Wildlife Office. September.
[8] McGinnis, S. M. 2001. Past and Present Habitats for the San Francisco Garter Snake and California Red-Legged Frog on the Original Cascade Ranch Property, With Additional Comments on Potential Movement Pathways and Suggestions for Critical Habitat Enhancement Measures. Unpublished. January.

activities associated with site development if present. The development of the site would not result in any permanent barriers however. To avoid any impacts to CRLF, the following measures are recommended. Avoidance measures designed to protect CRLF from being impacted will also protect SFGS from potential impacts associated with the proposed project.

Avoidance and Minimization Measures for CRLF (and SFGS)

1. An environmental training should be provided to all workers prior to the start of any activities regarding any sensitive biological resources (including CRLF, SFGS, or nesting birds). The training should include steps to identify and respond to a sighting, the laws and regulations protecting those resources, and consequences of non-compliance.

2. At least 14 days prior to the onset of any construction-related activity, exclusion fencing (designed for CRLF and SFGS) with exit funnels should be installed between the project site and both Montara Creek and the unnamed tributary. Exit funnels should be installed approximately every 100 meters to allow trapped individuals to leave the area on their own. Following installation, the fence should be inspected by a qualified biologist periodically throughout the duration of any ground-disturbing activities. Should a durable exclusion fence material such as Ertec be used, fence inspections after initial inspection are only necessary following high wind or heavy rain events.

3. A pre-construction survey for CRLF and SFGS shall be conducted prior to initiation of project activities within 48 hours of the start of ground disturbance activities. Surveys are to be conducted by approved qualified biologist with experience surveying for each species. If CRLF or SFGS is found on the project site it should be allowed to leave the area on its own. If the animal does not leave the area on its own, work shall remain halted and USFWS and CDFW should be contacted.

4. No work shall be performed within 30 minutes of sunrise or sunset or during or within 24 hours of any rain event (greater than 0.5 inches) between February 1 and April 31 when frogs are most likely to utilize upland habitats.

5. Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic monofilament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.

There are no additional special status species or habitats subject to potential impacts from the proposed project. In response to a comment from consulting biologist Daniel Edelstein, it was noted that the 2015 WRA report failed to address potential impacts to migratory birds and raptors that may nest outside the proposed development area. As such, we recommend that the avoidance measures prescribed in the 2015 WRA report include pre-construction nesting surveys be performed both in and within 250 feet of the proposed development area prior to any proposed construction-related activities during the nesting bird season (February 1 to August 31).

Please do not hesitate to contact me with any questions.

Sincerely,

Dana Riggs,
Principal Biologist

Attachments: (A) Project Figures; (B) Site Photographs; (C) Observed Plant List

Figure 1: Project Site Location
15th Street Property, Montara, CA

Date: 12-11-2017
Data: Sol Ecology, San Mateo Co.

Base: ESRI
GIS: AJG

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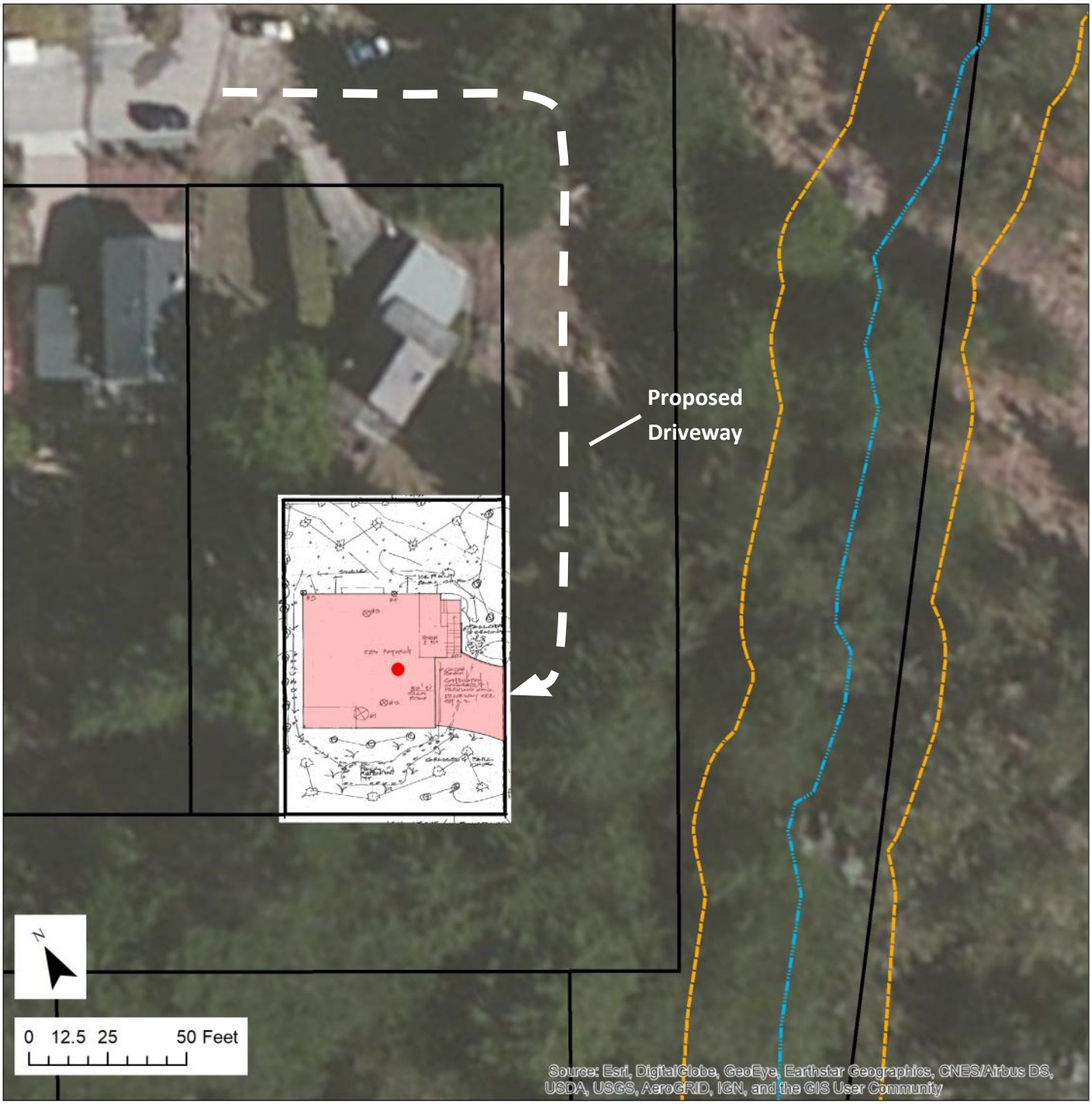
Figure 2: Project Site Constraints
15th Street Property, Montara, CA



Date: 12-11-2017
Data: Sol Ecology, San Mateo Co., USACE National Coastal Mapping Program

Base: ESRI
GIS: AJG

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Figure 3: Special Status Plant Species within 5 Miles of the Project Site
15th Street Property, Montara, CA

- Project Location
- 5-Mile Buffer
- Blasdale's bent grass (1)
- Franciscan onion (1)
- Franciscan thistle (2)
- Hickman's cinquefoil (2)
- Kellogg's horkelia (1)
- Kings Mountain manzanita (2)
- Montara manzanita (3)
- Oregon polemonium (1)
- Ornduff's meadowfoam (2)
- San Francisco campion (1)
- San Francisco collinsia (2)
- San Francisco gumplant (1)
- San Francisco owl's-clover (1)
- arcuate bush-mallow (1)
- coast yellow leptosiphon (1)
- coastal marsh milk-vetch (1)
- fragrant fritillary (1)
- perennial goldfields (2)
- rose leptosiphon (2)
- western leatherwood (3)
- woodland woollythreads (1)

Date: 12-11-2017
Data: Sol Ecology, CA DFW
San Mateo Co.

Base: ESRI
GIS: AJG

Sol Ecology, Inc.
SolEcology.com

Figure 4: Special Status Animal Species within 5 Miles of the Project Site
15th Street Property, Montara, CA

Project Location
5-Mile Buffer
American badger (1)
California red-legged frog (11)
Myrtle's silverspot butterfly (1)
San Bruno elfin butterfly (4)
big free-tailed bat (1)
monarch - California overwintering population (3)
obscure bumble bee (2)
saltmarsh common yellowthroat (2)
steelhead - central California coast DPS (2)
western bumble bee (1)

Date: 12-11-2017
Data: Sol Ecology, CA DFW
San Mateo Co.

Base: ESRI
GIS: AJG

Sol Ecology, Inc.
SolEcology.com

View of erosional feature on adjacent parcel between unnamed tributary and subject property.

Attachment C - Observed Plant Species Table.

Scientific Name	Common Name	Origin	Form	Rarity Status	Wetland
Baccharis pilularis	coyote brush	n	shrub	none	n/a
Cortaderia jubata	pampas grass	x	perennial grass	none	FACU
Cotoneaster sp	cotoneaster	n	shrub	none	n/a
Daucus carota	Queen anne's lace	x	perennial herb	none	FACU
Ehrharta erecta	veldt panicgrass	n	perennial grass	none	n/a
Hedera helix	English ivy	x		none	n/a
Hesperocyparis macrocarpa	Monterey cypress	n	tree	none	n/a
Holcus lanatus	common velvet grass	x	grass	none	FAC
Iris douglasiana	Douglas iris	n	perennial herb	none	n/a
Juncus patens	common rush	n	grass	none	FACW
Lonicera sp	honeysuckle	n	shrub	none	FAC/FACU
Myoporum laetum	lollipop tree	x	tree	none	n/a
Pinus radiata	Monterey pine	n	tree	none	n/a
Pittosporum crassifolium	thick leaved pittosporum	x	shrub,tree	none	n/a
Pittosporum undulatum	victorian box	x	shrub,tree	none	n/a
Polystichum californicum	California sword fern	n	fern	none	n/a
Pteridium aquilinum	western brackenfern	n	fern	none	FACU
Rubus ursinus	California blackberry	n	vine	none	FACU
Toxicodendron diversilobum	poison oak	n	shrub, vine	none	FAC
Trifolium spp? (variegatum)	clover (variegated clover)	n		none	FAC
Carex praegracilis	Clustered field sedge	n	grasslike herb	none	FACW

Camille Leung

From: Dana Riggs <driggs@solecology.com>
Sent: Thursday, November 29, 2018 3:39 PM
To: Camille Leung
Cc: Paul Mcgregor
Subject: Re: 1900 East Ave, Montara
Attachments: east FEMA flood.pdf

Thank you Camille. My responses to the two questions from the Commission staff comments are as follows:

1. With regards to the occurrence of *Leptosiphon rosaceus* - the occurrence in question is located on Moss Beach approximately 1000 feet downslope and west of the Project Area and is based on two collections from 1903 and 1950. According to the CNDDB, this occurrence is considered possibly extirpated (CDFW 2018). Rose leptosiphon is associated with open, grassy slopes on coastal bluff scrub habitats according to the Jepson Herbarium; no open bluff scrub habitat is present on the Project Area. The majority of the site is heavily shaded by Monterey Cypress and does not provide suitable exposure. A small opening is present near the proposed roadway, but shows evidence of past site disturbance likely associated with development of the adjacent residence. Furthermore, of the 40 records of commonly associated species only two species were observed, poison oak (*Toxicodendron diversilobum*) and Douglas iris (*Iris douglasiana*). Based on the lack of suitable habitat and associated species in the Project Area and the assumption that this species is likely extirpated from Moss Beach, it was determined by both the WRA and Sol Ecology botanists that this species is not likely to be present on the Project Area.

2. With regards to topography, the Project Area is located on a hillslope and is more than 40 feet above (or upslope) of the floodplain of Montara Creek and its tributaries (see attached image showing floodplain data relevant to the property line). The 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) contains 16 primary hydrology indicators and 10 secondary hydrology indicators. Only one primary indicator is required to meet the wetland hydrology criterion; however, if secondary indicators are used, at least two secondary indicators must be present to conclude that an area has wetland hydrology. These indicators include observation of surface water or saturated soils, evidence of recent inundation (e.g. soil cracks, salt crust, water marks), evidence of current or recent soil saturation, and evidence from other site conditions or data (such as presence of a shallow aquitard). A mild convergence of topographical contours was observed during the 2017 site assessment by Sol Ecology. Such convergences are typical of topography on hillslopes, but are not considered a primary or secondary indicator of hydrology alone without the presence of other hydrological indicators such as wrack lines or sediment deposits. None of the 16 primary or 10 secondary hydrology indicators were observed during the 2017 assessment. There is also no evidence that any sheet flow drains directly or by way of any channel into Montara Creek or its tributaries. Given the proximity of the site to the nearby floodplain habitat and absence of any hydrological indicators - combined with the absence of hydrophytic vegetation, indicates there is no evidence to suggest wetlands are present on the site. Topography of the site (a hillslope without any terraces where water may pool) further excludes the possibility of wetland habitats.

Please do not hesitate to contact me with additional questions.

DANA RIGGS
CEO, Founder, and Senior Biologist

P.O. Box 5214 | Petaluma, CA 94955
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driggs@solecology.com

Sol Ecology is SDVOSB, DVBE, WBE, and SBE (micro) certified.

On Tue, Nov 27, 2018 at 6:02 PM Camille Leung <cleung@smcgov.org> wrote:

> Hi Dana,
>
> Correction/Clarification: The California Coastal Commission reviewed WRA's 2015 report. Some of their comments may have been addressed in your December 2017 report such as the West Avenue and nesting season references. Please address the last 2 questions.
>
> Thanks!
>
> ---
>
> **From:** Camille Leung
> **Sent:** Tuesday, November 27, 2018 5:34 PM
> **To:** 'Dana Riggs' <driggs@solecology.com>
> **Cc:** Paul Mcgregor <macky8@dslextreme.com>
> **Subject:** RE: 1900 East Ave, Montara
>
> Hi Dana,
>
> I'm working on the Neg Dec now. The California Coastal Commission had some questions/corrections regarding your report (please see attached letter) that I'd like to address in the Neg Dec. Please provide a response to each.
>
> Main Comments/questions have to do with:

- Correction to “West Avenue” reference
- Correction to bird-nesting season timeframe
- Survey of Leptpsiphon during its blooming period
- Does topography exclude the possibility of a wetland?

Also, the project now proposes the removal of 17 trees; please see attached arborist report (Tree #10 is not marked for removal on the map, but is shown in the table as to be removed). Does this change your assessment at all as some trees to be removed are located near the non-riparian and riparian areas?

Thanks!

From: Dana Riggs [mailto:driggs@solecology.com]
Sent: Thursday, October 25, 2018 4:07 PM
To: Camille Leung <cleung@smcgov.org>
Cc: Paul Mcgregor <macky8@dslextreme.com>; Daniel Krug <dkrug@smcgov.org>; roy@treemanagementexperts.com
Subject: Re: 1900 East Ave, Montara

HI Camille,

Attached is our letter concerning current conditions for biological resources at Paul McGregor's site.

Please let me know if you have any questions or concerns.

Thank you,

Dana

DANA RIGGS
CEO, Founder, and Senior Biologist

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On Thu, Oct 11, 2018 at 2:00 PM Camille Leung <cleung@smcgov.org> wrote:

> Hi Paul,
>
> Sorry for the delay. Items A and B need to be addressed, prior to preparation of a Mitigated Neg Dec for the project:
>
> A. Dan (County Arborist) and I reviewed the Arborist Report dated 6/8/18. Here are our comments:
>
> 1. Item #3 from 4/2/18 comments (see below) has not been addressed.
> 2. On table, show Tree #26 as to be removed.
> 3. On map, show Tree #28 with an "x", as it is shown as to be removed on the table.
>
> B. Due to the amount of time that has gone by since the Biologist, Dana Riggs, last looked at this (Bio Report is dated 12/13/17), please have her assess whether site conditions have changed significantly.
>
> Based on the bio report provided, the current description of the project is:
>
> Coastside Design Review & CDX for new 3,152 sq/ft residence (includes 625 s/f garage & 60 s/f covered porch) on a 6,000 s/f legal parcel; includes grading of 65 cy for both house and road/driveway and removal of 17 trees. Project requires a Mitigated Negative Declaration due to the potential presence of the CA Red Legged Frog on the property. Project is not appealable to the CCC.
>
> No CDP or grading permit is required. Please submit a revised Arborist Report and Bio Letter. Once these are done, I can start on the Mitigated Negative Declaration.
>
> Thanks!
>
> Camille Leung, Senior Planner
> Planning & Building Department
> San Mateo County
> 455 County Center, 2nd Floor
> Redwood City, CA 94063
> Phone - 650-363-1826
> Fax – 650-363-4849

4/2/18 CML - Met with Dan K. and applicant to review what we need from the Project Arborist:

1. Provide photos of trees being evaluated. Identify trees in each picture.
2. Add 3 trees to arborist report (60", 30", and 36" Cypress in the right-of-way)
3. Add discussion of impact to trees from proposed drainage features and associated grading in driplines.
4. Show trees to be removed with an "X" on the plan.
5. Recommendation: Tag all trees to be preserved

-----Original Message-----
From: Paul Mcgregor [mailto:macky8@dslextreme.com]
Sent: Thursday, October 04, 2018 4:28 PM
To: Camille Leung <cleung@smcgov.org>
Subject: Re: GP Amendment - PLN2018-00036

Good afternoon Camille, I'm writing about East Street in montera, I was in over a month and a half ago and you said you would have the review done on the arborist report into weeks I'm still waiting for a response can you let me know what the update is please. Thank you sincerely Paul W McGregor
----- Original Message -----
From: Camille Leung <cleung@smcgov.org>
To: macky8@dslextreme.com
Cc: Dennis Aguirre <daguirre@smcgov.org>
Sent: Tue, 21 Aug 2018 14:55:34 -0400 (EDT)
Subject: GP Amendment - PLN2018-00036

Hi Paul,

Per our discussion, I added this note. I revised my time estimate to 8 months as that is what is realistic for 2 hearings.

8/21/18 CML - Spoke with Steve M. and relayed info to Paul over email and phone regarding fees. Per Steve, we will process this on a time and material basis using Dennis' fully loaded rate. Paul will need to submit the General Plan Amendment form with fees (deposit of $5000). We will let him know if we need additional funds. I estimated an 8 months (approximate time) process time from our receipt of the General Plan Amendment application to prepare the Neg Dec and Planning Commission and Board hearings. The Design Review process will occur afterwards (no included in minimum 8 months estimate).

See attached for the application (Check Map Amendment).

Fees due are:
$5000- deposit for General Plan Amendment
$250 - 5% Legal Counsel
$1707 - Hearing level CDP (Gave you credit as we already charged you for a Staff-Level CDP for the house)
TOTAL = $6957

Camille Leung, Senior Planner
Planning & Building Department
San Mateo County
455 County Center, 2nd Floor

Redwood City, CA 94063
Phone - 650-363-1826
Fax - 650-363-4849

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October 25, 2018

Paul McGregor
160 West Point Avenue
Half Moon Bay, CA 94019

Re: Biological Resources Addendum Letter for APN 037-015-090, Montara, California – Current Conditions as of October 16, 2018.

Dear Mr. McGregor,

This report serves to provide you with an update regarding current biological conditions at the site located on East Avenue in Montara (APN 037-015-090), California. An examination of the property was conducted on October 16, 2018 to evaluate site conditions including whether any new indicators of coastal wetlands are present, and/or evidence of habitat conditions that may support special status species not previously identified in the December 13, 2017 report. Since the December 13, 2017 there are no new special status species listings in coastal San Mateo County.

Examination of the Project Site yielded no change since the site was last visited in 2017. On October 16, 2018 I examined the narrow gully on the adjacent property and found that it remains relatively unchanged from the previous site visit and no new wetland plants or increase in density of hydrophytic plants was observed. As in the previous findings, only FAC species were observed, which are known to occur in non-wetland habitats as frequently as wetland habitats and by themselves, do not support a finding that wetland habitat is present. Two facultative wetland species were also observed on the property; however, neither species comprised greater than 50 percent cover and in the coastal zone, both species may occur as the result of fog drip in heavily shaded areas which are present in the tree line. Along the proposed driveway, there remains an area where it appears that water sheet flows. The area includes a mild convergence of topography; however, no indicators of hydrology such as water marks, sediment or drift deposits, soil cracks, algal mats, water staining, or iron deposits were observed. Furthermore, there is no evidence of pooling anywhere downslope. Vegetation on the property remains uniform and no change in vegetation composition was noted anywhere on or adjacent to the Project Site. Likewise, habitat conditions for special status species documented in the area remains the same.

Photographs taken on the site on October 16, 2018 are provided below.

A convergence of topography is seen on the proposed driveway; however, no hydrologic, vegetative, or soil indicators as described in the 2017 report are currently present.

Bulrush (*Juncus spp.*) was observed within the dripline of pine trees on the site where fog drip is likely to occur.

Based on examination of the site on October 16, 2018 conditions remain unchanged since the previous biological assessment on December 13, 2017 and no new potential impacts to biological resources are anticipated.

Please do not hesitate to contact me with any questions.

Respectfully,

Dana Riggs, Principal Biologist

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June 23, 2020

Paul McGregor
160 West Point Avenue
Half Moon Bay, CA 94019

Re: Biological Resources Addendum Letter for APN 037-015-090, Montara, California – Current Conditions as of May 14, 2020

Dear Mr. McGregor,

This report serves to provide you with an update regarding current biological conditions at the site located on East Avenue in Montara (APN 037-015-090), California. An examination of the property was conducted on May 14, 2020 to evaluate site conditions including whether any new indicators of coastal wetlands are present, and/or evidence of changed habitat conditions that may support special status species since the October 1, 2018 report. Since October 1, 2018, no new special status species have been listed in San Mateo County except for foothill yellow-legged frog (*Rana boylii*) which has no potential to occur on or near the site. Additionally, the National Wetland Plant List was updated in 2018 and became effective on May 18, 2020; the new list was used to evaluate site conditions on May 14, 2020.

I examined the Project Site on May 14, 2020 to determine whether any new indicators of wetland habitat is present since the site was last visited in October 2018, including whether the cover of any obligate, faculative wet, or faculative plants (hydrophytic vegetation) are present on the site comprising 50 percent or more cover in any location per LCP criteria for wetlands. I examined the narrow gully on the adjacent property and found that it remains relatively unchanged from the previous site visit and no new wetland plants (per the new 2018 list) or increase in density of hydrophytic plants previously found was observed, despite a very wet rainfall year in 2019, and recent rainfall the week prior. As in the previous findings, only FAC species were observed at less than 50 percent cover, which are known to occur in non-wetland habitats as frequently as wetland habitats and by themselves, do not support a finding that wetland habitat is present. Two facultative wetland species were also observed on the property; however, both species comprised less than 50 percent cover. As is common in the coastal zone, both species more likely occur as the result of fog drip in heavily shaded areas which are present in the tree line. Along the proposed driveway, there remains an area where it appears that water sheet flows. The area includes a mild convergence of topography; however, no indicators of hydrology such as water marks, sediment or drift deposits, soil cracks, algal mats, water staining, or iron deposits were observed in 2018, nor in 2020. Furthermore, there is still no evidence of pooling anywhere

downslope. Therefore, there is still **no evidence of 1-parameter coastal wetlands or waters on the site.**

Vegetation on the property remains uniform and no change in vegetation composition was noted anywhere on or adjacent to the Project Site, with the exception of some new non-native ornamental "volunteer" species growing close to a nearby residence. Likewise, habitat conditions for special status species documented in the area remains the same and the **proposed project is not likely to impact any special status species**.

Given that proposed construction will occur outside the nesting bird season, on impacts to birds or raptors protected under the Migratory Bird Treaty Act are likely to occur. The May 14, 2020 site visit coincides with the blooming period for spring wetland species and special status plants documented in the region. No special status species were observed.

Lastly, the nearby drainage gully to north of the site was also examined on May 14, 2020. As previously assessed, the drainage is highly eroded and no hydrophytic or riparian species were observed within it. It was dominated primarily by Himalayan blackberry (*Rubus americanus*), poison oak (*Toxicodendron diversilobum*), sword fern (*Polystichum munitum*), cotoneaster (*Cotoneaster lucidus*), and pampas grass (*Cortaderia selloana*).

Based on examination of the site on May 30, 2020 conditions remain unchanged since the previous biological assessment October 16, 2018 and no new potential impacts to biological resources are anticipated.

Please do not hesitate to contact me with any questions.

Respectfully,

Dana Riggs, Principal Biologist