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January 20, 2022

Camille Leung, Project Planner
Janneth Lujan, Planning Commission Secretary
San Mateo County Planning and Building Department
455 County Center, Redwood City, CA 94063
Email: cleung@smcgov.org, jlujan@smcgov.org

SUBJECT: File Number: PLN 2020-00133, Initial Study/Mitigated Negative Declaration
Location: 2450 Purisima Creek Road, North San Gregorio (District 3)
January 26, 2022 San Mateo County Planning Commission Meeting (Agenda Item 3)

Dear Ms. Leung and Ms. Lujan,

On behalf of the Midpeninsula Regional Open Space District (Midpen), I appreciate the opportunity to comment on the proposed residential development project (Project) located at 2450 Purisima Creek Road (File No. PLN 2020-00133) and associated Initial Study/Mitigated Negative Declaration (IS/MND), which will be considered by the Planning Commission on January 26, 2022.

Midpen owns and manages nearly 65,000 acres of open space land in the Santa Cruz Mountains region. Our mission is:

To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.

The property is adjacent to Purisma Creek Open Space Preserve (Preserve), and Midpen would therefore like to provide the following comments on the proposed Project and IS/MND.

Project Comments:

- 1) The Project proposes planting three regenerative pasture areas with California red oats (*Avena sativa*), as depicted on sheet L1.0 of the Architectural and Landscape Plan. Despite the common name for this species, California red oats are not native to California. Due to the property's shared boundary with the Preserve and the sensitive nature of the Preserve's ecological community, Midpen requests the County require that this non-native species not be broadcast within 30 feet of the Preserve as a condition of permit approval.
- 2) Sheet L1.0 of the Architectural and Landscape Plan includes an area devoted to apiculture. While honeybees are essential pollinators in agricultural environments, their role in natural areas is less clear. There is evidence that honeybees can alter plant and native bee communities due to their

foraging habitats, relatively high levels of pathogen loads, degree of resource removal, and their interactions with native bees. Due to the proximity to the Preserve and the sensitive habitat therein, Midpen requests that beekeeping not be permitted on the property.

- 3) The Plant List on sheet L4.0 of the Architectural and Landscape Plan shows that the Project proposes planting five Mayten (*Maytenus boaria*) trees. According to the California Invasive Plant Council, this species has a high risk of becoming invasive in California. It is known to have spread from plantings in Berkeley, Marin County, and Angel Island, and is difficult to eradicate. Rather than risk broadcasting a potentially invasive species, Midpen requests the County require native tree species be planted as a condition of permit approval. Additionally, Midpen requests the Architectural and Landscape Plan be revised accordingly.

CEQA Initial Study/Mitigated Negative Declaration Comments:

- 1) The Responsible Agencies checklist on page 49 of the IS/MND indicates that the State Department of Fish and Wildlife (CDFW) has no permit authority or other approval for the project. However, the discussion in Biological Resources section 4.a. indicates that demolition activities will take place within the 50-foot riparian setback, and Mitigation Measure 4 requires the owner to consult with CDFW prior to any work in the riparian habitat to determine whether a Streambed Alteration Agreement is necessary. Please clarify in the IS/MND whether a CDFW Streambed Alteration Agreement will be required.
- 2) Section 4.a. of the IS/MND states there are no documented occurrences of California red-legged frog (*Rana draytonii*) in Purisima Creek. However, Midpen has documented this species in a nearby pond on a tributary to Purisima Creek within the Purisima Creek Open Space Preserve. This pond is less than 900 feet from mainstem Purisima Creek and within 2,000 feet of the proposed development parcel. This is well within the upland dispersal distance of California red-legged frog, which was recorded in nearby northern Santa Cruz County as ranging from 0.25 to 2 miles (Bulger in litt. 1998). California red-legged frog movement is timed with breeding and dispersal. Adults move into ponds and streams at the beginning of and throughout the early rainy season to breed. Adults often remain at pond and other wetlands until breeding is complete (April to May/June) and then move into the uplands. Once metamorphosis from the tadpole stage occurs, young of the year frogs will also disperse away from ponds and other wetlands. This generally occurs from August to September, but Midpen has observed early metamorphs in late June and July in the coastal Santa Cruz Mountains. Dispersal can also be triggered by pond drying events associated with drought years and climate change. The potential for California red-legged frog to disperse across and into the Project area to shelter in burrows and/or take shelter under vegetation occurs throughout much of the year. In addition to pre-surveys and biological awareness training, Midpen strongly recommends that a biological monitor be present during initial vegetation removal and ground disturbing activities to ensure no California red-legged frog are present.
- 3) Section 4.g. of the Biological Resources checklist in the IS/MND fails to acknowledge that the subject property is adjacent to the Preserve, which serves as a valuable, sensitive habitat for a number of species. The IS/MND should identify that the project site is within 200 feet of the Preserve and discuss any applicable impacts the proposed project would have on the Preserve.
- 4) Mitigation Measure 5.g. of the IS/MND states that nesting bird surveys shall be performed in trees

proposed for removal and suitable habitat within 500 feet of the Project footprint prior to construction. As this buffer extends into the Preserve, the professional biologist conducting the survey should request a free District permit prior to entering the Preserve to complete this work. Because bird surveys are only accurate for five calendar days, the surveys should be completed not more than five calendar days prior to any tree removal activity. Additional bird nest surveys should be completed if more than five calendar days pass without work.

- 5) In the event that nests associated with protected nesting birds and raptors are found, Mitigation Measure 5.h. states that a no-disturbance buffer shall be placed around the nests until the young have fledged or the nest is determined to be no longer active by a biologist. Midpen requests that Mitigation Measure 5.h. be revised so the buffer for songbirds spans at least 250 feet.
- 6) Mitigation Measure 6 of the IS/MND should specify that no invasive or potentially invasive species be planted on the property.
- 7) Section 9.h. of the IS/MND states that the Project site is located within a high fire severity zone within a designated State Responsibility Area (SRA). However, this assertion is contradicted in section 20, which states that the Project site is “not located within a designated State Responsibility Area (SRA).” Please rectify this discrepancy in the IS/MND.
- 8) Section 20.b. of the IS/MND states that Montara Creek is located south of the property. However, Montara Creek is located 15 miles north of the Project site. Please correct this in the IS/MND.

We appreciate the opportunity to comment on this Project. Should you have any questions about this letter, please contact me at (650) 625-6563, or jmark@openspace.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Mark', with a long horizontal flourish extending to the right.

Jane Mark, AICP, Planning Manager