

Appendix B - 1103 Curtner Avenue Natural Resource Review



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MEMORANDUM

To: Thai-Chau Le, City of San José

From: Peter T Masson, Consultant

A handwritten signature in black ink that reads "Peter T Masson".

Date: March 18, 2020

Re: Natural Resources Review – 1103 Curtner Ave. Redevelopment Project CP1-041, San Jose

CC: Elizabeth Diaz, Antea Group

On February 21, 2020, an Antea Group biologist visited the facility at 1103 Curtner Avenue in San José (the Site). The purpose of the Site visit was to review the property for potential concerns regarding natural resources that might exist on or adjacent to the Site.

The Site is currently developed as a vacant gasoline service station. While most of the Site is paved, there is thin planter area along the northeast wall in addition to planter areas all along west wall extending into the northwest corner, south boundary and southwest corner. However, each planter area relatively vacant with vegetation. Invasive grass and some weeds have populated this area in pockets. A small pocket of grass and weeds can also be seen on the northwest corner. Some small ornamental plants are present along the west wall, where the largest planter area is located. They are not native to California and are not large enough to provide nesting habitat due their proximity to roads and traffic combined with their lack of vegetative screening.

There are currently two native trees on Site that are ordinance sized¹ defined as 38 inches or more in circumference at 4 1/2 feet above ground. The site also contains seven additional trees that are not ordinance sized but could provide nesting habitat. Please see **Attachment A** for current site map with labeled vegetation with circumference size of each tree and **Attachment B** for photos taken from February site visit. Trees A and B located on the north wall west of the site of the site have trunk circumference site of 28.5 and 20.3 respectively. Trees located on the west wall of the Site, labeled C (most northwest tree of west wall) through H (most south west tree of west wall) have the following trunk sizes: 28.3 in, 32.7 in, 25.5 in, 16.4 in, 17.0 in and 52.0 in respectively. Tree I located south border of the site, adjacent to Curtner Ave is a palm tree with a trunk circumference of 79.0 in

The Site is bounded on the east and south by roadway, on the north by another development of commercial property, and on the west by a community park.



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As an element of the assessment, the US Fish and Wildlife Service (USFWS) iPAC website was consulted². Please see **Attachment C** for full iPAC Resource List. While no critical habitats are located on this site, the following species are known to exist in this area:

- California Clapper Rail (*Rallus longirostris obsoletus*)
- California Least Tern (*Sterna antillarum browni*)
- California Red-legged Frog (*Rana draytonii*)
- California Tiger Salamander (*Ambystoma californiense*)
- Delta Smelt (*Hypomesus transpacificus*)
- Bay Checkerspot Butterfly (*Euphydryas editha bayensis*)
- San Bruno Elfin Butterfly (*Callophrys mossii bayensis*)
- Robust Spineflower (*Chorizanthe robusta var. robusta*)

The California Natural Diversity Database was also checked, and the following species that could inhabit this Site were also noted to inhabit the quadrangle where the site is located³:

- Cooper's hawk (*Accipiter cooperii*)
- Swainson's hawk (*Buteo swainsoni*)
- American peregrine falcon (*Falco peregrinus anatum*)
- Yellow-breasted chat (*Icteria virens*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Yellow warbler (*Setophaga petechia*)
- Yellow rail (*Coturnicops noveboracensis*)
- Burrowing owl (*Athene cunicularia*)
- Foothill yellow-legged frog (*Rana boylei*)
- Obscure bumble bee (*Bombus caliginosus*)
- Crotch bumble bee (*Bombus crotchii*)
- Western bumble bee (*Bombus occidentalis*)
- San Francisco dusty-footed woodrat (*Neotoma fuscipes annectens*)
- Pallid bat (*Antrozous pallidus*)
- Townsend's big earned bat (*Corynorhinus townsendii*)
- Hoary bat (*Lasiurus cinereus*)
- Northern California legless lizard (*Anniella pulchra*)
- Coast horned lizard (*Phrynosoma blainvillii*)
- Congdon's tarplant (*Centromadia parryi ssp. Congdonii*)
- Hairless popcornflower (*Plagiobothrys glaber*)
- Saline clover (*Trifolium hydrophilum*)
- Hall's bush-mallow (*Malacothamnus hallii*)
- Lewis' clarkia (*Clarkia lewisii*)
- Serpentine leptosiphon (*Leptosiphon ambiguous*)
- Large-flowered leptosiphon (*Leptosiphon grandifloras*)

¹City of San José. Tree Ordinance (Municipal Code 13.32).

²United States Fish and Wildlife Service (USFWS) iPAC website (www.ecos.fws.gov/ipac).

³State of California Department of Fish and Wildlife. *California Natural Diversity Database* (www.wildlife/Data/CNDDDB).

During the Site visit, the Antea Group biologist did not find any habitat suitable to any of these Federal or State species. The upland habitat the site provides is landscaped, heavily disturbed, and has a lack of flowing plants; no wetlands or low areas are present. As a result, no rare, threatened, endangered or special status species of flora or fauna are known to inhabit the Site. It should be noted that several bat species of concern are included on this list. Due to the potential to impact these species, the developer will inspect the site facilities to determine if any holes or hollows in any of the buildings could provide roosting habitat for bats. If that is found to be the case, such holes and hollows will be filled after bats may have left during evening hours to ensure no animals are trapped in the building prior to modification or demolition.

The Site has the potential to provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. In addition, mature trees on the project Site may provide nesting habitat for raptors. Although no raptors or nests were observed on the Site, raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 (MBTA) and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Any removal or replacement of trees will occur outside of the nesting season as proscribed by the MBTA.

Attachment A: Current Site Map

9 Trees in total labeled A through I

Numbers adjacent represent trunk circumference size, in inches, measured February 21, 2020

Green highlighted areas are approximate location and size of current planter regions















