



May 11, 2022

Mr. John Davidson
Principal Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
j davidson@santaclaraca.gov

Re: Updated Biological Setting for the Greystar Parcels in the Freedom Circle Focus Area Plan

Dear Mr. Davidson:

At the City's request, MIG is providing this April 2022 update to the December 2020 biological setting presented in the Draft EIR for the Freedom Circle Focus Area Plan/Greystar General Plan Amendment (City of Santa Clara, November 1, 2021). While this updated setting description is more robust than the description provided in the biology section of the EIR, please note that the setting has not substantially changed from what was observed in 2020. The difference is that in December 2020 the site had been mowed, and the lack of vegetation resulted in less cover and forage for wildlife. In April 2022 the site had not been recently mowed (as discussed below, the site is mowed short approximately three times per year), and greater use by urban-adapted species was observed. No new potentially significant impacts were identified, and no additional mitigation measures are required.

The following description summarizes the historic use of the site, describes the current biological setting, and lists the species observed during the April 2022 site visit. Figures and photographs are provided at the end.

1. Existing Land Uses, Natural Communities, and Habitats, April 2022

1.1 General Project Area Description and Site History

The Greystar parcels (approximately 13 acres) are within the Freedom Circle Focus Area Plan/Greystar General Plan and are located in the *Milpitas*, California 7.5-minute USGS quadrangle. The parcels are located within an urban area, including residential and commercial development, approximately 1.7 miles northwest of the Norman Y. Mineta San Jose International Airport and 5.4 miles from downtown San Jose. The parcels are bordered by U.S. Highway 101 to the south, Mission College Boulevard to the north, commercial development and Freedom Circle to the west, and San Tomas Aquino Creek to the east. The parcels are mainly flat with elevations ranging from approximately 27 feet to 34 feet North American Vertical Datum of 1988 (NAVD88) (Google Inc. 2022). The parcels have a long history of agricultural use (primarily orchard). Sometime between 1968 and 1980, the parcels were graded as the area was developed (UCSB 2022). Plowing, tilling, and other land

disturbance associated with agriculture and urbanization has likely eliminated most soil seed banks of native plants and degraded natural habitats within the parcels. Furthermore, the parcels are currently mowed short three times annually for weed abatement and fire control, and have been for at least the last 6 years (M. Avila, J. Ly pers. comm.). The owner does not need any approvals to mow, and the consistent mowing is considered part of the biological baseline.

Due to the presence of hazardous agricultural chemicals in the soil, the parcels have been the subject of ongoing environmental evaluation and clean-up activities for 25 years. This is reported in the Draft EIR for the Freedom Circle Focus Area Plan/Greystar General Plan Amendment (November 1, 2021). Since 1997 the parcels have been under a Department of Toxic Substances Control (DTSC) voluntary clean-up program for soil contamination by agricultural chemicals, including pesticides (DDT, chlordane), arsenic, and lead. In 1997 between one and five feet of imported gravel and soil were placed on the parcels for use as parking and temporary construction storage. In 2004, under the DTSC-approved Removal Action Workplan, a portion of the Greystar parcels was capped with a one-foot deep covering of soil and gravel, and additional gravel was applied periodically as part of maintenance activities directed under the Operations and Management Plan with DTSC. Progressive aerial photographs of site conditions are shown in Figure 1. The parcels currently still contain the gravel and cap, but over time have been overgrown with weed species as described in this updated setting. summary.

The climate at the parcels is coastal Mediterranean, with most rain falling in the winter and spring. Cool to mild temperatures are common in the winter and hot to mild temperatures are common in the summer. Climate conditions in the study area include a 30-year average of approximately 15 inches of annual precipitation with an average temperature range from 51°F to 72°F (PRISM Climate Group 2022).

The National Resource Conservation Service (NRCS) maps one soil type within the parcels (NRCS 2022a): 165 – Urbanland-Campbell complex, 0 to 2 percent slopes, protected. This soil series is listed as hydric in Santa Clara County on the National Hydric Soils List (NRCS 2022b). The Urbanland-Campbell complex is found in alluvial fans and is composed mostly of disturbed and human-transported material. The water table depth is at least 80 inches and is moderately drained.

The U.S. Fish and Wildlife Service's National Wetlands Inventory (NWI) maps San Thomas Aquino Creek as a permanently flooded, perennial riverine feature with a streambed (R2UBHx). No other aquatic features were mapped by the NWI in the project area (NWI 2022).

1.2 Existing Land Uses, Vegetation Communities, and Habitats

The parcels are located within the Central Coast/San Francisco Bay Area Subregions of the Central Western Californian Region, both of which are contained within the larger California Floristic Province (Baldwin et al. 2012). Where applicable, vegetation communities were

mapped using CDFW's Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations (CDFW 2022). Based on a site visit in April 2022 to update the site visit for the EIR that was conducted in December 2020, two vegetation communities, habitats, and land cover types occur in the parcels: (1) *Wild Oats and Annual Brome Grassland* (*Avena* spp. – *Bromus* spp. Semi-natural Alliance), and (2) developed. Existing land cover types, vegetation communities, and habitats in the project areas are summarized in Table 1, and their distribution is depicted in Figure 3.

Table 1. Summary of Existing Land Cover Types, Vegetation Communities, and Habitats in the Greystar Parcels Shown on Figure 2

Land Cover Types, Vegetation Communities, and Habitats	Area (acres)
<i>Wild Oats and Annual Brome Grassland</i>	12.3
Developed	00.6
Total	12.9

1.2.1 Wild Oats and Annual Brome Grassland (*Avena* spp. – *Bromus* spp. Semi-natural Alliance)

Wild Oats and Annual Brome Grassland is an annual grassland dominated by non-native grasses. Non-native herbaceous annuals may also be present or co-dominate (Photo 1). Within the parcels, ruderal and invasive non-native species dominate the grassland community. Dominant non-native grass species observed included slender oat (*Avena barbata*) and foxtail barley (*Hordeum murinum*). Other non-native grasses observed included foxtail brome (*Bromus madritensis*), smilo grass (*Stipa miliacea*), Italian rye grass (*Festuca perennis*), and Harding grass (*Phalaris aquatica*). The dominant non-native herbaceous species observed included wild radish (*Raphanus sativus*) and bull mallow (*Malva nicaeensis*). Other non-native herbaceous species observed included hawksbeard (*Crepis* sp.), stinkwort (*Didtrichia graveolens*), Italian thistle (*Carduus pycnocephalus*), black mustard (*Brassica nigra*), prickly lettuce (*Lactuca serriola*), perennial pepperweed (*Lepidium latifolium*), and salsify (*Tragopogon* sp.). The only native herbaceous species observed was salt grass (*Distichlis spicata*) and common cattail (*Typha latifolia*). The cattails were dried and were confined to a small area (<80 square feet) where an active water main was leaking (M. Avila, pers. comm.). However, no surface water was observed in this location and since there was no natural hydrology present, this area was not mapped as a wetland (Photo 2).

Several shrubs and trees were also observed along the perimeter of the parcels, including the native coast live oak (*Quercus agrifolia*) and toyon (*Heteromeles arbutifolia*); and the non-native Himalayan blackberry (*Rubus armeniacus*), Chinese hackberry (*Celtis sinensis*), and Mexican fan palm (*Washingtonia robusta*).

Many of the non-native herbaceous species present in the parcels are ranked as moderately to highly invasive by the California Invasive Plant Council (Cal-IPC 2022). For example, perennial pepperweed has severe ecological impacts on physical processes, plant and animal communities, and vegetation structure (Cal-IPC 2022).

Wildlife use of the Wild Oats and Annual Brome grassland in the parcels is limited by frequent human disturbance, a dominance of non-native and invasive species, and isolation of the grassland habitat remnants from more extensive grasslands due to urbanization of the area. Regular mowing likely depresses both plant species diversity and habitat structure diversity. As a result, avian wildlife species associated with more extensive grasslands, such as the grasshopper sparrow (*Ammodramus savannarum*) and western meadowlark (*Sturnella neglecta*), are likely absent from the parcels, but urban adapted species such as the dark-eyed junco (*Junco hyemalis*) may nest in dense patches of vegetation in the grassland. However, most of the bird species using this habitat during the breeding season nest in human-made structures present in the parcels (e.g., electrical boxes, defunct bus shelter, light poles), or other nearby structures and buildings, or in the freshwater marsh in San Tomas Aquino Creek, or nearby trees, and use the grassland community only for foraging. Such species include the Anna's hummingbird (*Calypte anna*), California towhee (*Melospiza crissalis*), house finch (*Haemorhous mexicanus*), black phoebe (*Sayornis nigricans*), mourning dove (*Zenaidura macroura*), lesser goldfinch (*Spinus psaltria*), American crow (*Corvus brachyrhynchos*), and Brewer's blackbird (*Euphagus cyanocephalus*). Several other species of birds may use the grassland during the nonbreeding season. These species, which include Canada goose (*Branta canadensis*), golden-crowned sparrow (*Zonotrichia atricapilla*), yellow-rumped warbler (*Setophaga coronata*), western bluebird (*Sialia mexicana*), and white-crowned sparrow (*Zonotrichia leucophrys*), may forage on the ground or in herbaceous vegetation. Further, raptors, such as red-tailed hawks (*Buteo jamaicensis*) may forage for small mammals within the grassland.

Avian species observed during the April 2022 field visit included Anna's hummingbird, black phoebe, California towhee, house finch, mourning dove, northern mockingbird (*Mimus polyglottos*), northern rough-winged swallow (*Stelgidopteryx serripennis*), and red-tailed hawk. Also, several old nests were observed on the structures within the parcels. Mallard (*Anas platyrhynchos*) and Canada goose were observed in San Tomas Aquino Creek. In May 2022 additional species that were observed include scrub jay (*Aphelocoma californica*), western bluebird, and Brewer's blackbird.

Few species of reptiles and amphibians occur in the grassland community due to its disturbed nature and urbanization of the surrounding area. Nevertheless, reptiles such as the western fence lizard (*Sceloporus occidentalis*) and gopher snake (*Pituophis melanoleucus*) may be present in the grassland, and amphibians such as the Sierran Treefrog (*Pseudacris sierra*) and western toad (*Anaxyrus boreas*), which might breed in San Tomas Aquino Creek, may also forage, and seek cover in the grassland.

Small mammals expected to be present include the native western harvest mouse (*Reithrodontomys megalotis*) and non-native house mouse (*Mus musculus*). Small burrowing mammals, such as the Botta's pocket gopher (*Thomomys bottae*) and California ground squirrel (*Spermophilus beecheyi*), are likely present. Larger mammals that are most often associated with developed areas and are tolerant of human disturbance, such as the striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), and brush rabbit (*Sylvilagus bachmani*) may also occur here.

Burrows made by California ground squirrel (*Otospermophilus beecheyi*) were observed in the southern parcel and along the levee of San Tomas Aquino Creek at US 101. Individual ground squirrels were observed at the burrows on the creek levee. Western fence lizard was also observed on the levee. Botta's pocket gopher, brush rabbits, and domestic cats (*Felis catus*) have been observed in the parcels in the past (M. Avila, pers. comm.). A well-maintained human-made structure that provides shelter for stray cats was observed inside the parcel boundary along Freedom Circle. The structure is apparently regularly stocked with food and water for cats (M. Avila, pers. comm.). Feral cats are predators for most of the bird and small mammal species likely to occur on the parcels.

1.2.2 Developed

The paved access road through the parcels was mapped as developed since it was mostly devoid of vegetation, but there were areas with sparse non-native herbaceous species growing through the cracks in the asphalt (Photo 3). Due to the scarcity of vegetation, developed land cover provides relatively low-quality habitat for wildlife species. However, because the developed area is surrounded by the grassland community, the wildlife described above likely move through and forage in this area (see Section 1.2.1).

1.2.3 San Tomas Aquino Creek

San Tomas Aquino Creek flows along the entire eastern border of the parcels and is separated from the parcels by the San Tomas Aquino Trail (Photo 4), and fencing. The parcels are approximately 35 feet from the creek corridor. The San Tomas Aquino Creek watershed covers an area of approximately 45 square miles. San Tomas Aquino Creek originates in the foothills of the Santa Cruz Mountains and flows north through the cities of Campbell and Santa Clara, into the Guadalupe Slough, and finally into the San Francisco Bay. The major tributaries to San Tomas Aquino Creek include Saratoga, Wildcat, Smith, and Vasona creeks. San Tomas Aquino Creek is channelized for most of its length (from the Smith Creek confluence in Saratoga downstream to Highway 101).

Though San Tomas Aquino Creek has been channelized and altered from its native state, the creek still provides habitat for a diverse suite of aquatic and wetland-associated wildlife species. Native fishes present include hitch (*Lavinia exilicauda*), California roach (*Hesperoleucus symmetricus*), Sacramento sucker (*Catostomus occidentalis occidentalis*), three-spined stickleback (*Gasterosteus aculeatus*), and rainbow trout (*Oncorhynchus mykiss*).

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in the upper reaches of the creek. Non-native fish, including Western mosquitofish (*Gambusia affinis*) may also be present in the creek (Leidy 2005).

The creek may provide habitat for common amphibians such as the Pacific chorus frog and western toad. Reptiles such as the coast garter snake (*Thamnophis elegans terrestris*) and southwestern pond turtle (*Emys pallida*) may forage and disperse through the creek. Terrestrial bird species that occur in adjacent habitats, such as house finches, black phoebes, and sparrows, will forage occasionally in the freshwater wetland vegetation along the creek. However, passerine birds associated with more extensive wetlands, such as the marsh wren (*Cistothorus palustris*) and common yellowthroat (*Geothlypis trichas*) are not expected to nest along the section of the creek adjacent to the parcels. Mammals that may use the creek corridor and the adjacent grassland habitat in the parcels include striped skunk, opossum, and racoon.

Sincerely,

A handwritten signature in black ink that reads "Taylor Peterson". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Taylor Peterson
Director of Biological Analysis

References

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Figures and Photographs

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Photo 1. *Wild Oats and Annual Brome Grassland* vegetation community within the parcels. Bare ground in the foreground is rocked with gravel. April 2022.



Photo 2. A small area within the grassland was dominated by common cattail, a wetland species. The cattails are growing in this location due to a water main leak. April 2022.



Photo 3. Developed land cover within the parcels. April 2022.



Photo 4. San Tomas Aquino Creek trapezoidal channel, April 2022. The parcels are located to the right of the creek in the background.

Photographs from December 2020 Visit



Photo 5. Greystar Parcels from Freedom Circle at Pedro's restaurant. December 2020.



Photo 6. Greystar parcels December 2020



Photo 7. San Tomas Aquino Creek Trail and Greystar Parcels on the right. Glass buildings in the background are on the other side of US 101, which borders the south end of the parcels. December 2020.