

**APPENDIX C**  
**BIOLOGICAL RESOURCES**  
**TECHNICAL MEMORANDUM**

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August 30, 2019

Project No: 18-06879

Andrew Metzger

Circlepoint

46 South 1st Street

San Jose, California 95113

**Subject: Biological Resources Technical Memorandum for the 1095 Rollins Road Development Project, Burlingame, San Mateo County, California**

Dear Mr. Metzger:

This letter report has been prepared by Rincon Consultants, Inc. (Rincon) to assess potential impacts to biological resources from the development of the 1095 Rollins Road project, and assist Circlepoint with addressing the *California Environmental Quality Act (CEQA) Guidelines Appendix G* checklist for incorporation into an Initial Study-Mitigated Negative Declaration. This memorandum documents the existing biological conditions at the project site, assesses the potential for effects on protected biological resources, including protected trees per Burlingame Municipal Code Section 11.06, and effects determinations are made herein.

## Project Description and Location

The project site is a 1.08-acre property comprising two assessor's parcels, located at 1095 Rollins Road in Burlingame, California (Assessor Parcel Numbers 026-231-250 and 026-231-260). The project site currently contains a restaurant on the western portion of the site and elevated tennis courts located on top of a parking structure on the eastern portion of the site. The project site is bound by a gas station to the west, Rollins Road and U.S. 101 to the north, a City utility station to the east, and a multi-family residential complex (Northpark Apartments) to the south and east (Attachment A, Figures 1 and 2). All project impacts are restricted to existing paved or developed areas.

## Project Description

The project would include demolition of all existing structures on-site and construction of a six-story, 150-unit multi-family residential apartment building. Ten percent of units would be designated as affordable housing for moderate-income households. The building would also include a one-level subterranean garage with 192 parking spaces in traditional and stacked parking configurations. The building would include multiple roof decks with barbeques and fire pits, a programmed courtyard with bocce ball court, a fitness center, clubhouse, bicycle parking, and on-site storage. Access to the site would be provided via an entrance and exit along Rollins Road. See Attachment 1 for the project site plan.



# Impact Analysis

## Methodology

Rincon biologist Anastasia Ennis conducted a site reconnaissance survey of the project site on Friday, August 16. Observed site conditions were recorded and documented in a field notebook and photographs of the site were taken. The reconnaissance survey was conducted to document existing conditions relating to the potential for special status plant and animal species to occur and to determine if protected trees, as defined by the City of Burlingame, are present and would be impacted by the proposed development.

## Literature and Desktop Review

Prior to the site survey, Rincon conducted record searches of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB; 9-quad search area), the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants was also accessed for this review, the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and the National Oceanic and Atmospheric Administration fisheries (NOAA Fisheries) 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 *San Mateo, California* USGS 7.5-minute topographic quadrangle and/or surrounding eight quadrangles.

## Existing Conditions

The project site contains two structures, a restaurant and an elevated tennis court with parking underneath. The remainder of the site is a paved parking lot. Walls or fences surround the site on all sides except for the north side, along Rollins Road. The site is landscaped with ornamental vegetation, including a lawn with ornamental plants at the front entrance of the restaurant. Ornamental trees and shrubs planted within the site include: Japanese privet (*Ligustrum japonicum*), Japanese pittosporum (*Pittosporum tobira*), feijoa (*Acca sellowiana*), olive (*Olea europaea*), fig (*Ficus carica*), and heavenly bamboo (*Nandina domestica*). Most of the ornamental shrubs and a lone coyote bush (*Baccharis pilularis*) are overgrown with ivy (*Hedera helix*) (Attachment B, Photograph 1). One cypress (*Cupressus* spp.) and two to three pine (*Pinus* spp.) trees are planted immediately adjacent along the property fence line just south of the site, with canopies that extend into the site (Attachment B, Photograph 2). Three additional cypress are planted along the property line to the south of the restaurant building.

## Thresholds

To determine whether a project would have a significant noise impact, Appendix G to the *CEQA Guidelines* requires consideration of whether a project would result in:

1. A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;



2. A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
3. A substantial adverse effect on state or federally protected wetlands, hydrological interruption, or other means;
4. Substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. A conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
6. A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## Project Impacts and Mitigation Measures

<p><b>Threshold 1:</b> Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>
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### *Special Status Plants*

A review of agency databases for known special status plant occurrences within the nine USGS quadrangles containing and surrounding the project site identified 78 special status plant species. The developed nature of the site and absence of natural vegetation communities, appropriate soils and other suitable habitat features preclude the potential for rare plants to occur on the site. Rincon biologists determined that special status plant species are not expected to occur within or adjacent to the project site.

### *Special Status Wildlife*

The review of the resource agency databases for known special status animal occurrences within the nine USGS quadrangles containing and surrounding the project site identified 68 special status animal species. The site is fully developed and has no natural or native vegetation communities that would support special status animal species. For those select few special status species that can occur in disturbed or ruderal areas, the site is sufficiently isolated from existing natural areas and surrounded with urban residential, and commercial development, such that access to the site is significantly restricted. The site is not considered viable to support federal or state listed species or other special status wildlife.

Although vegetation communities observed in the project site are primarily non-native, the site could be used by numerous species of migratory birds that utilize trees, shrubs or man-made structures as nesting habitat. Native bird nests are protected by CFGC Section 3503. The nesting season generally extends from February 1<sup>st</sup> through August 31<sup>st</sup> in California but can vary based upon annual climatic conditions. Thus, construction activities could result in the mortality or injury of birds or their nests during vegetation removal, or disturbance-related nest abandonment. Impacts to most non-listed bird species through nest destruction or abandonment would not be considered a significant impact under



CEQA; however, this would be a violation of CFGC code. Impacts to special status birds may be considered significant under CEQA if those impacts would jeopardize the viability of a local or regional population.

### Best Management Practice

The following best management practice (BMP) is recommended to avoid violations of the CFGC that protects nesting migratory birds.

#### *BIO-1 Nesting Bird Avoidance and Minimization Efforts*

The project site contains ornamental vegetation and man-made structures that provide suitable nesting habitat for migratory birds. The project could adversely affect raptors and other nesting birds if construction occurs while they are present on or adjacent to the site through direct mortality or abandonment of nests. The following measures are recommended to maintain compliance with state law:

- Activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 31) if feasible. If construction will commence during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 300-foot buffer where access can be authorized. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in San Mateo County.
- If nests are found, an appropriately-sized avoidance buffer shall be established and demarcated by a qualified biologist. The buffer size will be determined by the qualified biologist, based on the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, and demarcated with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

<p><b>Threshold 2:</b> Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>
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The review of the resource agency databases for sensitive natural communities within the nine USGS quadrangles containing and surrounding the project site identified five sensitive natural communities: northern coastal salt marsh, northern maritime chaparral, serpentine bunchgrass, valley needlegrass grassland, and valley oak woodland. Based on a review of information on biological resources within the project region and data collected during the reconnaissance site visit, none of these sensitive natural communities are present within the study area. No substantial adverse effect on sensitive natural communities would occur as a result of project activities.



**Threshold 3:** Would the project have a substantial adverse effect on state or federally protected wetlands, hydrological interruption, or other means?

Based on a review of information on biological resources within the project region and data collected during the reconnaissance site visit, no vegetated wetlands or potentially jurisdictional features occur within the project area. No impacts to jurisdictional wetlands or waters would occur.

**Threshold 4:** Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project area consists of developed and disturbed areas with primarily ornamental vegetation. Land use in the vicinity is primarily residential or commercial with no connectivity to natural habitats and is therefore not expected to support wildlife movement. No impacts to wildlife movement corridors would occur as a result of project activities.

**Threshold 5:** Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project is designed to be in accordance with all local ordinances. If tree removal or trimming is necessary, the project will be in compliance with the City of Burlingame tree ordinance and obtain necessary permits. We assume all trees located on adjacent properties will be avoided; however, if construction activities result in damage to the root zone of a protected tree (>48 inches diameter at breast height) or requires trimming of more than 1/3 of a tree's mass, a tree removal permit would be required to remain compliant with the City's protected tree ordinance. Therefore, no conflicts with local policies or ordinances protecting biological resources is expected.

**Threshold 6:** Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no habitat conservation plans, natural community conservation plans, or other similar plans that govern activities on the project site. Therefore, the proposed project would not conflict with a habitat conservation plan.

## Conclusions

Based on the results of the current study, Rincon recommends a finding of no impact to biological resources, including those considered to be rare, endangered or special status under CEQA, or sensitive vegetation communities, jurisdictional waters, or wildlife movement areas. Best management practices are recommended to ensure the project does not result in violations to CFGC regarding nesting birds.

If you have any questions regarding this report, please contact Anastasia Ennis at (510) 479-0603 or [aennis@rinconconsultants.com](mailto:aennis@rinconconsultants.com).



Sincerely,  
Rincon Consultants, Inc.

A handwritten signature in blue ink that reads "Anastasia G. Ennis".

Anastasia Ennis, M.S.  
Associate Biologist

A handwritten signature in blue ink that reads "David Daitch".

David Daitch, Ph.D.  
Program Manager/Senior Biologist

### Attachments

Attachment A Figures

Attachment B Site Photographs



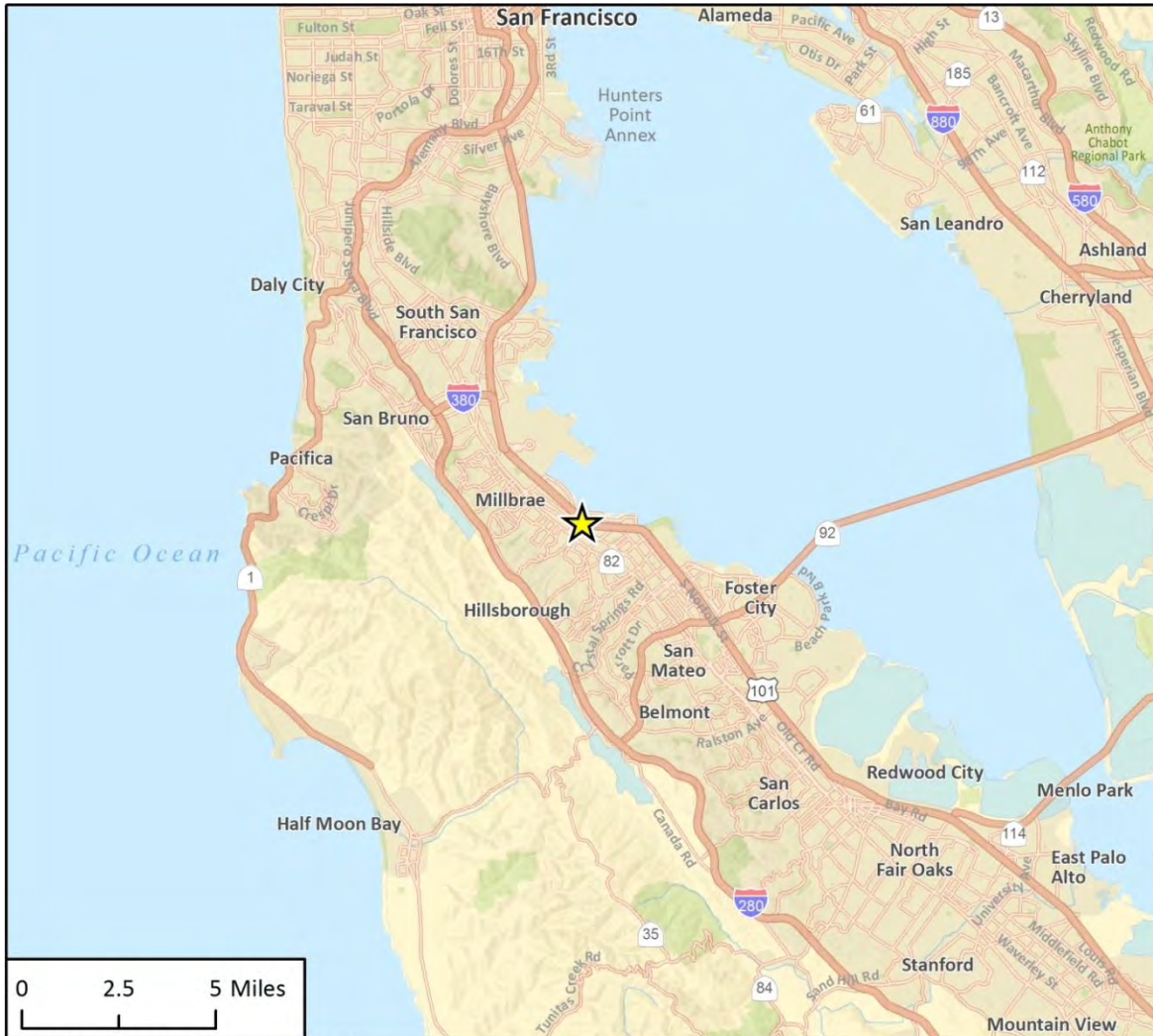
# Attachment A

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Figures



Figure 1 Project Vicinity Map



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 Project Location

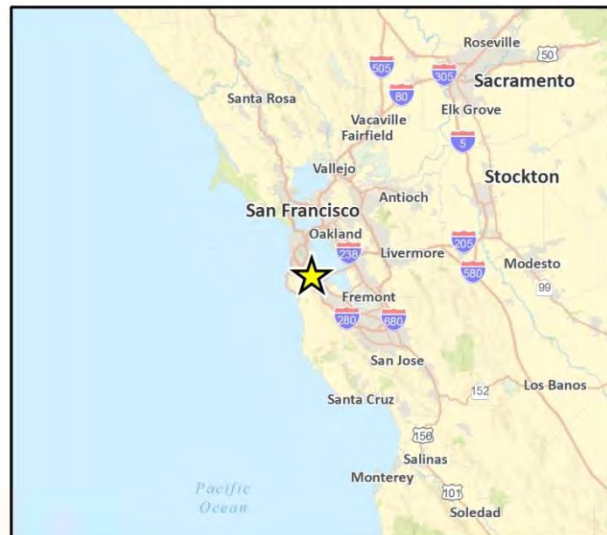


Fig. 1 Project Location

Figure 2 Project Location Map



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Fig. 2 Project Vicinity

# Attachment B

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Site Photographs



**Photograph 1.** Shrubs to the north of the tennis court, facing east.



**Photograph 2.** View of protected trees on the other side of fence from parking lot, facing southeast.