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July 26, 2022 Project No: 21-11698

Santosh Addagulla San Pablo Road 20, LLC PO Box 960 Newark, California 94560 Via email: marin.hayward@gmail.com

Subject: Revised Biological Resources Technical Memorandum for the 2364 Road 20 Development Project San Pablo, Contra Costa County, California

Dear Mr. Addagullah:

Rincon Consultants, Inc. was retained by San Pablo Road 20, LLC to prepare a biological resources technical memorandum for the proposed 2364 Road 20 Development Project (project) in the City of San Pablo (City), Contra Costa County, California. Due to a potential lack of conformity to City zoning regulations, and potential for significant effects to sensitive biological resources, the City, acting as the lead agency, has decided to prepare addenda to the San Pablo General Plan EIR and San Pablo Avenue Specific Plan EIR as required under the California Environmental Quality Act (CEQA). This memorandum will support these addenda.

Project Description

The project proposes construction of a new multi-family five story residential building on the existing developed area of a 0.98-acre parcel (APN 416-120-029) southeast of the Road 20 and San Pablo Avenue intersection (Attachment A, Figures 1 and 2). The development will include 64 rental units, a parking garage, surface parking, and parking lifts. San Pablo Creek runs along the southern end of the parcel.

Local ordinance requires a 30-foot setback from the creek top of bank; however, the project is requesting a variance with parking areas, access driveways, paved pedestrian walkways, and bioretention areas planned within portions of the setback. No walls or structures are planned for construction within the setback. It should be noted that two existing decks on the parcel extend through the setback and over the creek top of bank. These decks will be removed as part of the project.

Methods

Field Surveys

Rincon biologist Anastasia Ennis conducted a reconnaissance survey of the project site on September 8, 2021, between the hours of 1500 and 1600 to document existing site conditions, assess vegetation communities, and evaluate the potential for the sites to support special status species habitat, including



sensitive plant and wildlife species. A second site visit was conducted on April 15, 2022, between the hours of 1215 to 1315 to map the extent of riparian vegetation at the project site.

Literature and Desktop Review

Rincon conducted record searches of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB, nine-quad search). The California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants and the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) were also accessed for this review to obtain comprehensive information regarding State- and federally-listed species, as well as other special status species and sensitive plant communities considered to have potential to occur or known to occur within the *Richmond, California* USGS 7.5-minute topographic quadrangle and/or surrounding eight quadrangles.

Existing Conditions

The project site includes developed area on the northern half of the site along Road 20, and a fragment of riparian woodland along San Pablo Creek at the southern edge of the site. (Attachment A, Figures 2 and 3). The developed area of the site is paved or graveled and surrounded by wooden or chain-link fencing (see photos in Attachment B). Existing structures occur on the eastern half of the site, including a house with an attached deck that extends south towards the creek, a large shed at the northeast corner of the site, and a smaller deck at the southeastern edge of the site. The house is currently occupied by tenants who operate a tow truck company from the site. A paved area on the western half of the site is used as a parking lot.

Although largely devoid of plants, small patches of ruderal vegetation and escaped ornamentals are present in the developed area, including wild oats (*Avena* sp.), fennel (*Foeniculum vulgare*), panicled willowherb (*Epilobium brachycarpum*), Algerian ivy (*Hedera canariensis*), wandering pellitory (*Parietaria judaica*), bristly oxtongue (*Helminthotheca echioides*), and tomato (*Solanum lycopersicum*). The riparian canopy surrounding San Pablo Creek is dominated by native tree species, including Arroyo willow (*Salix lasiolepis*), Northern California black walnut (*Juglans hindsii*), California buckeye (*Aesculus californica*), boxelder (*Acer negundo*), elderberry (*Sambucus nigra*), and redwood (*Sequoia sempervirens*), although the latter was likely planted. Non-native species, such as Canary Island palm (*Pheonix canariensis*) are also present, and shrubs and herbaceous plants on the banks of the creek are dominated by non-native species. Plants observed on the creek banks and beneath the riparian canopy include horsetail (*Equisetum* sp.), nasturtium (*Tropaeolum majus*), Bear's breeches (*Acanthus mollis*), Himalayan blackberry (*Rubus armeniacus*), and Algerian ivy. The ivy is the dominant herbaceous understory plant, covering creek banks and climbing up trees in the riparian woodland.

San Pablo Creek drains a 26,101-acre watershed, which includes San Pablo and Briones Reservoirs, and flows west into San Francisco Bay over two miles from the project site. Despite the presence of a perennial creek, the surrounding area is heavily developed and urbanized. Land use surrounding the project site is residential and commercial. The creek itself is disturbed by anthropogenic activity and invasive plant species. A homeless encampment was observed at the western edge of the site, on the creek bank at the entrance to the culvert where San Pablo Creek passes under San Pablo Avenue.



Bird species observed in or near the project sites included: Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), and American crow (*Corvus brachyrhynchos*).

Special Status Species

The review of the resource agency databases for known special-status species occurrences within the nine USGS quadrangles containing and surrounding the project sites identified 52 special status animal species and 72 special status plant species. The site was evaluated for its potential to provide habitat value for these species. Of the species known to occur in the region, the following rare or protected species (twelve [12] animals and four [4] plants) are known to occur in habitat types with characteristics similar to those in in the vicinity of the project sites : California overwintering populations of monarch butterfly (*Danaus plexippus* population 1), green sturgeon (*Acipenser medirostris*), steelhead – central California coast Distinct Population Segment (DPS; *Oncorhynchus mykiss irideus*, population 8) California red-legged frog (*Rana draytonii*), western pond turtle (*Emys marmorata*), Cooper's hawk (*Accipiter cooperii*), peregrine falcon (*Falco peregrinus anatum*), bank swallow (*Riparia riparia*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western red bat (*Lasiurus blossevilii*), San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), Mt. Diablo fairy lantern (*Calochortus pulchellus*), western leatherwood (*Dirca occidentalis*), Diablo helianthella (*Helianthella castanea*) and Loma Prieta hoita (*Hoita strobilina*).

Overwintering populations of the monarch butterfly (federal candidate endangered species) have been observed within five miles of the project site in stands of eucalyptus (CDFW 2021a). Even in urban areas, monarch butterflies will settle in groves of trees along their migration route. While trees occur in the riparian woodland at the southern edge of the project site, the canopy contains no cypress or eucalyptus, typically preferred by the monarch butterfly, and the small strip of woodland is not well protected from the wind. While there is a low likelihood that monarchs would use trees along San Pablo Creek at the project site as overwintering sites, due to the heavily urbanized and disturbed nature of the surrounding area and lack of recorded occurrences near the project site, no impacts to the monarch butterfly are expected.

Green sturgeon and steelhead (central California coast DPS) are federally threatened fish species that have critical habitat at the mouth of San Pablo Creek, where it connects to the San Francisco Bay. Both species are anadromous and known to occur in drainages that connect to the Bay. Neither species has a recorded occurrence in CNDDB within five miles of the site (CDFW 2021a). No record of green sturgeon has been recorded in San Pablo Creek, thus no impacts to this species are expected. Steelhead have a low potential to occur in San Pablo Creek within the project site. The upper reaches of San Pablo Creek have been dammed to create reservoirs, and the creek passes through many culverts in urban areas, such as the one to the west of the project site, thus spawning habitat is marginal. However, a survey of the creek in 1999 did record steelhead east of the Interstate-80 culvert, 0.8-mile east of the project site, proving that fish passage is possible (Leidy 2005), although it is unlikely that a significant anadromous population will be re-established in San Pablo Creek without significant restoration efforts. Project construction will not impact waters in the creek, thus no impacts to steelhead are expected.

California red-legged frogs are federally threatened and a state species of special concern (SSC). This species is found in or near permanent sources of fresh water with dense, shrubby, or emergent riparian vegetation. Marginal habitat is present within San Pablo Creek, although there is little emergent



vegetation and creek banks are dominated by invasive species. Critical habitat for this species exists five miles to the east and one occurrence (in 2008) has been recorded 4.5 miles to the east of the project site just downstream of San Pablo Dam (CDFW 2021a). The disturbed section of the creek in the project site is surrounded by urban development and is unlikely to support California red-legged frog. Thus, although there is a low potential for this species to occur, impacts are not expected.

Western pond turtle (SSC) is found in ponds, rivers, streams, and irrigation ditches with aquatic vegetation; and within suitable adjacent grasslands for egg laying within 0.33 mile from water. Two CNDDB occurrences have been recorded within five miles of the project site (CDFW 2021a), both recording deceased turtles found. Despite the presence of suitable aquatic habitat within the creek at the project site, frequent anthropogenic disturbance and urbanized surroundings result in marginal habitat for the western pond turtle. Suitable egg-laying habitat is absent. Thus, there is low potential for western pond turtle to occur within or adjacent to the project site and impacts are not expected.

The Cooper's hawk is a CDFW watchlist species that typically inhabits woodlands and forest edges but can also be found in urban parks and neighborhoods where trees are present. Nests are constructed 25-50 feet high in a variety of tree species, including pines, oaks, beeches, and spruces. Cooper's hawks are aerial predators that feed primarily on medium-sized birds, such as mourning dove (*Zenaida macroura*), American robin (*Turdus migratorius*), and European starling (*Sturnus vulgaris*). (Cornell Lab of Ornithology 2021a). One occurrence of the species (in 2014) is documented in the CNDDB within five miles of the project site, four miles to the southwest in Miller-Knox Regional Park at the bayfront (CDFW 2021a). Two recent occurrences of the species are documented in eBird within one mile of the project site (Cornell Lab of Ornithology 2021b). Suitable nesting habitat for the species exists in the riparian woodland within the project site, although the surrounding area is developed. The species has a moderate potential to forage or nest in the riparian woodland at the project site. Development will be set back from the riparian area and no impacts to trees are expected.

The peregrine falcon (State fully protected species) has no CNDDB occurrences recorded within five miles of the project site (CDFW 2021a). Two recent occurrences (in 2019) of the species are documented in eBird within two miles of the project site at the bayfront to the west (Cornell Lab of Ornithology 2021b). No suitable nesting habitat (e.g., cliffs or skyscrapers) for peregrine falcon occurs on or adjacent to the project site; however, this species has a low potential to forage within or near the project site.

Project impacts are limited to paved or disturbed areas and are unlikely to have significant effects on foraging grounds for this species, which typically hunts in the air. Thus, impacts are not expected.

The bank swallow (State threatened species) is a colonial nester in vertical banks of riparian habitat. Due to the presence of vertical banks along San Pablo Creek within the project site, there is a low potential for this species to occur; however, no swallows were observed during the site visit, and no CNDDB occurrences are recorded within five miles of the project site (CDFW 2021a). Two recent occurrences (in 2019) of the species are documented in eBird within four miles of the project site, along the bayfront to the west (Cornell Lab of Ornithology 2021b). Due to the disturbed nature of the project site and dense vegetation on the banks of the creek within the site, impacts to bank swallow are not expected.

Pallid bat (SSC), Townsend's big-eared bat (SSC) and western red bat (SSC) have low potential to roost in trees on or adjacent to the project site. Two historic occurrences for pallid bat (in 1937 and 1940) are recorded within five miles of the project site (CDFW 2021a). Pallid bats are found in grasslands, shrublands, woodlands, and forests, and may roost in trees or buildings. Townsend's big-eared bat are



found in a wide variety of habitats and may roost in abandoned buildings or large trees. Western red bats roost in forests and woodlands and are typically found in riparian habitats. Bat species are sensitive to disturbance and are unlikely to roost in the buildings on site, which are inhabited, or in the culvert near the project site due to presence of a homeless encampment. Although trees in or near the project site, site provide marginal roosting sites, due to the disturbed and urbanized locations of the project site, impacts to these three bat species are not expected.

San Francisco dusky-footed woodrat (SSC) can occur in riparian woodlands such as those present on the project site; however, because the riparian woodland is a small, disturbed habitat fragment largely isolated by urban development, the dusky-footed woodrat is not expected to occur in the project site. No CNDDB occurrences have been recorded within a five-mile radius of the project site and no woodrat middens were observed during the site visit. Impacts to the San Francisco dusky-footed woodrat are not expected.

Mt. Diablo fairy lantern, western leatherwood, and Diablo helianthella (CNPS List 1B.2 plants) and Loma Prieta hoita (CNPS List 1B.1) are rare plants that can all be found in riparian woodland and thus have low potential to occur in the disturbed fragment of riparian woodland on the project site. No occurrences of Mt. Diablo fairy lantern have been recorded within five miles of the project site. Western leatherwood has four recent occurrences within five miles of the project site in Wildcat Canyon Regional Park, with the closest 2.5 miles to the east. No western leatherwood was observed within the project site. Diablo helianthella has three recent occurrences within five miles of the project site from 2008 and earlier, with the closest occurring four miles to the east. Loma Prieta hoita has one recorded occurrence (from 2004) two miles east of the site. The project site does not currently provide suitable habitat for these rare plant species due to high levels of disturbance, presence of invasive vegetation (e.g., Algerian ivy, Himalayan blackberry) and the long-time development in and surrounding the project site, thus impacts to rare plants are not expected.

Jurisdictional Features

The San Pablo General Plan EIR and San Pablo Avenue Specific Plan EIR both contain suggested mitigation measures to reduce impacts to San Pablo Creek and associated wetlands and riparian areas to less than significant levels. The proposed project intends to seek an adjustment or variance from the San Pablo Specific Plan's required 30-foot setback from top of creekbank for a portion of the site The project footprint is planned outside of both the top of bank and the canopy of the riparian woodland along San Pablo Creek at the southern edge of the project site (Figure 3), . This riparian woodland would be considered a jurisdictional wetland by CDFW to the edge of the canopy (see Attachment A, Figure 3 for the approximate extent of riparian woodland). Development and ground disturbance within the riparian canopy and any disturbance to vegetation (tree removal or trimming) may trigger the need for a Streambed Alteration Agreement with CDFW. San Francisco Bay Regional Water Quality Control Board (RWQCB) may also take jurisdiction of the riparian woodland and any impacts to riparian vegetation are likely to trigger compliance through a Waste Discharge Requirement. The proposed project footprint does not appear to impact riparian woodland or areas below the top of bank. The stream itself is also likely regulated by the U.S. Army Corps of Engineers; however, the proposed project does not appear to impact the actual stream channel.



Conclusions

The existing conditions of the project site include developed and disturbed habitat bounded by busy urban roadways and additional development. The narrow band of riparian woodland on either side of San Pablo Creek within and adjacent to the project site contains both native and non-native species but is disturbed by anthropogenic activities and largely isolated as a result of surrounding residential and commercial development. Riparian vegetation and the aquatic habitat of San Pablo Creek within the project site may provide marginally suitable habitat for wildlife, including steelhead, Cooper's hawk, nesting birds, and roosting bats. However, the project is designed to minimize impacts by re-use of previously developed areas and would avoid significant disturbance of riparian habitat or areas below the top of bank. Thus, the project is unlikely to affect special status species.

The project footprint as currently designed would not impact riparian habitat or other jurisdictional areas surrounding San Pablo Creek. If any trees or vegetation must be impacted as part of construction, the City of San Pablo's General Plan (Implementing Policy OSC-I-8) requires scheduling of construction and vegetation removal outside of nesting bird season or conducting a preconstruction nesting bird survey. If removal of mature trees is required, the General Plan (Implementing Policy OSC I-9) requires a pre-construction acoustic survey to determine if bats are present. Any disturbance to San Pablo Creek water quality through removal of the deck structures will be avoided through implementation of best management practices, such as a stormwater pollution prevention plan, as required by Implementing Policy OSC I-9 in the General Plan and the Municipal Code (Chapter 17.40). Because protecting nesting birds, roosting bats, and water quality is standard city policy and would be implemented as a condition of approval for the project, potentially significant impacts to special status species and their habitats will be avoided.

Thank you for the opportunity to provide environmental support on this project service. Please contact us if you have questions, or if we can be of further assistance.

Sincerely, **Rincon Consultants, Inc.**

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Anastasia G. Ennis, M.S. Biologist

Shemi miller

Sherri Miller, M.S. Vice President/Principal Biologist

Attachments

Attachment AFiguresAttachment BSite Photographs



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Attachment A

Figures







Imagery provided by Esri and its licensors © 2021.







Figure 2 Project Location



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Figure 3 Project Footprint and Riparian Habitat





Attachment B

Site Photographs



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Photograph 1. San Pablo Creek at east side of culvert under San Pablo Avenue, facing south-southwest.



Photograph 2. View of larger deck adjacent to house, facing west-southwest.



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Photograph 3. View of smaller deck at southeast corner of property, facing south-southeast.



Photograph 4. View of San Pablo Creek from larger deck, facing south.



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Photograph 5. Overview of site from the western end, showing house, shed, edge of riparian woodland at right, and graveled lot, facing east.



Photograph 6. Overview of western half of site, including edge of riparian woodland at left, paved lot, and graveled lot beyond, facing west-southwest.