



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

January 31, 2014

Tom Armstrong
1570 Oakland Road
San Jose, CA 95131

Subject: Initial assessment of the property located on Edenvale Avenue in the City of San Jose, County of Santa Clara, California.

Dear Mr. Armstrong:

Per your request, Live Oak Associates, Inc. (LOA), conducted an initial assessment of the property located on Edenvale Avenue in the City of San Jose, California. This initial assessment was to provide advance information for the potential for biological issues on the site. LOA ecologist Katrina Krakow assessed the site on January 31, 2014 from the bounds of the site, as the site is fenced.

Existing Conditions.

The site is an infill site bounded by Hayes Mansion and Edenvale Avenue to the west, and residences to the north, east, and south. The site generally consists of an open understory with large mature trees, mostly coast live oaks (*Quercus agrifolia*), but also eucalyptus (*Eucalyptus sp.*), Peruvian peppertree (*Schinus molle*), fan palm (*Washingtonia sp.*), and other planted tree varieties. Understory species included, miner's lettuce (*Claytonia sp.*), filaree (*Erodium sp.*), dissected geranium (*Geranium dissectum*), and mallow (*Malva sp.*). A stand of prickly lettuce (*Lactuca serriola*) exists in the southern central portion of the site. Animals observed included the Acorn woodpecker (*Melanerpes formicivorus*), Anna's hummingbird (*Calypte anna*), dark-eyed junco (*Junco hyemalis*), and eastern fox squirrel (*Sciurus niger*). This property is likely to provide habitat for many species of birds, and mammals known to inhabit infill sites such as raccoons (*Procyon lotor*), and domestic cats (*Felis catus*). The property is bordered by century plant (*Agave americana*), olive trees (*Olea sp.*), and other trees and shrubs, with a vine growing on the fence.

Potential Biological Issues.

Three potential biological issues were identified during the site assessment: Trees, nesting birds and raptors, and tree-roosting bats.

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Trees

Trees of the site are generally large and old. A tree permit from the City of San Jose would be required to remove the trees of the site, should removal be included in the development plan. The permit may require replacement plantings for any trees removed.

Nesting Birds and Raptors

Nesting birds and raptors are protected by the Migratory Bird Treaty Act, and as the trees onsite are large and old, they support potential habitat for nesting birds and raptors. A nesting bird and raptor survey would be required prior to tree removal if removal occurs between February and August (inclusive).

Roosting Bats

Because the trees onsite are large and old, the potential for tree cavities in some trees, specifically the coast live oaks and Peruvian peppertrees is relatively high. Tree skirts of fan palms and peeling bark on eucalyptus onsite may provide additional crevices for roosting bats. Many trees on the site support potentially suitable habitat for foliage-roosting bats. A bat assessment by a bat biologist would be required prior to tree removal, and recommendations from the assessment would dictate further actions needed (i.e. further bat surveys, nighttime emergence surveys, timing restrictions, method of removal). LOA recommends the bat assessment be conducted early as to identify specific actions and/or timing constraints for the project with respect to bats.

If you have any questions or concerns regarding this proposal, please contact me at (408) 281-5889 at your convenience.

Sincerely,



Katrina Krakow
Project Manager
Staff Ecologist