4.3 BIOLOGICAL RESOURCES

This chapter describes existing biological resources within the vicinity of San Leandro and evaluates the potential biological resources impacts associated with future development that could occur by implementing the proposed project. A summary of the relevant regulatory setting and existing conditions is followed by a discussion of the project-specific and cumulative impacts.

Biological resources associated with the EIR Study Area were identified through a review of available background information and field reconnaissance surveys. Available documentation was reviewed to provide information on general resources in the San Leandro area, presence of sensitive natural communities, and the distribution and habitat requirements of special-status species, which have been recorded from or are suspected to occur in the San Leandro vicinity. This included records maintained by the California Natural Diversity Data Base (CNDDB), the National Wetland Inventory, the California Native Plant Society’s (CNPS) Inventory of Rare and Endangered Plants of California (electronic edition); and other documents. Field reconnaissance surveys were conducted by the EIR biologist on August 2, 2014 and March 17, 2016 to confirm general vegetative cover and range of habitat conditions in the EIR Study Area. No detailed field surveys were conducted as part of this review, or are considered warranted given the broad planning basis of the project.

4.3.1 ENVIRONMENTAL SETTING

4.3.1.1 REGULATORY FRAMEWORK

This section describes the federal, State, and local regulations that provide for the protection and management of sensitive biological resources.

Federal Regulations

Federal Endangered Species Act (FESA)

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) is responsible for implementation of the Federal Endangered Species Act (FESA) (16 U.S.C. Section 1531 et seq.). The Act protects fish and wildlife species that are listed as threatened or endangered, and their habitats. “Endangered” species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range, and “threatened” species, subspecies, or distinct population segments are likely to become endangered in the near future.

Section 7 of the FESA mandates that all federal agencies consult with USFWS and NOAA Fisheries if they determine that a proposed project may affect a listed species or its habitat. The purpose of consultation with USFWS and NOAA Fisheries is to ensure that the federal agencies’ actions do not jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat for listed species.

Section 9 of the FESA prohibits the take of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species’ recovery. Take is defined as an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Section 9 prohibitions also
apply to threatened species unless a special rule has been defined with regard to take at the time of listing.

Under Section 9 of the FESA, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the unlawful removal and reduction to possession, or malicious damage or destruction, of any endangered plant from federal land. Section 9 prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in nonfederal areas in knowing violation of any state law or in the course of criminal trespass. Candidate species and species that are proposed or under petition for listing receive no protection under Section 9.

**Migratory Bird Treaty Act (MBTA)**

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, this Act provides that it is unlawful to pursue, hunt, take, attempt to take, capture or kill, possess, offer, sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg or product, manufactured or not.

In short, under the MBTA it is illegal to remove vegetation containing nests that are in active use, since this could result in death of a bird or destruction of an egg. This would also be a violation of California Department of Fish and Game code (see State Regulations below).

**Federal Clean Water Act (FCWA)**

The Federal Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the United States Environmental Protection Agency (U.S. EPA). The U.S. EPA depends on other agencies, such as the individual state government and the United States Army Corps of Engineers (Army Corps), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 401 and 404 apply to project activities that would impact waters of the U.S. (creeks, ponds, wetlands, etc.).

The Army Corps, the federal agency charged with investigating, developing, and maintaining the country’s water and related resources, is responsible under Section 404 of the CWA for regulating the discharge of fill material into waters of the U.S. Waters of the United States and their lateral limits are defined in Part 328.3(a) of Title 33 of the Code of Federal Regulations (CFR) and include streams that are tributaries to navigable waters and adjacent wetlands. The lateral limits of jurisdiction for a non-tidal stream are measured at the line of the Ordinary High Water Mark\(^1\) or the limit of adjacent wetlands.\(^2\) Any permanent extension of the limits of an existing water of the U.S., whether natural or human-made, results in a similar extension of the Army Corps’ jurisdiction.\(^3\)

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\(^1\) 33 CFR Part 328.3(e).
\(^2\) 33 CFR Part 328.3(b).
\(^3\) 33 CFR Part 328.5.
In general, a permit must be obtained from the Army Corps before an individual project in the proposed Project boundaries can place fill or grade in wetlands or other waters of the U.S., and mitigation for such actions will be required based on the conditions of the Army Corps’ permit. The Army Corps will be required to consult with the USFWS and/or the NMFS under Section 7 of the FESA (described above) if the action being permitted under the CWA could affect federally listed species.

Pursuant to Section 401 of the Clean Water Act, projects that require an Army Corps permit for discharge of dredge or fill material must obtain a water quality certification or waiver that confirms the project complies with State water quality standards, or a no-action determination, before the Army Corps’ permit is valid. State water quality is regulated and administered by the State Water Resources Control Board (SWCB). San Leandro is within jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). In order for the applicable RWQCB to issue a 401 certification, a project must demonstrate compliance with the California Environmental Quality Act (CEQA).

State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code Section 2050 et seq.) establishes State policy to conserve, protect, restore, and enhance threatened or endangered species, and their habitats. The CESA mandates that State agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a species that is on the federal and State lists, compliance with the FESA satisfies the CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in take of a species that is only State listed, the project proponent must apply for a take permit under Section 2081(b).

California Fish and Game Code

Under the California Fish and Game Code, the CDFW provides protection from “take” for a variety of species. The CDFW also protects streams, water bodies, and riparian corridors through the Streambed Alteration Agreement process under Section 1601 to 1606 of the California Fish and Game Code. The California Fish and Game Code stipulates that it is “unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake” without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. CDFW’s jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover. Modification is defined as diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream or lake.

California Fish and Game Code Section 3503.5 prohibits “take,” possession, or destruction of any raptor (bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations

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4 As of January 1, 2013, the California Department of Fish and Game changed their name to the California Department of Fish and Wildlife.
of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

**California Native Plant Protection Act**

The California Native Plant Protection Act of 1977 prohibits importation of rare and endangered plants into California, “take” of rare and endangered plants, and sale of rare and endangered plants. The CESA defers to the California Native Plant Protection Act, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under the CESA but rather under CEQA.

**California Natural Diversity Database**

The California Natural Diversity Database (CNDDB) provides an inventory of sensitive natural communities. Sensitive natural communities are natural community types considered to be rare or of a “high inventory priority” by the CDFW. Although sensitive natural communities have no legal protective status under the federal ESA or CESA, they are provided some level of consideration under CEQA. Appendix G of the CEQA Guidelines identifies potential impacts on a sensitive natural community as one of six criteria to consider in determining the significance of a proposed project. While no thresholds are established as part of this criterion, it serves as an acknowledgement that sensitive natural communities are an important resource and, depending on their rarity, should be recognized as part of the environmental review process. The level of significance of a project’s impact on any particular sensitive natural community will depend on that natural community’s relative abundance and rarity.

**Porter-Cologne Water Quality Control Act**

This Act authorizes the RWQCB to regulate the discharge of waste that could affect the quality of the State’s waters. Projects that do not require a federal permit may still require review and approval by the RWQCB. The RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the State. In most cases, the RWQCB requires the integration of water quality control measures into projects that will require discharge into waters of the State. For most construction projects, the RWQCB requires the use of construction and post-construction Best Management Practices (BMPs).

**McAteer-Petris Act**

The McAteer-Petris Act provides for fill in the San Francisco Bay (Bay) for water-oriented uses and requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline. Additionally, the McAteer-Petris Act established the San Francisco Bay Conservation and Development Commission (BCDC) as the agency charged with planning for and regulating long term use of the Bay.

**San Francisco Bay Conservation and Development Commission (BCDC)**

In 1969, the McAteer-Petris Act designated BCDC as the agency responsible for the protection of the Bay and its natural resources. BCDC fulfills this mission through the implementation of the San Francisco Bay Plan (Bay Plan), an enforceable plan that guides the future protection and use of Bay and its shoreline.
The Bay Plan includes a range of policies on public access, water quality, fill, and project design, and designates shoreline areas that should be reserved for water-related purposes like ports, industry, and public recreation, airports, and wildlife areas.

As a permitting authority along the Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill, extraction of materials, or change is use of any water, land, or structure within the Commission’s jurisdiction. Projects in BCDC jurisdiction that involve Bay fill must be consistent with the Bay Plan policies on the safety of fills and shoreline protection.

**San Francisco Bay Basin Water Quality Control Plan (Basin Plan)**

The San Francisco Bay RWQCB adopted a Water Quality Control Plan for the San Francisco Bay Basin (the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan, which includes wetlands in and near San Leandro.

**Local Regulations**

The San Leandro Municipal Code contains provisions related to the preservation or replacement of trees on development sites, as addressed in Section 4-1906, Existing Trees on Development Sites, in Article 19, Landscape Requirements of the Zoning Code. All trees with a trunk diameter equal or greater than 6 inches in diameter as measured 4½ feet above existing grade are to be identified on-site plans, together with information on species, size and extent of drip line. The site plans are to indicate which trees are proposed for removal, and a “limit of grading” line, where applicable. A tree report may also be required, to be prepared by a certified arborist, providing additional information on tree health, appearance, and suitability for preservation. Decision-makers may require that significant trees, based on size, age, prominence and/or habitat value, and/or that replacement trees be provided as part of the final landscape plan for the project.

The Municipal Code also contains provisions related to the protection of monarch butterflies at the San Leandro marina and golf courses. Section 4-1-1000, Interference with Monarch Butterflies Prohibited, of the Municipal Code reads as follows:

*It is declared to be unlawful for any persons to molest or interfere with, in any way, the peaceful occupancy of the Monarch Butterflies during the entire time they remain within the San Leandro Marina, Tony Lema Golf Course and Marina Golf Course of the City of San Leandro, in whatever spot therein they may choose to stop, provided, however, that if said butterflies should at any time swarm in, upon, or near the private dwelling house or other buildings of a citizen of the City of San Leandro in such a way as to interfere with the occupancy and use of said dwelling or other buildings, that said butterflies may be removed, if possible, to another location upon the application of said citizen to the City Manager.*

**4.3.1.2 EXISTING CONDITIONS**

This section provides a discussion of the existing biological conditions in San Leandro, which includes the natural and built environment, special-status plant and animal species, sensitive habitats, and wildlife dispersal corridors.
Vegetation and Wildlife Habitat

Most of the EIR Study Area has been urbanized and is now occupied by structures, roadways and ornamental landscaping. The existing cover types in San Leandro is shown in Figure 4.3-1 and summarized by acreage in Table 4.3-1, based on the CALVEG mapping by the United States Department of Agriculture Forest Service. Of the approximately 8,605 acres in the EIR Study Area, an estimated 7,850 acres, or roughly 91 percent, are urbanized. The remaining approximately 9 percent consist of annual grasslands, coastal salt marsh and freshwater marshlands, native riparian woodlands and introduced hardwood forest along San Leandro Creek, and oak woodlands in the eastern hills.

The well-landscaped, suburban character of developed areas of San Leandro includes parks, yards, and vacant lots which provide habitat for a variety of wildlife species that have adapted to human disturbance. Native and ornamental trees and shrubs in the urban area provide nesting sites for birds such as scrub jays, brewer’s black birds, and mourning dove, among others. Urbanized areas also support a range of introduced species that have become adapted to human disturbance. These include common non-native pest species such as house mouse, Norway rat, opossum, and raccoon.

The remaining natural community types in San Leandro are defined by a combination of dominant plant community characteristics, landform, land use, and ecological function. These natural communities correspond to the geographic regions within the city as noted above, and consist of: coastal salt marsh and tidal mudflats, riparian habitat along San Leandro Creek, remnant oak woodlands, and grasslands. These natural community types are summarized as follows:

Coastal Salt Marsh and Tidal Mudflats

Salt marshes and ponds once covered the edges of the Bay, including the baylands in San Leandro. The largest expanse of coastal salt marsh in San Leandro occurs at Heron Bay, bordered by Tony Lema Golf Course to the northwest, the Marina Vista and Mission Bay neighborhoods to the east, and San Lorenzo Creek to the south. Coastal salt marshes are closely associated with tidal action and are characterized by sloughs (marshy creeks). These habitats are dominated by native species such as pickleweed and edged by cordgrass and salt grass. Coastal salt marshes are high biodiversity wildlife habitats, and support a wide variety of native shorebirds, raptors, songbirds, waterfowl, fish, and crustaceans, many of which are considered to be special-status species such as salt marsh harvest mouse and California clapper rail.

Tidal mudflats consist of unvegetated mud deposits along the shoreline that are regularly inundated and exposed by the tides of the Bay waters. These mudflats provide habitat for a wide variety of crabs, snails,
Habitat Cover Types

- Annual Grassland
- Chamise-Redshank Chaparral
- Closed-Cone Pine-Cypress
- Coastal Oak Woodland
- Eucalyptus
- Fresh Emergent Wetland
- Lacustrine
- Montane Hardwood-Conifer
- Saline Emergent Wetland
- Urban
- Valley Foothill Riparian
- Valley Oak Woodland
- City Limit

sea squirts, clams, mussels, and tubeworms. These species offer a rich feeding ground of macro-
invertebrates to the migratory and resident shorebirds that travel from as far as Canada and Alaska. At
higher tides, large marine species such as leopard sharks, starry flounder, and bat rays typically found in
the open water habitat of the Bay feed on these same macro-invertebrates.

Riparian Habitats

The San Leandro Creek corridor bisects the northern portion of the EIR Study Area and continues to
support important riparian habitat, forming a near continuous cover of woodland and freshwater marsh.
Originating in the Oakland Hills to the east, San Leandro Creek passes through and forms the
northwestern limits of San Leandro before draining into the Bay at Arrowhead Marsh in Oakland. It
remains in its natural alignment through much of San Leandro with native riparian woodland and
introduced hardwoods forming a near continuous canopy of trees where the creek continues to support a
natural bank and bed. Native tree species include: willows, coast live oak, valley oak, cottonwoods, and
California buckeye. Non-native exotic species include: blue gum eucalyptus, blackwood acacia, wattle,
pines, and redwoods, with invasive groundcovers and vines such as English ivy, periwinkle, and Himalayan
blackberry. San Lorenzo Creek forms the southern boundary of San Leandro, and although it does not
contain the woodland cover found along San Leandro Creek, segments continue to support emergent
marshland vegetation along the creek bed and grassland covered slopes where earthen banks remain
near its confluence with the Bay.

Riparian habitats, even in heavily urbanized areas, are very valuable to wildlife, providing opportunities for
food, water, and shelter. Areas with remaining riparian woodland habitat support a wide variety of native
resident and migratory songbirds, raptors, rodents, bats, and other mammals, as well as fish and
amphibians. San Leandro Creek continues to support a population of steelhead trout, now considered a
special-status species.

Oak Woodlands

Native oaks woodlands dominate some segments of the corridor along San Leandro Creek and the open
hillsides at the northeastern edge of the EIR Study Area. Mature oaks provide nesting and foraging
opportunities for birds, including raptors. They also provide essential food resources for animals which
include acorns in their diet, such as squirrels and woodpeckers. Other wildlife species that commonly nest
or den in woodland habitat include mammals such as woodrats and deer mice, and birds such as owls,
raptors, and songbirds. Native reptiles and amphibians associated with this habitat include snakes, newts,
and salamanders.

Grasslands

Non-native grasslands occupy much of the former landfill at Oyster Bay Regional Shoreline Park along the
shoreline located on the City’s northwestern border and other scattered locations. These areas are
dominated by common non-native annual grasses. Plant species include wild oats, Italian ryegrass, foxtail
barley, yellow star thistle, field bindweed, prickly lettuce, prickly ox-tongue, and field mustard. The
grasslands are also dotted with taller trees and shrubs, including native California species such as coyote
bush, toyon, and planted coast live oak. Non-native trees, such as blue gum and red gum eucalyptus, and
blackwood acacia, are also present. These remaining grassland habitats in San Leandro provide important
foraging opportunities for raptors, native prey and predator mammals, and reptiles. Grasslands which are
Large and contiguous are usually the most species-rich. Some grassland species, such as nesting raptors, are under special protection.

**Special-Status Species**

Special-status plant and wildlife species include those listed under the State and federal Endangered Species Acts, plants listed by the CNPS *Inventory of Rare and Endangered Vascular Plants of California*, and wildlife designated as Species of Special Concern by the CDFW. The special-status species addressed in this section are based on a review of records from the CNNDDB and the CNPS on-line inventory, as well as other information sources. For the purposes of this section, special-status species include:

- Species listed, proposed, or candidate species for listing as Threatened or Endangered by the USFWS pursuant to the federal ESA of 1969, as amended;
- Species listed as Rare, Threatened, or Endangered by the CDFW pursuant to the CESA of 1970, as amended;
- Species designated as Fully Protected under Sections 3511 (birds), 4700 (mammals), and 5050 (reptiles and amphibians) of the California Fish and Game Code;
- Species designated by the CDFW as California Species of Concern (CSC); and
- Species not currently protected by statute or regulation, but considered rare, threatened, or endangered under CEQA (Section 15380).

A number of special-status species have been reported from the San Leandro vicinity. Most of these occurrences are from the remaining natural areas along the shoreline of the Bay, or the open hillsides to the east. Figures 4.3-2 and 4.3-3 show the known occurrences of special-status plant and animal species, respectively, known from the vicinity of San Leandro as mapped by the CNNDDB. These consist of 17 special-status plant species and 27 special-status animal species. In addition, steelhead is known to move along San Leandro Creek and western pond turtle may also occasionally disperse along this creek corridor. As indicated in Figure 4.3-2, the CNNDDB records show occurrences of 17 special-status plants in the San Leandro vicinity. Of these, a total of five species actually have occurrence records extending over portions of the EIR Study Area – California seablite (*Suaeda californica*), big-scale balsamroot (*Balsamorhiza macrolepis*), Congdon's tarplant (*Hemizonia parryi ssp. congdonii*), Diablo helianthella (*Helianthella castanea*), and fragrant fritillary (*Fritillaria liliacea*). None of these five species are listed under the State or federal Endangered Species Acts, but all are maintained on List 1B of the CNPS Inventory (rare, threatened, or endangered in California and elsewhere). Existing development limits the likelihood of continued occurrences of any populations of special-status plant species in urbanized areas, but the brackish and saltmarsh along the fringe of the Bay and the remaining undeveloped grasslands and woodlands in the eastern edge of the EIR Study Area continue to support suitable habitat for special-status plant species. Occurrences of special-status plant species in the protected open space areas and undeveloped lands are vulnerable to changes such as fire, competition with invasive species, future development, and other threats. There remains a possibility that additional occurrences of special-status plant species occur along the western shoreline areas and undeveloped grasslands and woodlands in the eastern portion of the EIR Study Area. Detailed surveys would be required to provide confirmation on presence or absence from undeveloped portions of the EIR Study Area where thorough studies have not been conducted.
Sensitivity Natural Communities:
- Northern Coastal Salt Marsh (NCSM)
- Valley Needlegrass Grassland (VNG)

Special-Status Plant Species:
- California seablite (Cs)
- Congdon's tarplant (Ct)
- Contra Costa goldfields (CCg)
- Diablo helianthella (Dh)
- Kellogg's horkelia (Kh)
- Point Reyes salty bird's-beak (PRsb)
- Santa Cruz tarplant (SCt)
- Adobe sanicle (as)
- Alkali milk-vetch (amv)
- Big-scale balsamroot (bsb)
- Fragrant fritillary (ff)
- Hairless popcornflower (hp)
- Most beautiful jewelflower (mbj)
- Robust spineflower (rs)
- Saline clover (sc)
- Woodland woollythreads (ww)
- Marin knotweed (Mk)

Source: California Department of Fish and Wildlife, California Natural Diversity Database (CNDDB), 2014; City of San Leandro, 2014; Alameda County, 2013; PlaceWorks, 2014.
Special-Status Wildlife Species:
- Alameda Island mole (AIm)
- Alameda song sparrow (Ass)
- Alameda whipsnake (Aw)
- American badger (Ab)
- Bay checkerspot butterfly (Bcb)
- California black rail (Cbr)
- California brackishwater snail (Cbs)
- California clapper rail (Ccr)
- California least tern (Clt)
- California red-legged frog (Crf)
- California tiger salamander (Cts)
- Cooper's hawk (Ch)
- Lum's micro-blind harvestman (Lmh)
- black skimmer (bs)
- burrowing owl (bo)
- great blue heron (gbh)
- hoary bat (hb)
- longfin smelt (ls)
- monarch butterfly (mb)
- northern harrier (nh)
- pallid bat (pb)
- salt-marsh harvest mouse (shm)
- salt-marsh wandering shrew (sws)
- saltmarsh common yellowthroat (scy)
- western mastiff bat (wmb)
- western snowy plover (wsp)
- yellow warbler (yw)

Source: California Department of Fish and Wildlife, California Natural Diversity Database (CNDDB), 2014; City of San Leandro, 2014; Alameda County, 2013; PlaceWorks, 2014.

Figure 4.3-3
While suitable habitat for most of the special-status plant species once reported from the EIR Study Area has been converted to urbanized development, a number of special-status animal species continue to occur in the vicinity. The following provides a discussion of those special-status animal species with the highest likelihood of occurrence in the EIR Study Area:

**Birds**

**Alameda Song Sparrow.** This subspecies (*Melospiza melodia pusillula*) of the widely distributed song sparrow is restricted to the tidal marshes and adjacent uplands around the southern and eastern edges of San Francisco Bay. It is recognized as a CSC species by the CDFW and nests in active use are protected under the MBTA. They occur primarily in tidal salt marshes, but may also nest or forage in other shoreline habitats such as seasonal wetlands, intertidal mudflats, and adjacent uplands. Favored nesting substrate includes gumplant and cordgrass adjacent to tidal sloughs, although they also occur in stands of perennial pepperweed and bulrush. As indicated in Figure 4.3-3, this species has been detected in the shoreline habitat in the southwestern portion of the EIR Study Area. An older, general occurrence reported by CNDDB also occurs in the northern edge of the EIR Study Area.

**California Clapper Rail (or Ridgway’s Rail).** California clapper rail (*Rallus longirostris obsoletus*) is listed as endangered under the State and federal ESAs and nests in active use are protected under the MBTA. This secretive species prefers tidal salt marshes dominated by pickleweed and cordgrass with adjacent areas of high marsh cover dominated by pickleweed, gumplant, saltgrass, alkali heath, and/or fleshy jaumea. Clapper rails also occupy tidal brackish marshes dominated by bulrush. The California subspecies of clapper rail is now restricted to the tidal marshlands around the San Francisco, San Pablo, and Suisun Bays. Although habitat loss is implicated in population declines, predation of rails by the introduced red fox is also thought to be a major factor in the status of this species. As indicated in Figure 4.3-3, Clapper rails have been detected in the coastal salt marsh habitat in the southwestern portion of the EIR Study Area.

**Northern Harrier.** Northern harriers (*Circus cyaneus*) are widespread in California, although they have become uncommon in the southern part of the State. They are considered a CSC by the CDFW, and nests in active use are protected under the MBTA. Their preferred habitats are freshwater wetlands and saltmarshes, although they are also commonly found over grasslands and agricultural fields. Harriers breed from mid-March to September, building their nests on the ground and in low vegetation. Suitable foraging habitat for northern harrier is present in the remaining grasslands and the tidal marsh habitats in San Leandro.

**Salt Marsh Common Yellowthroat.** The common yellowthroat (*Geothlypis trickas sinuosa*) is a CSC species and nests in active use are protected under the MBTA. It is a widely distributed warbler in North America, occurring in wetlands, moist thickets, and grasslands. The San Francisco subspecies is restricted to riparian habitat, brackish marsh, freshwater marsh, tidal salt marsh, and adjacent grassland and ruderal vegetation along the margins of San Francisco Bay and San Pablo Bay. Despite the common name, most salt marsh common yellowthroats breed in brackish or freshwater marshes. As indicated in Figure 4.3-3, this species has been reported by the CNDDB from mouth of San Leandro Creek in Arrowhead Marsh.

**Western Burrowing Owl.** Burrowing owls (*Athene cunicularia*) are considered a CSC by the CDFW, and active nests are protected under the MBTA and State Fish and Game Code. This species has undergone substantial population declines throughout central and coastal California, primarily due to habitat loss. It
occurs in open, well-drained grasslands with abundant small mammal burrows, particularly those of California ground squirrels. Burrowing owls also prefer areas with short vegetation so they can easily scan their surroundings and spot potential predators. In human-modified areas, burrowing owls often use burrows under the edges of concrete, asphalt, rubble piles, and riprap. Burrowing owls may winter in areas with protective cover in shoreline and elevated margins of marshlands, as well as areas suitable areas of grassland and ruderal cover in the planning area. As indicated in Figure 4.3-3, burrowing owls have been reported from the shoreline area of San Lorenzo to the south of San Leandro, and the remaining undeveloped grasslands and marshlands provide potentially suitable habitat for this species where ground squirrel burrows are present.

Other Bird Species. In addition to the various special-status bird species described above, numerous other more common bird species forage and nest in the EIR Study Area. These include raptors such as red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), great-horned owl (Bubo virginianus), and white-tailed kite (Elanus leucurus). Nests in active use are protected under the MBTA and State Fish and Game Code (see discussion above under Regulatory Framework).

Mammals

Salt Marsh Harvest Mouse. Salt marsh harvest mouse (Reithrodontomys raviventris) is endemic to the tidal salt marshes of the San Francisco Bay Estuary. It is listed as endangered under both the State and federal ESAs. This species occurs primarily in marshes dominated by pickleweed, but also uses adjacent upland habitats during high tides. The presence of adequate peripheral halophyte plant cover adjacent to the pickleweed-dominated marsh plain is an important habitat component for this species, which depends on such cover for refuge from terrestrial predators during extremely high tides. As indicated in Figure 4.3-3, this species has been detected in the coastal salt marsh habitat in the southwestern shoreline area of San Leandro.

Fish, Reptiles and Invertebrates

Monarch Butterfly. A winter roosting colony of monarch butterfly (Danaus plexippus) occurs in a grove of blue gum eucalyptus at the Monarch Golf Course in San Leandro (see Figure 4.3-3). This species has no legal protective status under the Endangered Species Acts, but roosting colonies are recognized as important biological resources by the CDFW and are subject to CEQA review with a State-wide ranking by the CNDDDB of S3 or vulnerable (vulnerable in the state due to a restricted range and relatively few populations). According to monitoring performed by the Xerces Society from 2005 to 2009, an estimated 5,000 monarch butterflies overwintered in the rows of blue gum eucalyptus at this occurrence, but this is a considerable reduction from the tens of thousands of monarchs observed in the late 1990s. Monarch butterflies are a migratory species that cannot survive the colder winter months in most parts of North America, and travel to their overwintering areas during the fall months. In coastal California, overwinter sites range from northern Baja California to southern Mendocino County. The duration of residence is generally used to differentiate the types of monarch wintering habitats, with sites that support clusters of wintering monarchs for a few days to a month are referred to as temporary habitats. Sites that host clusters of wintering monarchs for one to six months are referred to as overwintering habitats.

Steelhead–Central California Coast ESU. Steelhead (Oncorhynchus mykiss) is the anadromous form of rainbow trout, migrating from the ocean to freshwater streams to spawn. Juveniles spend one to three
years in their natal streams before going to sea as smolts. The Central California Coast Evolutionarily Significant Unit (ESU) is federally listed as threatened and recognized as a CSC by the CDFW. Most steelhead return to freshwater streams after spending two to three years at sea. Important factors associated with preferred stream channel conditions include temperature, velocity, depth, gravel substrate, and water quality. Shaded banks with overhanging riparian vegetation (termed “shaded riverine aquatic cover” by the USFWS) are also beneficial to salmonids, providing foraging habitat and cover from predators. High water temperatures, low rates of streamflow, low levels of dissolved oxygen, low sediment input, and stream obstructions can be detrimental to steelhead populations. San Leandro Creek was the location where rainbow trout was first identified in 1855 (late renamed steelhead) and continues to support migrating steelhead to the dam at Lake Chabot and resident rainbow trout in the upper watershed.

Other Fish Species. In addition to steelhead (see above) a number of other special-status fish species are known from the larger San Francisco Bay and may occasionally disperse through the open waters in San Leandro. Although spawning and rearing habitat is absent, these species could occasionally disperse or seasonally be present along the Bay shoreline and open water habitat. These include: green sturgeon (Acipenser medirostris), Delta smelt (Hypomesus transpacificus), Sacramento splittail (Pogonichthys macrolepidotus), Central Valley spring-run chinook salmon (Oncorhyncus tshawytscha), and longfin smelt (Spirinchus thaleichthys). Steelhead, green sturgeon, and Delta smelt are federally listed threatened species, longfin smelt is state-listed as threatened, and the remainder are recognized as CSC species by the CDFW.

Western Pond Turtle. Western pond turtles (Actinemys marmorata) are considered CSC species by the CDFW. They occur in a wide variety of aquatic habitats, including ponds, lakes, marshes, rivers, streams, and canals that typically have a rocky or muddy bottom and contain stands of aquatic vegetation. The presence or absence of pond turtles at a given aquatic site is largely dependent on the availability of suitable basking sites and adjacent upland habitat for egg-laying (e.g., sandy banks or grassy open fields) and over-wintering. Nests are typically dug in dry substrate with a high clay or silt fraction since the female moistens the site where she will excavate the nest prior to egg-laying. Hatchlings require shallow water habitat with relatively dense submerged or short emergent vegetation in which to forage. The San Leandro Creek corridor may be used occasionally by turtles dispersing from more suitable habitat to the east of San Leandro.

Sensitive Natural Communities

The CNDDB search does not map any occurrences of sensitive natural community types within the EIR Study Area (see Figure 4.3-2), but a number are known from the shoreline of the Bay and San Leandro Creek corridor, and several others have been mapped in the surrounding area. As indicated in Figure 4.3-1, coastal salt marsh and freshwater marshlands are known from the shoreline of the Bay. The coastal salt marsh (saline emergent wetland and lacustrine habitats in Figure 4.3-1) occurs in the southwestern edge of San Leandro where the baylands have not been converted to salt ponds and urbanization. Additionally, while San Leandro Creek does not officially appear in the CNDDB database as a mapped sensitive natural community type, it does support riparian and freshwater marsh habitat. Steelhead, a fish species that is listed as federally threatened under the FESA, also occurs in San Leandro Creek, providing an indication of the importance of this stream to wildlife.
Jurisdictional Wetlands and Other Waters

Jurisdictional wetlands and other waters in the EIR Study Area include the coastal salt marsh, tidal mudflats and open waters of the Bay, and riparian habitat along San Leandro Creek and San Lorenzo Creek. As discussed previously, the Army Corps, RWQCB and/or CDFW generally exercise authority over these various wetland habitat types. A detailed wetland delineation and verification by the Army Corps would be required to determine the extent of jurisdictional federal waters on sites where modifications are proposed. And further review by the RWQCB may be required on sites with hydrologically isolate wetlands that are exempt from Army Corps jurisdiction but still regulated as State waters under the Porter-Cologne Act by the RWQCB.

Wildlife Dispersal Corridors

Wildlife dispersal corridors are important habitat features allowing for movement of terrestrial and aquatic species, and the genetic exchange necessary to prevent isolation that can leave a native population vulnerable to extirpation or extinction. Important dispersal corridors can include unchannelized creeks, unobstructed ridgelines, and shorelines of the Bay. Although most of San Leandro has been urbanized, which limits or precludes the dispersal by terrestrial wildlife species, the shoreline and open waters of the Bay continue to provide unobstructed habitat for terrestrial and aquatic species. San Leandro Creek continues to serve as an important dispersal corridor for fish and wildlife.

4.3.2 Standards of Significance

The proposed project would result in a significant impact to biological resources if it would:

1. 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 by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service.

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service.

3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

4. 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.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.
4.3.3 IMPACT DISCUSSION

This section analyzes potential project-specific and cumulative impacts to biological resources.

**BIO-1** The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on special-status species.

**Proposed General Plan Update**

Local, State, and federal regulations provide varying levels of protection for special-status species, depending on a number of factors, including: legal protective status; rarity and distribution; the magnitude of the potential impact on essential habitat; specific occurrence and overall population levels; and take of individual plants or animals. Activities requiring discretionary approvals by local, State, and federal agencies provide for the greatest oversight because proposed activities must be evaluated for their potential impact on special-status species and other sensitive biological resources. The degree to which populations and essential habitat for special-status species are adequately protected depends in part on how stringently the policies are applied and enforced, together with regulatory oversight and resource management by State and federal agencies.

Implementation of the following proposed goals, policies, and actions would serve to address potential adverse impacts on special-status species associated with potential future development.

- **Goal OSC-2: Development of New Parks.** Develop additional parkland in the City to better meet existing needs and to respond to future needs.
- **Policy OSC-2.2: No Net Loss.** Allow no net loss of open space within San Leandro’s parks and recreational facility system. In the event that land currently included in the City’s park inventory (Table 5-1) is to be converted to a non-park related purpose, an area of equivalent or larger acreage shall be set aside as parkland. Replacement open space should be comparable in value and function to the space that is lost.
- **Policy OSC-2.11: Open Space Easements.** Explore the use of easements, long-term leases, cooperative agreements and other cost-effective means of acquiring or sharing open space with other owners.
- **Policy OSC-2.12: Open Spaces in New Development.** Promote the inclusion of plazas, courtyards, landscaped commons, rooftop gardens/ green space, and other publicly accessible open spaces within new commercial, industrial, and public facility development.
- **Goal OSC-5: San Leandro Creek.** Protect San Leandro Creek as a renewed open space and natural resource, a green connection between the San Leandro Hills and San Francisco Bay, and a core part of San Leandro’s identity.
- **Policy OSC-5.1: Creek Stewardship.** Support the efforts of community groups such as the Friends of San Leandro Creek to increase public education and recreation, promote habitat restoration, conduct creek clean-up, maintenance, and monitoring programs, and achieve water quality improvements.
- **Policy OSC-5.2: Creekside Development.** Require new development adjacent to San Leandro Creek to maintain setbacks from the top of the creek bank, dedicate public access easements for creekside
amenities, and where appropriate, undertake improvements such as erosion control, habitat restoration, vegetation management, bank stabilization, and trail dedication.

- **Policy OSC-5.5: Balanced Objectives.** Ensure that future creekside improvements balance the objective of greater public access with the objectives of restoring wildlife habitat, minimizing flood hazards, and respecting the privacy and security of persons living along the creek.

- **Policy OSC-5.6: Habitat Restoration.** Encourage the enhancement and restoration of the natural riparian habitat along San Leandro Creek. The upper reaches of the creek should be retained as a natural waterway and should not be further channelized for flood control purposes.

- **Policy OSC-5.7: Creek Maintenance.** Support creek maintenance projects that minimize erosion, stabilize creek banks, and protect property from the threat of flooding. Work with private property owners and Alameda County to ensure that fallen vegetation and other potentially hazardous flow obstructions are promptly removed.

- **Policy OSC-5.8: Public Information.** Promote public information on San Leandro Creek, with a focus on youth-oriented environmental programs. The City should support or co-sponsor events such as creek clean-ups, creek walks, student projects, creek classes and workshops, street fairs, and other events that foster greater appreciation of the creek and creek environment.

- **Goal OSC-6: Plant and Animal Communities.** Identify, protect, and enhance San Leandro’s significant plant and animal communities.

- **Policy OSC-6.1: Ecosystem Management.** Promote the long-term conservation of San Leandro’s remaining natural ecosystems, including wetlands, grasslands, and riparian areas. Future development should minimize the potential for adverse impacts to these ecosystems and should promote their restoration and enhancement.

- **Policy OSC-6.2: Mitigation of Development Impacts.** Require measures to mitigate the impacts of development or public improvements on fish and wildlife habitat, plant resources, and other valuable natural resources in the City.

- **Policy OSC-6.3: Habitat Restoration.** Encourage the restoration of native vegetation in the City’s open spaces as a means of enhancing habitat and reducing wildfire hazards.

- **Policy OSC-6.4: Species of Special Concern.** Ensure that local planning and development decisions do not damage the habitat of rare, endangered, and threatened species, and other species of special concern in the City and nearby areas.

- **Action OSC-6.4.A: Biological Assessments.** Require biological assessments for development in areas where special status species may be present. Require mitigation in accordance with state and federal regulations where potential adverse impacts exist.

- **Policy OSC-6.5: San Leandro Shoreline Marshlands.** Continue the restoration of the San Leandro Shoreline Marshlands as a unique natural area. The emphasis in this area should be on resource conservation, trails and ecological study.

- **Action OSC-6.5.A: San Leandro Shoreline Marshlands Enhancement Program.** Conduct periodic assessments of hydrology, vegetation, and wildlife along the San Leandro shoreline and marshlands, and make adjustments to the existing management program based on the findings.
Action OSC-6.5.B: Predator Control Plan. Continue to require implementation of a predator control plan (controlling feral and domestic animals) and an invasive weed control program in the San Leandro Shoreline Marshlands.

Action OSC-6.5.C: Dredge Materials Management Site. Consider restoration alternatives for the former Dredge Materials Management Site located east of the Tony Lema Golf Course and north of the Shoreline Marshlands. Planning for this area should consider potential impacts related to sea level rise.

Policy OSC-6.6: Intergovernmental Coordination. Coordinate with the appropriate regional, state and federal agencies and other organizations in their efforts to conserve and enhance ecological resources in San Leandro. Refer local projects to these agencies as required for their review and comment.

Many of the policies listed above are relatively broad, involving expansion of parklands, restoration of the San Leandro Creek Corridor, and shoreline marshlands. They would all serve to protect and enhance existing habitat, or provide controls on how future development must avoid or mitigate potential adverse impacts on sensitive resources. Of particular importance is the requirement for preparation of detailed baseline assessments in Action OSC-6.4A: Biological Assessments. This further assessment would serve to identify essential habitat for special-status species, and confirm presence or absence if suitable habitat is detected on sites with undeveloped land. Policy OSC-6.4: Species of Special Concern, calls for protecting essential habitat for special-status species. Policy OSC-6.2: Mitigation of Development Impacts requires that appropriate mitigation be required when potential adverse impacts are unavoidable. Further environmental review, together with resource agency review and authorization, where required, would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. This includes proposed development on sites with or adjacent to undeveloped natural areas that could support special-status species. Implementation of the goals, policies, and actions identified above, as well as compliance with Municipal Code Section 4-1-1000 regarding protection of monarch butterfly overwintering colonies, and federal and State laws, would reduce potential impacts to special-status species in San Leandro to a less-than-significant level.

Significance before Mitigation: Less than significant.

Proposed Zoning Code Amendments

The proposed amendments to the Zoning Code would bring the Zoning Code into conformance with the proposed Plan. The proposed Zoning Code would implement the proposed Plan and would help to guide development in key areas of the city. Although construction and development activities associated with development throughout the city would have the potential to affect special-status species, existing Municipal Code requirements and proposed General Plan policies would ensure that impacts from the proposed Zoning Code amendments would be less than significant.

Significance before Mitigation: Less than significant.

BIO-2 The proposed project would not have a substantial adverse effect on sensitive natural communities.
Proposed General Plan Update

Development and land use activities consistent with proposed Plan could result in adverse impacts to sensitive natural communities. These include areas of coastal salt marsh vegetation in the baylands and possibly areas of riparian scrub and woodland along San Leandro Creek and other drainages.

As discussed above under BIO-1, site-specific assessments called for in Action OSC-6.4A, Biological Assessments, would be necessary to determine whether any sensitive natural communities on undeveloped lands where development is proposed. This further assessment would serve to identify presence of any sensitive natural communities and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development.

Several other policies in the proposed Plan would also serve to protect and enhance the remaining sensitive natural communities in San Leandro. Policies OSC-5.1: Creek Stewardship and OSC-5.2: Creekside Development would serve to address potential adverse effects of new development along San Leandro Creek. Policies OSC-5.6: Habitat Restoration, OSC-5.7: Creek Maintenance and OSC-5.8: Public Information would serve to improve habitat conditions and management of the San Leandro Creek corridor. Policy OSC-6.3: Habitat Restoration calls for encouraging restoration of native vegetation in the City's open spaces as a means of enhancing habitat and reducing wildfire hazards. Finally, Policy OSC-6.5: San Leandro Shoreline Marshlands calls for the continued restoration of the San Leandro shoreline marshlands, with an emphasis on resource conservation, trails and ecological study. Implementation of these policies would reduce potential impacts to sensitive natural communities in San Leandro to a less-than-significant level.

Significance before Mitigation: Less than significant.

Proposed Zoning Code Amendments

The proposed amendments to the Zoning Code would bring the Zoning Code into conformance with the proposed Plan. The proposed Zoning Code would implement the proposed Plan and would help to guide development in key areas of the city. Although development throughout the city would have the potential to affect sensitive natural communities, proposed General Plan policies would ensure that impacts from the proposed Zoning Code amendments would be less than significant.

Significance before Mitigation: Less than significant.

BIO-3 The proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Proposed General Plan Update

Development and land use activities consistent with the proposed Plan could result in direct loss or modification to existing wetlands and unvegetated other waters, as well as indirect impacts due to water quality degradation. Affected wetlands could include both the wetland-related sensitive natural community types described above, as well as areas of open water, degraded and modified streams and channels, unvegetated waters, and isolated seasonal wetlands or freshwater seeps. Of particular concern
is the area of riparian habitat along San Leandro Creek and the coastal salt marsh and freshwater marsh habitats along the city's shoreline. A site-specific wetland delineation would be necessary as part of specific development proposals to determine the extent of possible jurisdictional waters where wetlands may be present, including undeveloped properties within or adjacent to sensitive habitat areas.

Potential indirect impacts to wetlands and jurisdictional other waters include an increase in the potential for sedimentation due to construction grading and ground disturbance, an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and an increase in the potential for water quality degradation due to increased levels in non-point pollutants. Water quality degradation may occur even when wetlands and unvegetated channels are avoided by proposed development if setbacks are inadequate to provide critical vegetation filtration functions. The indirect water quality-related issues are discussed further in Chapter 4.8, Hydrology & Water Quality.

As discussed above under BIO-1, site-specific assessments called for in Action OSC-6.4A, Biological Assessments, would be necessary to determine the extent of any regulated waters on undeveloped lands where development is proposed. This further assessment would serve to identify the presence of any jurisdictional waters and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. Implementation of the relevant policies and actions in the proposed Plan, together with appropriate environmental review and oversight by regulatory agencies entrusted with enforcement of State and federal regulations addressing the protection and management of wetlands, would serve to mitigate potential adverse impacts associated with the Project to less-than-significant levels.

**Significance before Mitigation:** Less than significant.

**Proposed Zoning Code Amendments**

The proposed amendments to the Zoning Code would bring the Zoning Code into conformance with the proposed Plan. The proposed Zoning Code would implement the proposed Plan and would help to guide development in key areas of the city. Development and land use activities throughout the city would have the potential to affect wetlands and other waters. However, proposed General Plan policies and actions, together with appropriate environmental review and oversight by regulatory agencies, would ensure that impacts from the proposed Zoning Code amendments would be less than significant.

**Significance before Mitigation:** Less than significant.

**BIO-4** The proposed project would not 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.

**Proposed General Plan Update**

Development and land use activities consistent with the proposed Plan would result in a reduction in the remaining natural habitat. However, most wildlife in these areas are already acclimated to human activity in the urbanized portions of San Leandro. On sites with remaining natural habitat and important
movement corridors, including the fringe of the baylands, site-specific assessments called for in Action OSC-6.4A, Biological Assessments, would be necessary to determine whether any important wildlife movement corridors are present on undeveloped lands where development is proposed. This further assessment would serve to identify the presence of any sensitive wildlife movement corridors and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. Implementation of the policies and actions in the proposed Plan related to enhancement of the San Leandro Creek corridor and the shoreline marshlands would serve to improve habitat conditions for wildlife in these areas. Implementation of proposed policies would reduce potential impacts to wildlife movement to a less-than-significant level.

**Significance before Mitigation:** Less than significant.

**Proposed Zoning Code Amendments**

The proposed amendments to the Zoning Code would bring the Zoning Code into conformance with the proposed Plan. The proposed Zoning Code would implement the proposed Plan and would help to guide development in key areas of the city. Development and land use activities throughout the city would reduce San Leandro’s remaining natural habitat. However, proposed General Plan policies and actions would ensure that impacts from the proposed Zoning Code amendments would be less than significant.

**Significance before Mitigation:** Less than significant.

**BIO-5**

The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Proposed General Plan Update**

Proposed development projects under the proposed Plan would be evaluated for consistency with the proposed Plan, including updated policies in the Open Space, Parks, and Conservation Element. While proposed development may adversely affect sensitive biological and wetland resources in some locations, mitigation would be required on a project-by-project basis where significant impacts are identified. Development projects would also have to comply with Section 4-1906, Existing Trees on Development Sites, in Article 19, Landscape Requirements of the City of San Leandro Zoning Code. Similarly, any development in the vicinity of the monarch butterfly overwintering colony would have to comply with Section 4-1-1000 of the Zoning Code. With adherence to these policies and ordinances, no conflicts with local plans and policies are anticipated, and impacts would be considered less than significant.

**Significance before Mitigation:** Less than significant.

**Proposed Zoning Code Amendments**

The proposed amendments to the Zoning Code would bring the Zoning Code into conformance with the proposed Plan. The proposed Zoning Code would implement the proposed Plan and would help to guide development in key areas of the city. Development and land use activities throughout the city would be subject to existing regulations, proposed Plan policies, and regulations in the proposed Zoning Code.
amendments. With adherence to these policies and ordinances, no conflicts with local plans and policies are anticipated, and impacts from the proposed Zoning Code amendments would be considered less than significant.

Significance before Mitigation: Less than significant.

The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Proposed General Plan Update

Development and land use activities consistent with the proposed Plan would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. No such conservation plans have been adopted encompassing all or portions of San Leandro, and no impact is therefore anticipated.

Significance before Mitigation: No impact.

Proposed Zoning Code Amendments

As described above, there are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved conservation plans that apply to San Leandro. Therefore, proposed Zoning Code amendments would have no impact.

Significance before Mitigation: No impact.

The proposed project contribution to cumulative impacts on biological resources would be less than significant.

The potential impacts of development under the proposed project on biological resources tend to be site-specific, and the overall contribution to cumulative effects would be dependent on the degree to which significant vegetation and wildlife resources are protected on a particular site. This includes preservation of well-developed native vegetation (e.g., native grasslands, oak woodlands, riparian woodland), populations of special-status plant or animal species, and wetland features (including coastal salt marsh, freshwater marsh and seeps, and riparian corridors and drainages). Further environmental review of specific development should serve to ensure that important biological resources are identified, protected, and properly managed, and to prevent any significant adverse development-related impacts, including development for the remaining undeveloped lands in the planning area and surrounding incorporated and unincorporated lands.
To some degree, cumulative development contributes to an incremental reduction in the amount of existing wildlife habitat, particularly for birds and larger mammals. Habitat for species intolerant of human disturbance can be lost as development encroaches into previously undeveloped areas, disrupting or eliminating movement corridors and fragmenting the remaining suitable habitat retained within parks, private open space, or undeveloped properties. New development in the region as forecasted by the Association of Bay Area Governments, both the East Bay and larger Bay Area, would result in further conversion of existing natural habitats to urban and suburban conditions, limiting the existing habitat values of the surrounding area. This could include further loss of wetlands and sensitive natural communities, reduction in essential habitat for special-status species, removal of mature native trees and other important wildlife habitat features, and obstruction of important wildlife movement corridors. Additional development may also contribute to degradation of the aquatic habitat in the creeks throughout the region, including in San Leandro and the San Leandro Creek and San Lorenzo Creek watersheds. Grading associated with construction activities generally increases erosion and sedimentation, and urban pollutants from new development which would reduce water quality. However, policies in the proposed Plan would serve to address these contributions to cumulative impacts on sensitive biological and wetland resources, as discussed above. Therefore, the proposed project would result in a less-than-significant cumulative impact to biological resources.

**Significance before Mitigation:** Less than significant.