Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056; today's correspondence
Attachments: C003a SENT 20261105 Letter to ZAB re 1130 Oxford.pdf

From: kmhperry@sonic.net <kmhperry@sonic.net>
Sent: Thursday, November 5, 2026 11:41 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Planning Dept. Mailbox <Planning@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>
Cc: 'Tom Lippe' <lippelaw@sonic.net>
Subject: RE: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056; today's correspondence

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Dear members of the Zoning Adjustments Board, Ms. Price, Ms. Gong, Ms. Hersch, and Ms. Brown:

Please see today's correspondence attached in .pdf format re the above referenced matter.

Thank you in advance for your attention to this matter.

Kelly

Kelly Marie Perry
Law Offices of Thomas N. Lippe, APC
50 California Street, Suite 1500
San Francisco, CA 94111
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November 5, 2026

By email to: zab@berkeleyca.gov
City of Berkeley Zoning Adjustments Board
1947 Center Street
Berkeley, CA 94704
Attn: Sarah Price & Sharon Gong, Board Secretary

By email to: planning@berkeleyca.gov
Anne Hersch
City of Berkeley Planning and Development Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

By email to: attorney@berkeleyca.gov
Farimah Brown
City of Berkeley City Attorney

Re: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056

Dear members of the Zoning Adjustments Board, Ms. Price, Ms. Gong, Ms. Hersch, and Ms. Brown:

This office represents Oxford Hillside Safety Alliance ("OHSA"). I write to supplement my previous letters dated October 22, 2026, and November 4, 2026.

1. The Board Cannot Approve the Demolition Use Permit Because the Project's Request for Ministerial Approval of Successive Subdivision Approvals is Prohibited.

As discussed in my previous letters, the Board cannot approve the demolition permit in isolation from the successive rounds of subdivision approvals that the applicant seeks in order to execute this housing project. This is shown by the fact that staff's proposed findings for the use permit expressly rely on the city's anticipated approval of two successive rounds of subdivision approvals, and construction of the housing development. I pointed out that since the successive subdivision approval scheme is not legally viable, the Board cannot validly make the findings required to approve the use permit for demolition.

It is well-settled that the Subdivision Map Act does not allow subdividers to use successive waves of subdivision approvals, each considered in isolation from each other, to meet qualifying criteria for avoiding more rigorous government oversight of a subdivision. (See *Bright v. Board of Supervisors* (1977) 66 Cal.App.3d 191, 194 (*Bright*). *Bright* applied this principle to an attempt to use "successive subdivisions" to avoid the four lot maximum on using a parcel map

to subdivide one lot. (See also, 105 Ops.Cal.Atty.Gen. 43 (2022) [18-902] (where subdivider subdivides a parcel into four or fewer parcels using a parcel map, then sells all of the resulting subdivided parcels, and subsequently acquires a contiguous parcel and seeks to divide that parcel into four or fewer parcels using a parcel map, the local agency must count the previously subdivided parcels as part of the second application]; 77 Ops. Cal.Atty.Gen. 185, 185 (1994) (subdivider may not designate as an exempt "remainder" a portion of land to be subdivided in later phase of development).

The same principle applies here: the applicant cannot avoid discretionary review of a 31 lot subdivision by using successive subdivisions. As a result, the Board cannot validly make the findings required to approve the use permit for demolition.

2. AB 130's 30-day Deadline For Board Decision-making Does Not Apply.

The staff report points out that if the Project is exempt from CEQA pursuant to AB 130 (Public Resources Code § 21080.66), then pursuant to Government Code § 65950(a)(7) the Board must take action to approve or disapprove within 30 days after the conclusion of tribal consultation (i.e., by November 16, 2026.) (Staff Report, p. 10.)

By the same token, if the Project is not exempt from CEQA pursuant to AB 130, then the 30 days deadline does not apply. (Government Code § 65950(a)(7).)

As discussed in my previous letters, the Project is not eligible for the AB 130 exemption from CEQA, so the 30-day deadline set forth Government Code § 65950(a)(7) does not apply.

Thank you for your attention to this matter.

Very Truly Yours,

Tom Lippe

Thomas N. Lippe

555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

November 4, 2026

Members of the Zoning Adjustments Board
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

RE: Item 7A – Use Permit #ZP2026-0056, 1130 Oxford Street

Dear Chair Gaffney and Members of the Board,

The Housing Action Coalition (HAC) writes in support of staff's recommendation to approve Use Permit #ZP2026-0056, which would allow demolition of the vacant school buildings at 1130 Oxford Street so that new homes can move forward.

California is in a housing shortage, and Berkeley has an exemplary record in putting forward policy and supporting projects that would help address it. This project is one of them. The housing proposal is advancing under the Starter Home Revitalization Act (SB 684), which provides for ministerial approval that addresses the housing crisis with the urgency it deserves.

The project team plans 31 for-sale rowhomes, well suited to young families and downsizers, with work beginning in the first quarter of 2027 and homes complete by summer 2028. Though HAC has not conducted a formal Project Review for the team, Berkeley needs more homes that people can buy, and starter homes like these give families a chance to put down roots in the community. With its schools, parks, and community resources, Berkeley is a wonderful place to raise a family, and these homes would give more families the chance to call it home.

The site is currently a vacant school. Neighbors have long asked for better use of this site, and new housing here is a better outcome for the neighborhood than a vacant building, and delay only extends vacancy and pushes back the homes.

Staff has recommended approval, and we urge the Board to follow that recommendation so that this project can move forward. Thank you for your consideration.

Sincerely,

Brianna Morales, *Political Organizing & Programs Manager*
Housing Action Coalition (HAC)

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Item 7A - 1130 Oxford - (#ZP 2026-0056)
Attachments: 1130 Oxford ZAB Letter 11.4.26.pdf

From: Robin R. Baral <RBaral@hansonbridgett.com>
Sent: Wednesday, November 4, 2026 5:01 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Schlepp, Victoria <VSchlepp@berkeleyca.gov>; lgordon@rinconconsultants.com; Gong, Sharon <SGong@berkeleyca.gov>; Hersch, Anne <AHersch@berkeleyca.gov>
Cc: Michael Thomas <michael@panoramic.com>; Brown, Farimah F. <FBrown@berkeleyca.gov>
Subject: Item 7A - 1130 Oxford - (#ZP 2026-0056)

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Good afternoon- please see the attached correspondence to be provided to ZAB members in connection with Item 7A of tomorrow's hearing. Due to the larger file size (9MB), I would appreciate the ZAB confirming receipt of the attachment.

Regards,
Robin

Robin R. Baral
Partner
RBaral@hansonbridgett.com
Direct: (415) 995-6331
Website | LinkedIn

Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

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ROBIN R. BARAL
PARTNER
DIRECT DIAL (415) 995-6331
E-MAIL rbaral@hansonbridgett.com

HansonBridgett

November 4, 2026

VIA E-MAIL zab@berkeleyca.gov

Zoning Adjustments Board
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 1130 Oxford Street (#ZP 2026-0056)

Dear Chairperson Gaffney and the Zoning Adjustments Board:

Hanson Bridgett LLP represents the applicant for the demolition use permit for 1130 Oxford Street. This letter provides additional evidence to support the finding that the demolition use permit approval is exempt from CEQA[1] pursuant to the statutory infill exemption ("AB 130").[2] This letter also responds to comments raised by the public and their legal counsel.

The AB 130 project includes all discretionary and ministerial approvals reasonably related to the tentative subdivision map application.

A fundamental rule of CEQA is that a "project" must be defined to include all reasonably related and foreseeable discretionary and ministerial approvals associated with the proposed activity.[3] The "whole of a project" under CEQA may therefore include multiple applications and project permitting. Here, the Zoning Adjustments Board ("ZAB") is charged with reviewing a demolition use permit in connection with the applicant's tentative map application to subdivide the former Oxford School at 1130 Oxford Street into eight standard lots. The tentative map and other materials submitted to the City also detail the applicant's plan to seek ministerial approval of eight small-lot subdivision applications for 31 homes pursuant to the Starter Home Revitalization Act ("SHRA").[4] Ministerial approvals under the SHRA will only be requested after the tentative map is approved, and after the tentative map improvements are installed or bonded and the final map is recorded. Therefore, pursuant to CEQA and AB 130, the "project" at 1130 Oxford Street includes ZAB review of the demolition use permit, the Planning Commission's pending review of the tentative subdivision map, and the applicant's pending submittal of ministerial approvals under the SHRA to build 31 starter homes on the property.

The statutory text of AB 130 confirms this bedrock CEQA principle. AB 130 broadly applies to "***any*** aspect of a housing development project, as defined in subdivision (b) of Section 65905.5 of the Government Code, including ***any*** permits, approvals, or public improvements required for

[1] Pub. Res. Code § 21000 et seq.
[2] Pub. Res. Code § 21080.66.
[3] See *McCorkle Eastside Neighborhood Grp. v. City of St. Helena* (2018) 31 Cal.App.5th 80; *Day v. City of Glendale* 51 Cal.App.3d 817.
[4] Gov. Code § 66499.41.

the housing development project, as may be required by [CEQA],"[5] provided that the housing development project meets all of the remaining checklist requirements in AB 130.

The Housing Accountability Act ("HAA"),[6] in turn, broadly defines a “housing development project” as “a ***use*** consisting of… Residential units only.” For 1130 Oxford, the use authorization consists of the demolition use permit and tentative map approval to subdivide the 1.3-acre parcel into eight residential lots. All subsequent approvals will be processed and approved ministerially, similar to building permits. For purposes of establishing the AB 130 exemption, the applicant has demonstrated with substantial evidence that the use permit and tentative map approval will yield 31 residential units. The housing development project in this case therefore includes the ministerial review and approval of 31 residential units once the tentative map is approved.[7]

Keeping in mind the above, public comments asserting that the project is being "piecemealed" are nonsensical. The applicant has clearly articulated its development program for 1130 Oxford Street throughout its processing of the tentative map application – as opposed to, for example, purporting to develop single family homes in connection with the tentative map and use permit applications. While not required under the Subdivision Map Act, the applicant has provided plan sheets with the Tentative Map application detailing how each of the eight parcels complies with the provisions for ministerial subdivision and housing approval under the SHRA. The project, as a whole, complies with AB 130 and the ZAB may approve the demolition use permit supported by the finding that the use permit is a discretionary activity related to the development plan for 1130 Oxford, and is therefore exempt from CEQA under AB 130.

Public comments asserting that the City "cannot apply the AB 130 exemption to selected portions of the Project" have no bearing on the demolition permit or the tentative map, both of which apply to the entire site. In addition, the applicant's pending ministerial subdivision and housing approvals for the eight parcels will be statutorily exempt from CEQA review.[8] Moreover, the SHRA does not prohibit a landowner or applicant from submitting multiple SHRA applications for adjacent parcels, provided that each application must individually meet the eligibility criteria under the SHRA for that parcel. HCD has issued technical guidance clarifying this to cities. While SHRA's eligibility criteria cannot be aggregated among more than one parcel, the applicant here has demonstrated with illustrative plan sheets showing how each parcel will independently meet the requirements of the SHRA.[9]

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[5] Pub. Res. Code § 21080.66, subd. (a).
[6] Note that AB 130 references Government Code section 65905.5 in defining a "housing development project." Section 65905.5 in turn references the HAA definition provided in Government Code § 65889.5.
[7] Note that the SHRA allows a maximum of up to 80 residential units on the eight parcels, however, each parcel must meet all applicable (statutory and local) development standards. The tentative map includes illustrative plan sheets, and the applicant has provided other materials to the City demonstrating how each parcel meets all applicable objective standards and other statutory criteria for ministerial approval under the SHRA for 31 units.
[8] Pub. Res. Code § 21080, subd. (b)(1); Gov. Code §§ 66499.41, subd. (a), 65852.28, subd. (c).
[9] See HCD Letter of Technical Assistance to the City of Los Angeles – Starter Home Revitalization Act (SHRA), dated November 17, 2025. (https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/los-angeles-hau-2061-ta-111725.pdf)

The project complies with the applicable general plan and zoning ordinance, after factoring the SHRA provisions that supersede local zoning and general plan policies.

AB 130, similar to the Class 32 infill exemption,[10] requires the project to be consistent with the City's applicable general plan and zoning ordinance provisions. The project "shall be deemed consistent with the ***applicable*** general plan and zoning ordinance… if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent."[11] Courts have long held that zoning and general plan standards waived via State Density Bonus Law[12] are not "applicable" for purposes of a lead agency's consistency review of infill housing projects when determining an eligible CEQA exemption.[13] Here, the SHRA goes further and prohibits the City from imposing local objective zoning, general plan or subdivision standards that conflict with the development standards in the SHRA. Under the SHRA the City has no discretion to deny those provisions, as compared to State Density Bonus Law, which does allow a City to deny waivers of development standards in very limited circumstances.[14] It would be patently unreasonable – and unlawful – for the City to deny the AB 130 exemption based on any purported conflict between state housing law and local zoning or the City's General Plan, given the clear statutory directive that the SHRA shall supersede local standards that conflict with the SHRA, such as reduced lot area, setbacks and other standards that are designed to supersede local zoning and General Plan standards.

The tentative map parcels meet all criteria for ministerial approval under the SHRA.

At the outset, we note that the tentative map application and demolition permit do not require any specific findings to be made at this time pursuant to the SHRA. Public comments, however, suggest that the project is not eligible for ministerial approval under the SHRA, likely for purposes of challenging the AB 130 exemption. Those comments are unavailing.

Public comments alleging that the parcel is not "vacant" or "uninhabitable," for example, are based on anecdotal observations that the building has received basic levels of maintenance to prevent broader public health impacts to the hillside community, such as the installation of a new fire alarm and replacement of windows. Anecdotal examples of basic building maintenance do not establish as a matter of law that the building is inhabitable. Simply put, the site is uninhabitable for residential purposes – and never has been, given that the buildings were designed for public school education. By definition the buildings are uninhabitable for residential purposes.[15] Moreover, the California legislature recently amended the SHRA to replace the "uninhabitable" standard with a finding as to whether the existing buildings are "untenantable"

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[10] 14 Cal. Code Reg. § 15332.
[11] Pub. Res. Code § 21080.66, subd. (a)(4).
[12] Gov. Code § 65915
[13] Wollmer v. City of Berkeley (2011) 193 Cal.App.4th 1329; see also *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 774.
[14] Gov. Code § 65915, subd. (e)(1).
[15] The Department of Housing and Community Development ("HCD") has confirmed in a Letter of Technical Assistance to Santa Cruz County, dated September 19, 2025, that a structure should be deemed uninhabitable under the SHRA if it does not have an existing dwelling unit that meets all applicable residential habitability standards. An abandoned school site, similar to a church site is thus "uninhabitable" for purposes of the SHRA. https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/santa-cruz-cou-hau-2362-ta-091925.pdf

as defined under the Civil Code.[16] Here, the same rationale applies; a property simply cannot be tenantable for residential occupancy when it was designed for public educational use.

To avoid any doubt, the applicant has prepared **Attachment 1** attached hereto, documenting all of the bases in which the property is untenantable under Civil Code 1941.1.

The project is <u>not</u> located on a site that is habitat for protected species.

AB 130 incorporates by reference the environmental site criteria in SB 35.[17] Those criteria include a requirement that a project "is not located on a site that is . . . habitat for protected species." The legislative intent of the SB 35 was to have the site standards framed in terms of knowable and verifiable environmental conditions. In addition, the legislative directive of SB 35 is that its provisions "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply."[18] Similar to AB 130, SB 35 includes the provision that "development is consistent with the objective planning standards specified in subdivision (a) [including the habitat standard] if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards."[19] AB 130, modeled after SB 35, thus shares the same pro-housing legislative directive as SB 35.[20]

Again, to eliminate any doubt, the applicant is submitting a Biological Resources Memorandum, a copy of which is attached hereto as **Attachment 2**, which evaluated the 1130 Oxford site pursuant to the AB 130 site criteria standards and, in accordance with their professional standards for evaluating habitat, i.e., the key criteria under AB 130, as opposed to merely reviewing the site to ascertain the presence of any particular species, which has no bearing on the exemption determination.

Public comments have been submitted urging the City to find that the project site constitutes habitat for protected species largely based on several protected species that were purportedly observed on, or located in the vicinity of, the project area. The mere sighting of a protected species, however, does not automatically designate an area as constituting habitat for that species. The City of Woodside, famously, attempted to designate the entirety of the City as mountain lion habitat in 2022, prompting a strong legal rebuke from the California Attorney General.[21] As noted therein, the definition of "habitat" is materially distinct from a species' "range." The fact that a species may be spotted at a particular location does not automatically infer that the location provides suitable habitat. The ornamental planting profile, infill location, and lack of any arrangement of native plants or other coherent indicators of habitat at 1130 Oxford all support the finding that the site is not habitat – even if the area falls within the extended urban range of certain protected and non-protected species. The letter from Shawn Smallwood to the Law Offices of Thomas N. Lippe, dated October 21, 2026, therefore fails to establish that the 1130 Oxford site constitutes habitat for any protected species given that its

[16] Civil Code § 1941.1.
[17] See Pub. Res. Code § 21080.66, subd. (a)(6), citing Gov. Code § 65913.4, subd. (a)(6).
[18] *Id.*, subd. (u).
[19] *Id.,* subd. (c)(3).
[20] *American Airlines, Inc. v. County of San Mateo* (1996) 12 Cal.4th 1110.
[21] https://oag.ca.gov/system/files/attachments/press-docs/AG%20Letter%20to%20Woodside%20re%20SB%209.pdf

conclusions are largely predicated in anecdotal species identification (i.e., their range) while ignoring any inquiry into the factors that would constitute a suitable habitat for those species.

In addition, public comment suggesting that the housing development may impact steelhead migration along Codornices Creek has no bearing on the AB 130 exemption. AB 130 requires the City to determine if the project is located on a site that "*is… habitat for protected species…*"[22] Adjacent land or creeks outside the project site are not relevant to that finding. In addition, the project is larger than one acre and state laws and regulations require that a storm water pollution prevention plan (SWPPP) be obtained prior to grading or major ground disturbance related to the project. The SWPPP will include extensive best management practices that will prevent sedimentation of local creeks related to project construction.

The project is <u>not</u> located within a delineated earthquake fault zone.

Public commenters alleging that the site lies within a delineated earthquake fault zone are either misinterpreting the GIS platform, or are misleading the City. As shown in **Attachment 3** to this letter, the project is located in a landslide zone, but not within an Alquist-Priolo earthquake fault zone. As a result, the City has no legal basis to deny the AB 130 exemption based on that purported finding.

* * *

Given the above, and the fact that there is no credible evidence in the record to warrant any other finding for this project, the applicant respectfully requests that the ZAB maintain the recommendation of the City's Planning Staff and find the demolition use permit exempt from CEQA pursuant to AB 130.[23] Thank you for considering these comments and the following attachments, which provide further support for the ZAB to find the demolition use permit exempt.

Sincerely,

Hanson Bridgett LLP

Robin R. Baral
Partner

RRB

cc: Farimah Brown, City Attorney

[22] Pub. Res. Code § 21080.66, subd. (a)(6), citing Gov. Code § 65913.4, subd. (a)(6).
[23] See, e.g., *Hilltop Grp., Inc. v. Cnty. of San Diego* (2024) 99 Cal.App.5th 890, 927, ruling that a local agency abused its discretion in unnecessarily directing a project to undergo further environmental review.

ATTACHMENT 1

Untenantable Checklist

1130 Oxford Street, Berkeley, CA 94707

Untenantable Conditions under Cal. Civil Code § 1941.1

Former Oxford Elementary School site | Owner: 1130 Oxford LLC | Prepared October 30, 2026

Summary. Under § 1941.1(a), a building is untenantable if it substantially lacks any one of the listed standard characteristics. This code only requires tenantability for dwelling units, regardless, the property fails 10/11 required standards. The buildings were built and used as a public school, have never contained dwelling units, and have been vacant since the Berkeley Unified School District closed the campus. The owner has shut off electrical service and boarded up the access points; gas is disconnected.

§ 1941.1(a) standard	Condition at 1130 Oxford Street	Status
(1) Waterproofing and weather protection of roof and exterior walls, incl. unbroken windows and doors	• Roof leaks and water intrusion into the buildings. • Broken windows; window and door openings are boarded over to stop entry rather than repaired.	**Untentantable**
(2) Plumbing or gas facilities maintained in good working order	• Gas service has been disconnected by PG&E. • Plumbing damaged by vandalism; not maintained in working order.	**Untentantable**
(3) Water supply producing hot and cold running water to fixtures, connected to approved sewage disposal	• No hot water at any fixture (gas off; no working water heater).	**Untentantable**
(4) Heating facilities maintained in good working order	• Heating system is not operational.	**Untentantable**
(5) Electrical lighting, wiring and equipment maintained in good working order	• Electrical service has been turned off by the owner; no lighting or power anywhere in the buildings. • Wiring and fixtures damaged by vandalism.	**Untentantable**
(6) Building and grounds clean, sanitary, and free of debris, filth, rubbish, garbage, rodents and vermin	• Accumulated debris inside the buildings. • Rodent / vermin activity.	**Untentantable**
(7) Adequate garbage and rubbish receptacles in clean condition and good repair	• No residential garbage or rubbish receptacles serve the buildings.	**Untentantable**
(8) Floors, stairways and railings maintained in good repair	• Floors, stairs and railings are in disrepair.	**Untentantable**
(9) Locking mail receptacle for each unit (residential hotels)	• Not a residential hotel; no residential units and no residential mail receptacles exist.	**N/A — none exist**
(10) Stove in good working order, capable of safely generating heat for cooking	• The buildings contain no residential kitchens.	**Untentantable**
(11) Refrigerator in good working order, capable of safely storing food	• No residential kitchens.	**Untentantable**

ATTACHMENT 2

Biological Resources Memorandum

FCS
An ADEC Innovation

Memorandum

Date: November 3, 2026

To: JP Walsh, CFA Partner
1130 Oxford LLC

From: Robert Carroll, Senior Biologist
Hannah Carney, Managing Biologist

Subject: Biological Resources Memorandum for the Proposed Berkeley Oxford Project, City of Berkely, California

1130 Oxford LLC (project applicant) is pursuing an exemption from the California Environmental Quality Act (CEQA) under Assembly Bill (AB) 130. The project applicant has requested that FirstCarbon Solutions (FCS) conduct a literature review, field survey, and subsequent analysis of whether the proposed project is consistent with the criteria for biological resources to qualify for the statutory exemption. Specifically, FCS Biologists determined whether the project site has suitable habitat for any listed or candidate species; whether the project site is identified for conservation or natural resource protection under an adapted Habitat Conservation Plan (HCP), Natural Resource Protection Plan (NCCP); or whether the project site has wetlands, or other designated sensitive habitats. This memorandum summarizes biological resources in the context of the AB 130 exemption for the proposed Berkeley Oxford Project (proposed project).

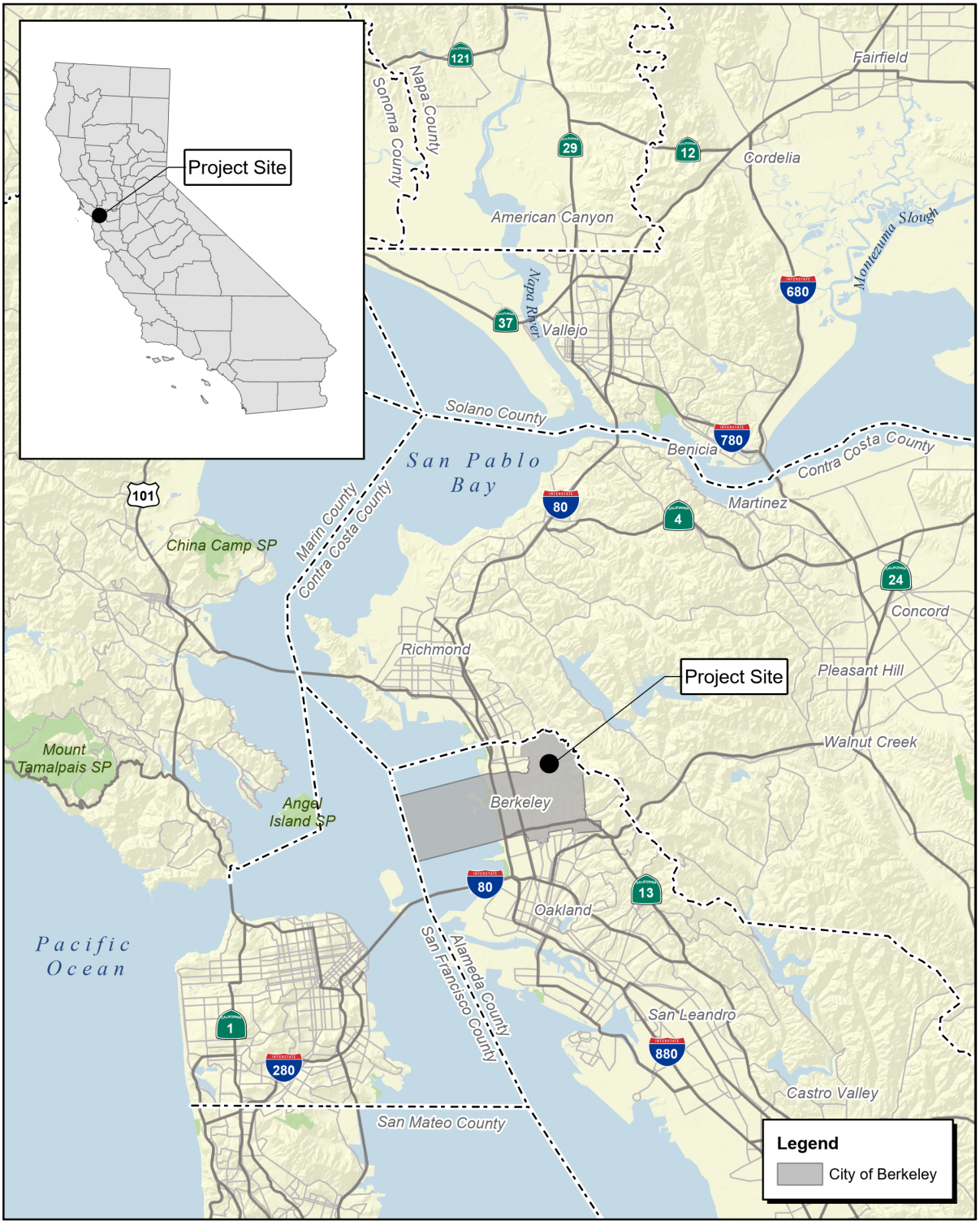
PROJECT LOCATION

The approximate 1.26-acre project site is located at Assessor's Parcel Number (APN) 61-2558-17. The project site is located at 1130 Oxford Street in the City of Berkeley (City), California (Exhibit 1). Existing land uses surrounding the project site include dense residential development on all sides with Walnut Street along the western boundary, Oxford Street along the eastern boundary, and Oxford School Way walkway along the northern boundary (Exhibit 2).

PROJECT DESCRIPTION

The project applicant proposes to construct 31 single-family residential homes. The proposed project includes demolition of the existing 3-story school building, playground areas, and the removal of existing ornamental vegetation on-site.

BERKELEY OXFORD PROJECT
BIOLOGICAL RESOURCES MEMORANDUM

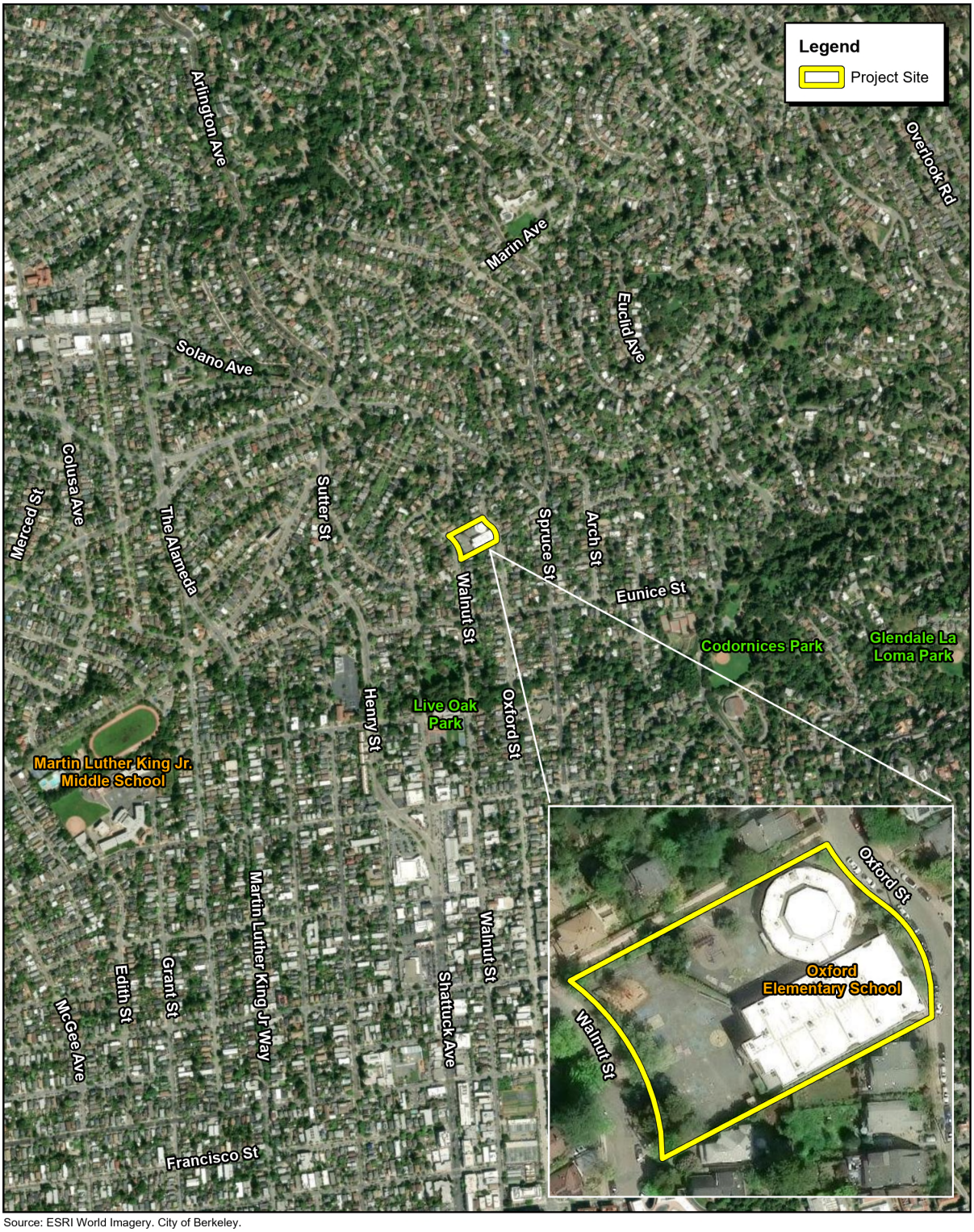


Source: Census Data. The California Spatial Information Library (CaSIL). Alameda County.

5 2.5 0 5
Miles

Exhibit 1
Regional Location Map

BERKELEY OXFORD PROJECT
BIOLOGICAL RESOURCES MEMORANDUM



Source: ESRI World Imagery. City of Berkeley.

1,000 500 0 1,000
Feet

Exhibit 2
Local Vicinity Map

REGULATORY FRAMEWORK

AB 130, codified in relevant part at Public Resources Code Section 21080.66, establishes a statutory exemption from CEQA for qualifying infill housing development projects.

Application of the exemption, however, is subject to the exclusions identified in Government Code Section 65913.4(a)(6). The three biological conditions most directly relevant to biological eligibility review evaluated by FCS in this memorandum are:

1. The site does not contain habitat for species identified as candidate, sensitive, or species of special-status by State or federal agencies; fully protected species; or species protected under the federal Endangered Species Act, California Endangered Species Act (CESA), or Native Plant Protection Act, as described by Government Code Section 65913.4(a)(6)(J);
2. The site does not contain lands identified for conservation or receives protections under an adopted NCCP, HCP, or other adopted natural resource protection plan, pursuant to Government Code Section 65913.4(a)(6)(I); and
3. The site does not contain, or is located adjacent to any wetlands, as identified by the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory, Clean Water Act, and Government Code Section 65913.4(a)(6)(C).

It should be noted that a site may exhibit evidence of transient protected species; however, it may not contain suitable features that support a recognized life-history function of the species, such as reproduction, feeding/foraging, cover, or migration, sufficient to be considered "habitat" subject to the exclusion under the AB 130 exemption. For purposes of this analysis, habitat is considered present where the site contains species-specific physical or biological features capable of supporting one or more of these functions, as assessed through the literature review, field observations, and consideration of the species' ecological requirements.

METHODS

Analysis of the biological resources associated with the project site entailed a literature review and reconnaissance-level field survey to document existing site conditions and identify biological resource constraints, including if the project site provides habitat for any listed or candidate species; whether the project site is identified for conservation or natural resource protection under an adopted HCP or NCCP; whether the project site has wetlands, or other designated sensitive habitats.

Literature Review

During the literature review, FCS Biologists reviewed topographic maps, recent and historic aerial imagery, and special-status species observation databases, as detailed below.

Topographic Maps and Aerial Photographs

An FCS Biologist reviewed current topographic maps and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations.[1] Aerial photographs were reviewed to provide a perspective of site conditions relative to on-site and off-site land uses, preliminary plant community locations, and potential locations of wildlife movement corridors.

Special-status Species Database Search

An FCS Biologist reviewed the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), the USFWS Information for Planning and Consultation (IPaC) system, and the California Native Plant Society (CNPS) Inventory of Rare Plants (CNPS Inventory). The CNDDB and CNPS Inventory database reviews were performed for the *Richmond, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles.[2,3,4]

Reconnaissance-level Field Survey

FCS Biologist Hannah Carney conducted a reconnaissance-level field survey of the project site on October 28, 2026, between 11:00 a.m. and 12:00 p.m. Professional qualifications for Ms. Carney can be found in Attachment A. The objective of the survey was to assess and characterize the biological conditions on the project site, including a determination of presence or absence of special-status plant or wildlife species habitats and wetland features. During the survey, Ms. Carney identified plants, wildlife, communities, and land use(s) on-site, characterized existing biological conditions, identified potential jurisdictional waters or wetlands, and searched for evidence of habitat for special-status species. Representative photographs of the project site are provided in Attachment B.

RESULTS

Existing Conditions

The entire project site consists of previously developed land, which includes a former elementary school and associated empty buildings, playgrounds, and ornamental vegetation consisting of trees, shrubs, and grasses (Exhibit 3).

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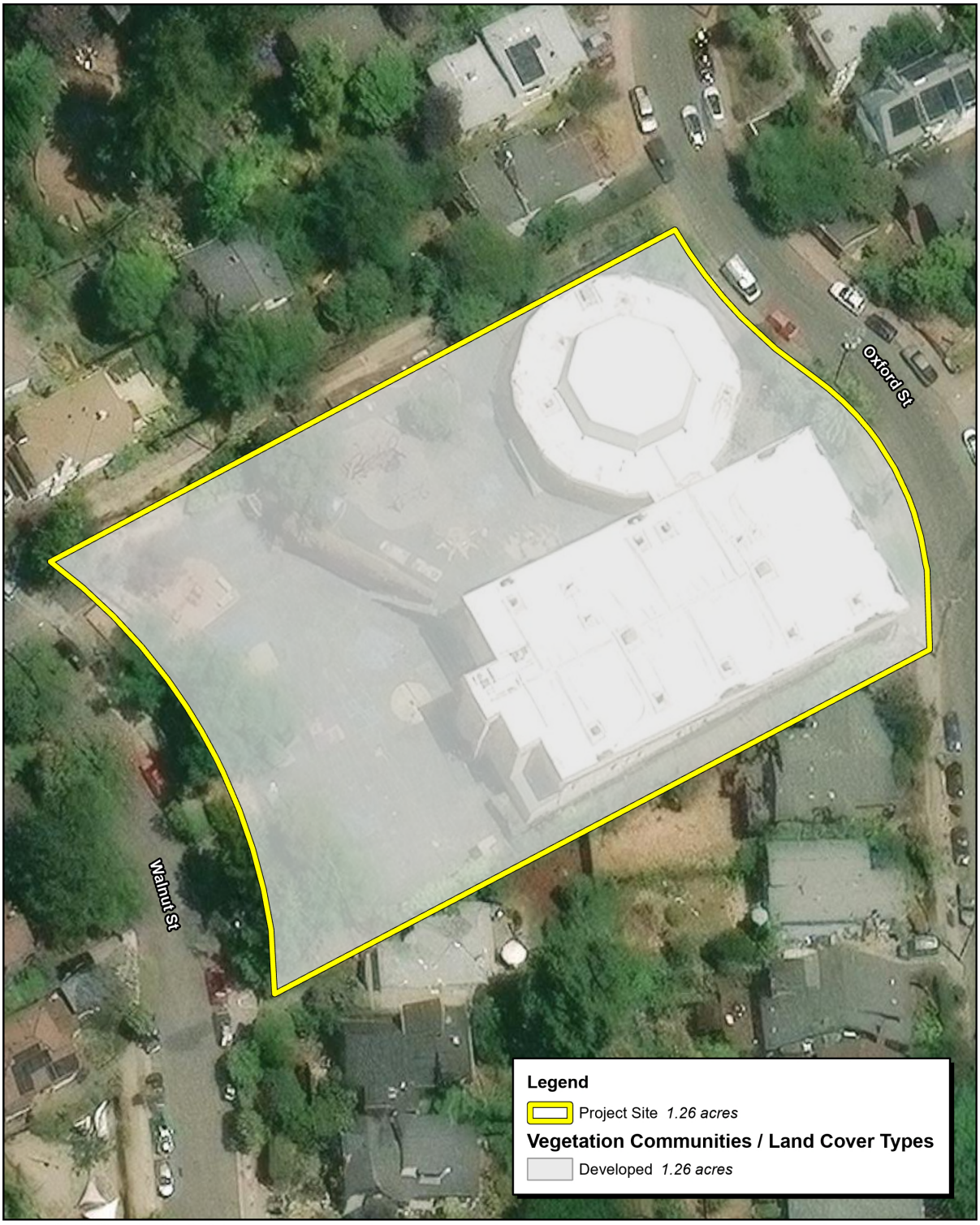
1 United States Environmental Protection Agency (EPA). 2026. Watershed Assessment, Tracking, and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed October 28, 2026.

2 California Department of Fish and Wildlife (CDFW). 2026. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed October 28, 2026.

3 United States Fish and Wildlife Service (USFWS). 2026. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed October 28, 2026.

4 California Native Plant Society (CNPS). 2026. CNPS Inventory of Rare Plant (CNPS Inventory). Website: http://www.rareplants.cnps.org/. Accessed October 28, 2026.

BERKELEY OXFORD PROJECT
BIOLOGICAL RESOURCES MEMORANDUM



Source: ESRI World Imagery. City of Berkeley.

50 25 0 50
Feet

Exhibit 3
Vegetation Communities / Land Cover Types Map

The project site and immediate vicinity have been developed for several decades while the property has been occupied by the previous elementary school since 1911 with the existing building constructed in 1965.[5]

On-site trees observed included blue elderberry (*Sambucus cerulea*), California pepper tree (*Schinus molle*), plum (*Prunus sp.*), Eastern redbud (*Cercis canadensis*), apple tree (*Malus domestica*), pear tree (*Pyrus communis*), loquat (*Eriobotrya japonica*), sweetgum (*Liquidambar styraciflua*), Bradford pear (*Pyrus calleryana*), acacia (*Acacia* sp.), curly willow (*Salix matsudana*), and phoenix palm (*Phoenix* sp.). Other ornamental vegetation observed include English ivy (*Hedera helix*), butterfly bush (*Buddleja sp.*), juniper (*Juniperus communis*), pittosporum (*Pittosporum* sp.), wild oat (Avena fatua), brome (*Bromus sp.*), sunflower (*helianthus annuus*), trumpet vine (*Campsis radicans*), Pacific iris (*iris sp.*), Canadian horseweed (*Erigeron canadensis*), prickly lettuce (*Lactuca serriola*), toyon (*Heteromeles arbutifolia*), and glossy abelia (*Abelia grandifolia*).

There are no potentially jurisdictional features or wetland features located on the project site.

Common Wildlife

The site may provide habitat for generalist and opportunistic wildlife species that are able to tolerate high levels of habitat fragmentation and human disturbance. Trees, shrubs, structures, and ground surfaces on-site and in the immediate vicinity could provide potential nesting opportunities for common migratory or resident birds tolerant of these conditions; however, there is no suitable habitat or remanent nests on-site for special-status birds.

Species observed on-site during the field survey included species commonly found in anthropogenic influenced environments, such as Anna's hummingbird (*Calypte anna*), lesser goldfinch (*Spinus psaltria*), black phoebe (*Sayornis nigricans*), white-crowned sparrow (*Zonotrichia leucophrys*), oak titmouse (*Baeolophus inornatus*), ruby-crowned kinglet (*Corthylio calendula*), house finch (*Haemorhous mexicanus*), Bewick's wren (*Thryomanes bewickii*), American crow (*Corvus brachyrhynchos*), chestnut-backed chickadee (*Poecile rufescens*), golden-crowned sparrow (*Zonotrichia atricapilla*), Townsend's warbler (*Setophaga townsendi*), song sparrow (*Melospiza melodia*), and dark-eyed junco (*Junco hyemalis*). Additionally, an individual transient monarch butterfly and cabbage white butterfly were observed adjacent to the project site.

Special-status Species

A review of the CNDDB, CNPS Rare Plant Inventory, and IPaC determined that there are no documented records of special-status plant and wildlife species on or adjacent to the project site. A full list of special-status species database query results is provided in Attachment C. Results of the literature review is further described below.

[5] Netronline. 2026. Historic Aerials. Website: https://www.historicaerials.com. Accessed October 27, 2026.

Special-status Plant Species

Ninety-eight special-status plants have been documented in the vicinity of the project site (Attachment C). There are no documented records of special-status plant species on or within the immediate vicinity of the site. The urbanized nature of the project site and its surrounding uses do not provide suitable habitat for any of these special-status plant species.

Special-status Wildlife Species

Seventy-seven special-status wildlife species have been documented in project vicinity (Attachment C). Four occurrences of Cooper's hawk (*Astur cooperii*) have been recorded within the project vicinity, the most recent in 2014, located in Contra Costa County; however, there are no documented records for Cooper's hawk on or within the immediate vicinity of the project site. Nests of Cooper's hawk are protected by federal and State laws. The closest observed nest for Cooper's hawk, a species known to utilize urbanized areas with suitable trees, is located 5.3 miles south of the project site. Several trees were documented on and adjacent to the project site, but these trees did not appear suitable for use by nesting raptors and there were no stick nests characteristic of raptor nests within these trees. Therefore, the project site does not currently have nesting habitat for the Cooper's hawk.

One special-status wildlife species, monarch butterfly (*Danaus plexippus plexippus*), was detected adjacent to the site along Oxford School Way during the October 28, 2026, field survey. The observation consisted of one individual butterfly that was traversing the site. Overwintering sites of this species, where many thousands of butterflies congregate during winter migrations, are typically located in groves featuring large trees such as eucalyptus trees. A potential and unverified overwintering site for monarch butterflies is located approximately 0.80 mile southwest of the project site according to the Western Monarch Count.[6] The closest verified monarch butterfly overwintering site is located 1.6 miles west of the site. There are no eucalyptus trees or suitable groves present on or directly adjacent to the project site that would provide suitable overwintering habitat; therefore, the project site does not have overwintering habitat for monarch butterflies.

Existing site conditions are characterized by developed land cover, including the general absence of native vegetation communities, the lack of hydrologic or ecological resources, and does not provide suitable habitat to support any listed or candidate species, nor do they contain the environmental constituents required for nesting, foraging, dispersal, or refuge for such species. Therefore, none of the special-status species identified in the review of the databases are known to occur on-site and are not expected occur due to the developed nature of the site and lack of suitable habitat.

CONCLUSIONS

The biological analysis and memorandum determined that the project site does not contain suitable features that support a recognized life-history function for any listed or candidate species, such as reproduction, feeding/foraging, cover, or migration sufficient to be considered "habitat" as contemplated under the site exceptions to the AB130 exemption. The project site does not contain any sensitive natural

[6] Xerces Society. 2026. Website: https://westernmonarchcount.org/map-of-overwintering-sites. Accessed October 28, 2026.

communities or locally significant vegetation types, and no jurisdictional waters, wetlands, or other aquatic features regulated under the Clean Water Act, Porter Cologne Act, or Section 1600 of the California Fish and Game Code are present. The project site is not located within the boundaries of any adopted HCP, NCCP, or other regional conservation program. Therefore, based on the literature review and field survey, none of the biological resource conditions evaluated in this memorandum would preclude the proposed project from qualifying for the AB 130 exemption.

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Attachment A:

Professional Qualifications

FCS



Hannah Carney, MAGD

Managing Biologist, Lead Arboriculturist

OVERVIEW

More than 10 years of experience

EDUCATION

Master of Agricultural Education, California Polytechnic State University, San Luis Obispo, CA, 2019

Single Subject Credential Program, Agriculture Education, California Polytechnic State University, San Luis Obispo, CA, 2019

Bachelor of Science, Dairy Science, Animal Husbandry and Education Concentration, Minor in Agricultural Education, California Polytechnic State University, San Luis Obispo, CA, 2018

CERTIFICATION

International Society of Arboriculture Certified Arborist, Credential ID WE-15232A, 2024–2027

PROFESSIONAL AFFILIATIONS

Member, North Coast Agriculture Partners, 2019–present

Member, California Agricultural Teachers' Association, 2018–present

Hannah Carney, MAGD, has more than 10 years of professional experience in providing environmental, sustainability, and compliance solutions services. She specializes in the agricultural and natural resources industry with extensive knowledge in arboriculture, urban forestry, and education and curriculum development. In addition, Ms. Carney is well versed in biological technical reports and CEQA and NEPA documentation, including the preparation of EIRs and IS/MNDs. She also conducts research, literature reviews, field monitoring, biological surveys, and arborist evaluations. Ms. Carney has experience managing and performing regulatory permitting pursuant to the jurisdiction of the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the US Army Corps of Engineers (USACE), and other local and regional agencies and organizations. Ms. Carney is also knowledgeable in project management tasks and client coordination.

Related Experience and Client Summary

- 2334 Lundy Place Project IS/MND, City of San José, CA
- Villages at the Quarry Project Consistency Checklist and Technical Studies, City of Pleasanton, CA
- FSRE Industrial Project EIR, Technical Studies, and Peer Review of Technical Studies, Contra Costa County, CA
- San Pablo Dam Road–La Honda Road Storm Drain and Erosion Project, Contra Costa County, CA
- San Pablo Dam Road Storm Drain Pavement Repair Project, Contra Costa County, CA
- CarMax Auto Superstore Project EIR and Technical Studies, City of Pleasant Hill, CA
- Sherburne Hills Residential Project EIR, Town of Danville, CA
- Martin Hills Ranch Residential Project EIR, Technical Studies, and Due Diligence Services, Town of Danville, CA
- Solid Waste and Recycling Transfer Station Replacement Project CEQA Compliance, City of Berkeley, CA
- Hidden Canyon Residences and Preserve Project EIR, City of Pleasanton, CA
- City of Pleasanton 2023–2031 (6th Cycle) Housing Element Update Program EIR, City of Pleasanton, CA
- Solano Ranch Project EIR and Technical Studies, City of Vallejo, CA
- 3 Transamerica Pyramid Center (545 Sansome Street) Project IS/MND, City and County of San Francisco, CA

Hannah Carney, MAGD

MANAGING BIOLOGIST, LEAD ARBORICULTURIST

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- New Fire Station No. 63 Consistency Checklist and Technical Analyses, City of South San Francisco, CA
- San Mateo Central Park Master Plan Updated IS/MND, City of San Mateo, CA
- Oak Hill Apartments Project EIR, Marin County, CA
- Yamane Warehouse Project CEQA Guidelines Sections 15168 and 15183 Consistency Checklist, City of Gilroy, CA
- Masson Estates Residential Project EIR, City of Saratoga, CA
- Esmeralda Alexander Valley Resort Plan Addendum, City of Cloverdale, CA
- Continuing Care Retirement Community Project Arborist Report, City of Healdsburg, CA
- Continuing Care Retirement Community Project Arborist Report, City of Petaluma, CA
- The Oaks at Foss Creek Project IS/MND, City of Healdsburg, CA
- Airport Village Multi-family Housing Project Arborist Report, City of Santa Rosa, CA
- Oakmont Senior Living Emerald Isle Skilled Nursing Facility Project IS/MND, City of Santa Rosa, CA
- Cora Creek Apartments 15168 and 15183 Consistency Checklist and Technical Analysis, Town of Windsor, CA
- Drive-thru Lanes Project, City of Scotts Valley, CA
- Salado Creek Maintenance Project CDFW Regulatory Permit Application, City of Patterson, CA
- Merced Gateway Master Plan Project EIR, City of Merced, CA
- Westside Industrial Project EIR, Kern County, CA
- 7421 Slauson Avenue Industrial Building CEQA Peer Review of Initial Study and Technical Studies, City of Commerce, CA
- W Avenue M and 10th Street W Warehouse Project Biological Monitoring and Permitting Services, City of Palmdale, CA
- Anaheim Ball Mixed-use Project IS/MND and Technical Studies, City of Anaheim, CA
- City of Anaheim General Plan Update Biological Resources and Cultural Resources Studies, City of Anaheim, CA
- Three-sided Electronic Billboard Project and Billboard Overlay Expansion (DA-21-1 and C-21-1) IS/ND and Technical Studies, City of Buena Park, CA
- Agua Mansa Logistics Center Regulatory Permitting, City of Colton, CA
- Agua Mansa Logistics Center Project Initial Study/15183 Consistency Checklist, City of Colton, CA
- Almond Street Extension Project CEQA Exemption Memorandum, City of Rancho Cucamonga, CA
- Etiwanda Tract 16072 Development Project As-needed Biological and Regulatory Services, City of Rancho Cucamonga, CA
- Warehouse Project BRA and Regulatory Permits, Town of Apple Valley, San Bernardino County, CA
- Highland Grove 5 Residential Project CEQA Services, Riverside County, CA
- The Trails at Corona Project EIR and Technical Studies, Riverside County, CA
- Horsethief-De Palma Project Regulatory Permitting Services, Riverside County, CA
- Highland Grove II Residential Project IS/MND and Technical Studies, Riverside County, CA
- Highland Grove 4 Residential Project Biological and Regulatory Support Services, Riverside County, CA

Hannah Carney, MAGD

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- Addendum to the Olivewood (formerly Heartland) Specific Plan EIR for the Potrero Boulevard Shopping Center, City of Beaumont, CA
- Addendum to the Desert Hot Springs General Plan EIR for Project Viento, City of Desert Hot Springs, CA
- Mapes and Sherman Warehouse Project IS/MND and Technical Studies, City of Menifee, CA
- Mitchell Townhomes Project EIR and Technical Studies, City of Walnut Creek, CA
- The Mill Residential Project IS/MND and Technical Studies, City of Anaheim, CA
- Lake Solano ADA Improvements Project CEQA Services, Solano County, CA
- Fairfield Justice Center Asset Protection Project IS/MND, Solano County, CA
- Gateway Property Initial Study/Consistency Checklist and Technical Studies, City of Dixon, CA
- SDG Commerce 220 Distribution Center Project EIR, City of American Canyon, CA
- Zinfandel Estate Subdivision 51-lot Single-family Residential IS/MND, City of Napa, CA
- Courtland Commons Residential Project Class 32 Exemption Report and Technical Studies, City of Napa, CA
- Willow Street Billboard Project IS/MND and Supporting Technical Studies, City of San José, CA
- Vineyards Project Biological Due Diligence Report, City of Saratoga, CA
- Avram Avenue GHG Emissions/Noise Reports, City of Rohnert Park, CA
- Dry Creek Road Cul-de-sac and Residential Project Class 32 Exemption and Technical Studies, City of San José, CA
- Lago Fresca Apartments Project Class 32 Exemption and Technical Studies, City of Santa Rosa, CA
- Southeast Development Area Specific Plan Environmental Analysis (RFQ No. 082820SC), City of Fresno, CA
- Ritchie Site Shirk & Riggin Industrial Park Project Technical Studies and Entitlement Support, City of Visalia, CA
- 1,906-acre Commercial Project Biological Services, City of Shafter, CA
- Digital Billboard IS/MND and Technical Studies, City of Baldwin Park, CA
- North Main Center EIR and Technical Studies, City of Carson, CA
- Griffith Battery Energy Storage System Project Class 32 Exemption and Technical Studies, City of Carson, CA
- Warehouse Project Biological/Tree Survey and Cultural Due Diligence, City of Tracy, CA
- 3701 North Pacific Place Self-storage Facility BRA and Compliance Studies, City of Long Beach, CA
- Palmdale Warehouse Project Regulatory Permitting Services, City of Palmdale, CA
- Addendum to the Final EIR No. 331 for the Gypsum Canyon Cemetery Project Peer Review, City of Anaheim, CA
- The City Drive Apartment Project IS/MND and Technical Studies, City of Orange, CA
- Highway 395 and Seneca Road Quick N Clean Car Wash Project IS/MND and Technical Studies, City of Adelanto, CA
- Campus Property Project BUOW Survey and Cultural Resources Assessment, City of Ontario, CA
- Song Property Residential Project Due Diligence, City of Redlands, CA
- Via Del Rio Residential Project Biological and Cultural Due Diligence, City of Corona, CA
- Orange Street Residential Development Project Due Diligence Services, City of Eastvale, CA
- Golden Meadows Property Regulatory Permitting, City of Menifee, CA

Hannah Carney, MAGD

MANAGING BIOLOGIST, LEAD ARBORICULTURIST

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- Salt Creek Tract 38625 Project IS/MND and Peer Review of Technical Studies, City of Menifee, CA
- Silverlakes Equestrian and Sports Park Project Update to EIR, City of Norco, CA
- Acacia Pointe Residential Project CEQA Services, City of Perris, CA
- Cornucopia Hybrid Solar Project Technical Studies, Fresno County, CA
- Truck Stop Project Initial Study and Technical Studies, Temescal Valley, Riverside County, CA
- Rancho Los Lagos Project Supplemental EIR and Technical Studies, City of Brawley, CA
- Southern California On-Call Biological and Regulatory Support Services, Southern California

Prior Work Experience

- Agriculture Science Department Head, Half Moon Bay High School, Half Moon Bay, CA
- Agriculture Curriculum Lead/Agriculture Science Specialist, San Mateo County Office of Education, City of Redwood City, CA
- Student Teacher, King City High School, King City, CA

Internships

- Environmental Analyst Intern, FirstCarbon Solutions, City of Walnut Creek, CA
- Veterinarian Intern, Dr. Edward Kennedy Jr. Veterinary Clinic, Town of Tollhouse, CA
- FFA South Coast Region Supervisor Intern, California Polytechnic State University, San Luis Obispo, CA

Other Prior Work Experience

- Assistant Baker, Decorator, and Retail and Advertisement Executive, Nothing Bundt Cakes, City of San Carlos, CA
- Swim Instructor, King’s Swim Academy, City of San Carlos, CA
- Veterinary Assistant, Dr. Edward Kennedy Jr. Veterinary Clinic, Town of Tollhouse, CA
- Plant Nursery Associate, Miner’s Ace Hardware, City of San Luis Obispo, CA
- Research Assistant, John Hannon Chiropractic Clinic, City of San Luis Obispo, CA
- Assistant Cook, Teton Valley Ranch Camp, Town of Dubois, WY

The International Society of Arboriculture

Hereby Announces That

Hannah Mae Carney

Has Earned the Credential

ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

8 March 2024	30 June 2027	WE-15232A
Issue Date	Expiration Date	Certification Number

ANAB
ANSI National Accreditation Board
ACCREDITED
ISO/IEC 17024
PERSONNEL CERTIFICATION BODY
#0847
ISA Certified Arborist

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Attachment B:

Site Photographs



Photograph 1: Northeast portion of project site. Fully disturbed/developed with ornamental vegetation.



Photograph 2: Eastern portion of the project site. Fully disturbed/developed with ornamental vegetation.



Photograph 3: Southeastern portion of the project site. Fully disturbed/developed with ornamental vegetation.



Photograph 4: Northeast portion of project site. Fully disturbed/developed with ornamental vegetation.



Photograph 5: Northwestern portion of project site. Fully disturbed/developed with ornamental vegetation.



Photograph 6: Western portion of the project site. Fully disturbed/developed with ornamental vegetation.



Photograph 7: Southwestern portion of the site. Fully disturbed/developed with ornamental vegetation.



Photograph 8: Southwestern portion of the site. Fully disturbed/developed with ornamental vegetation.



Photograph 9: Southern portion of the site. Fully disturbed/developed with ornamental vegetation.



Photograph 10: Central portion of site. Fully disturbed/developed with ornamental vegetation.

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Attachment C:

Special-status Species Database Query Results

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Richmond (3712283) OR San Quentin (3712284) OR Briones Valley (3712282) OR Mare Island (3812213) OR Oakland West (3712273) OR Petaluma Point (3812214) OR Benicia (3812212) OR San Francisco North (3712274) OR Oakland East (3712272))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Acipenser medirostris pop. 1 green sturgeon - southern DPS	AFCAA01031	Threatened	None	G2T1	S1	SSC
Actinemys marmorata northwestern pond turtle	ARAAD02031	Proposed Threatened	None	G2	SNR	SSC
Adela oplerella Opler's longhorn moth	IILEE0G040	None	None	G2	S2	
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Threatened	G3	S2	SSC
Ambystoma californiense pop. 1 California tiger salamander - central California DPS	AAAAA01181	Threatened	Threatened	G3T3	S3	WL
Amorpha californica var. napensis Napa false indigo	PDFAB08012	None	None	G4T2	S2	1B.2
Amsinckia lunaris bent-flowered fiddleneck	PDBOR01070	None	None	G3	S3	1B.2
Antrozous pallidus pallid bat	AMACC10010	None	None	G4	S3	SSC
Aphyllon robbinsii Robbins' broomrape	PDORO040Q0	None	None	G1	S1	1B.1
Aquila chrysaetos golden eagle	ABNKC22010	None	None	G5	S3	FP
Archoplites interruptus Sacramento perch	AFCQB07010	None	None	G1	S1	SSC
Arctostaphylos franciscana Franciscan manzanita	PDERI040J3	Endangered	None	GHC	S1	1B.1
Arctostaphylos montana ssp. ravenii Presidio manzanita	PDERI040J2	Endangered	Endangered	G3T1	S1	1B.1
Arctostaphylos pallida pallid manzanita	PDERI04110	Threatened	Endangered	G1	S1	1B.1
Ardea alba great egret	ABNGA04040	None	None	G5	S4	
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Arenaria paludicola marsh sandwort	PDCAR040L0	Endangered	Endangered	G1	S1	1B.1
Asio flammeus short-eared owl	ABNSB13040	None	None	G5	S2	SSC

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Astragalus tener var. tener alkali milk-vetch	PDFAB0F8R1	None	None	G2T1	S1	1B.2
Astur cooperii Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
Athene cunicularia burrowing owl	ABNSB10010	None	Candidate Endangered	G4	S2	SSC
Blepharizonia plumosa big tarplant	PDAST1C011	None	None	G1G2	S1S2	1B.1
Bombus caliginosus obscure bumble bee	IIHYM24380	None	None	G2G3	S1S2	
Bombus crotchii Crotch's bumble bee	IIHYM24480	None	Candidate Endangered	G2	S2	
Bombus occidentalis western bumble bee	IIHYM24252	None	Candidate Endangered	G3	S1	
Bombus pensylvanicus American bumble bee	IIHYM24260	None	None	G3G4	S2	
Branta hutchinsii leucopareia cackling (=Aleutian Canada) goose	ABNJB05035	Delisted	None	G5T3	S3	WL
Calochortus pulchellus Mt. Diablo fairy-lantern	PMLIL0D160	None	None	G2	S2	1B.2
Calochortus tiburonensis Tiburon mariposa-lily	PMLIL0D1C0	Threatened	Threatened	G1	S1	1B.1
Calystegia purpurata ssp. saxicola coastal bluff morning-glory	PDCON040D2	None	None	G4T2T3	S2S3	1B.2
Carex comosa bristly sedge	PMCYP032Y0	None	None	G5	S2	2B.1
Carex praticola northern meadow sedge	PMCYP03B20	None	None	G5	S2	2B.2
Castilleja affinis var. neglecta Tiburon paintbrush	PDSCR0D013	Endangered	Threatened	G4G5T1T2	S1	1B.2
Centromadia parryi ssp. congdonii Congdon's tarplant	PDAST4R0P1	None	None	G3T2	S2	1B.1
Chloropyron maritimum ssp. palustre Point Reyes salty bird's-beak	PDSCR0J0C3	None	None	G4?T2	S2	1B.2
Chloropyron molle ssp. molle soft salty bird's-beak	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2
Chorizanthe cuspidata var. cuspidata San Francisco Bay spineflower	PDPGN04081	None	None	G2T1	S1	1B.2
Chorizanthe robusta var. robusta robust spineflower	PDPGN040Q2	Endangered	None	G2T1	S1	1B.1
Cicindela hirticollis gravida sandy beach tiger beetle	IICOL02101	None	None	G5T2	S2	

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Cicuta maculata var. bolanderi Bolander's water-hemlock	PDAPI0M051	None	None	G5T4T5	S2?	2B.1
Circus hudsonius northern harrier	ABNKC11011	None	None	G5	S3	SSC
Cirsium andrewsii Franciscan thistle	PDAST2E050	None	None	G3	S3	1B.2
Cirsium hydrophilum var. vaseyi Mt. Tamalpais thistle	PDAST2E1G2	None	None	G2T2	S2	1B.2
Clarkia concinna ssp. automixa Santa Clara red ribbons	PDONA050A1	None	None	G5?T3	S3	4.3
Clarkia franciscana Presidio clarkia	PDONA050H0	Endangered	Endangered	G1	S1	1B.1
Coastal Brackish Marsh Coastal Brackish Marsh	CTT52200CA	None	None	G2	S2.1	
Coastal Terrace Prairie Coastal Terrace Prairie	CTT41100CA	None	None	G2	S2.1	
Collinsia corymbosa round-headed collinsia	PDSCR0H060	None	None	G1	S1	1B.2
Collinsia multicolor San Francisco collinsia	PDSCR0H0B0	None	None	G2	S2	1B.2
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G4	S2	SSC
Coturnicops noveboracensis yellow rail	ABNME01010	None	None	G4	S2	SSC
Danaus plexippus plexippus pop. 1 monarch - California overwintering population	IILEPP2012	Proposed Threatened	None	G4T1T2Q	S2	
Dicamptodon ensatus California giant salamander	AAAAH01020	None	None	G3	S2S3	SSC
Dipodomys heermanni berkeleyensis Berkeley kangaroo rat	AMAFD03061	None	None	G4T1	S2	
Dirca occidentalis western leatherwood	PDTHY03010	None	None	G2	S2	1B.2
Egretta thula snowy egret	ABNGA06030	None	None	G5	S4	
Elanus leucurus white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
Enhydra lutris nereis southern sea otter	AMAJF09012	Threatened	None	G4T2	S3	FP
Erethizon dorsatum North American porcupine	AMAFJ01010	None	None	G5	S3	
Eriogonum luteolum var. caninum Tiburon buckwheat	PDPGN083S1	None	None	G5T2	S2	1B.2

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Eryngium jepsonii Jepson's coyote-thistle	PDAPI0Z130	None	None	G2	S2	1B.2
Eucyclogobius newberryi tidewater goby	AFCQN04010	Endangered	None	G3	S3	SSC
Eumetopias jubatus Steller sea lion	AMAJC03010	Delisted	None	G3	S2	
Euphydryas editha bayensis Bay checkerspot butterfly	IILEPK4055	Threatened	None	G4G5T1	S3	
Extriplex joaquinana San Joaquin spearscale	PDCHE041F3	None	None	G2	S2	1B.2
Falco peregrinus anatum American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	
Fissidens pauperculus minute pocket moss	NBMUS2W0U0	None	None	G3?	S2	1B.2
Fritillaria liliacea fragrant fritillary	PMLIL0V0C0	None	None	G2	S2	1B.2
Geothlypis trichas sinuosa saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T3	S3	SSC
Gilia capitata ssp. chamissonis blue coast gilia	PDPLM040B3	None	None	G5T2	S2	1B.1
Gilia millefoliata dark-eyed gilia	PDPLM04130	None	None	G2	S2	1B.2
Gonidea angulata western ridged mussel	IMBIV19010	None	None	G3	S2	
Grindelia hirsutula var. maritima San Francisco gumplant	PDAST470D3	None	None	G5T1Q	S1	3.2
Haliaeetus leucocephalus bald eagle	ABNKC10010	Delisted	Endangered	G5	S3	FP
Helianthella castanea Diablo helianthella	PDAST4M020	None	None	G2	S2	1B.2
Helminthoglypta nickliniana bridgesi Bridges' coast range shoulderband	IMGASC2362	None	None	G3T1	S1S2	
Hemizonia congesta ssp. congesta congested-headed hayfield tarplant	PDAST4R0W1	None	None	G5T2	S2	1B.2
Hesperolinon congestum Marin western flax	PDLIN01060	Threatened	Threatened	G1	S1	1B.1
Heteranthera dubia water star-grass	PMPON03010	None	None	G5	S2	2B.2
Hoita strobilina Loma Prieta hoita	PDFAB5Z030	None	None	G2?	S2?	1B.1
Holocarpha macradenia Santa Cruz tarplant	PDAST4X020	Threatened	Endangered	G1	S1	1B.1

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Horkelia cuneata var. sericea Kellogg's horkelia	PDROS0W043	None	None	G4T1?	S1?	1B.1
Hydroprogne caspia Caspian tern	ABNNM08020	None	None	G5	S4	
Hypogymnia schizidiata island tube lichen	NLT0032640	None	None	G2G3	S2	1B.3
Hypomesus transpacificus Delta smelt	AFCHB01040	Threatened	Endangered	G1	S1	
Icaricia icarioides missionensis Mission blue butterfly	IILEPG801A	Endangered	None	G5T2	S2	
Icaricia icarioides pheres Pheres blue butterfly	IILEPG8019	None	None	G5TX	SX	
Isocoma arguta Carquinez goldenbush	PDAST57050	None	None	G1	S1	1B.1
Lasionycteris noctivagans silver-haired bat	AMACC02010	None	None	G4	S3S4	
Lasiurus cinereus hoary bat	AMACC05032	None	None	G3G4	S4	
Lasiurus frantzii western red bat	AMACC05080	None	None	G4	S3	SSC
Lasthenia conjugens Contra Costa goldfields	PDAST5L040	Endangered	None	G1	S1	1B.1
Laterallus jamaicensis coturniculus California black rail	ABNME03041	None	Threatened	G3T1	S2	FP
Lathyrus jepsonii var. jepsonii Delta tule pea	PDFAB250D2	None	None	G5T2	S2	1B.2
Lavinia exilicauda exilicauda Sacramento hitch	AFCJB19012	None	None	G4T3	S3	SSC
Layia carnosa beach layia	PDAST5N010	Threatened	Endangered	G2	S2	1B.1
Leptosiphon rosaceus rose leptosiphon	PDPLM09180	None	None	G1	S1	1B.1
Lessingia germanorum San Francisco lessingia	PDAST5S010	Endangered	Endangered	G1	S1	1B.1
Lichnanthe ursina bumblebee scarab beetle	IICOL67020	None	None	G2	S2	
Lilaeopsis masonii Mason's lilaeopsis	PDAPI19030	None	Rare	G2	S2	1B.1
Masticophis lateralis euryxanthus Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2	
Meconella oregana Oregon meconella	PDPAP0G030	None	None	G2	S2	1B.1

Selected Elements by Scientific Name

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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Melospiza melodia maxillaris Suisun song sparrow	ABPBXA301K	None	None	G5T3	S2	SSC
Melospiza melodia pusillula Alameda song sparrow	ABPBXA301S	None	None	G5T2T3	S2	SSC
Melospiza melodia samuelis San Pablo song sparrow	ABPBXA301W	None	None	G5T2	S2	SSC
Microcina leei Lee's micro-blind harvestman	ILARA47040	None	None	G1	S1	
Microcina tiburona Tiburon micro-blind harvestman	ILARA47060	None	None	G2	S2	
Microseris paludosa marsh microseris	PDAST6E0D0	None	None	G2	S2	1B.2
Microtus californicus sanpabloensis San Pablo vole	AMAFF11034	None	None	G5T1T2	S1S2	SSC
Monolopia gracilens woodland woollythreads	PDAST6G010	None	None	G3	S3	1B.2
Nannopterum auritum double-crested cormorant	ABNFD01020	None	None	G5	S4	WL
Neotoma fuscipes annectens San Francisco dusky-footed woodrat	AMAFF08082	None	None	G5T2T3	S2S3	
Northern Coastal Salt Marsh Northern Coastal Salt Marsh	CTT52110CA	None	None	G3	S3.2	
Northern Maritime Chaparral Northern Maritime Chaparral	CTT37C10CA	None	None	G1	S1.2	
Nycticorax nycticorax black-crowned night heron	ABNGA11010	None	None	G5	S4	
Nyctinomops macrotis big free-tailed bat	AMACD04020	None	None	G5	S3	SSC
Pandion haliaetus osprey	ABNKC01010	None	None	G5	S4	WL
Pentachaeta bellidiflora white-rayed pentachaeta	PDAST6X030	Endangered	Endangered	G1	S1	1B.1
Plagiobothrys chorisianus var. chorisianus Choris' popcornflower	PDBOR0V061	None	None	G3T1Q	S1	1B.2
Plagiobothrys diffusus San Francisco popcornflower	PDBOR0V080	None	Endangered	G1Q	S1	1B.1
Plagiobothrys glaber hairless popcornflower	PDBOR0V0B0	None	None	GX	SX	1A
Pleuropogon hooverianus North Coast semaphore grass	PMPOA4Y070	None	Threatened	G2	S2	1B.1
Pogonichthys macrolepidotus Sacramento splittail	AFCJB34020	None	None	G3	S3	SSC

Selected Elements by Scientific Name

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Polemonium carneum Oregon polemonium	PDPLM0E050	None	None	G3G4	S2	2B.2
Polygonum marinense Marin knotweed	PDPGN0L1C0	None	None	G2	S2	3.1
Pomatiopsis californica Pacific walker	IMGASJ9020	None	None	G1	S1	
Rallus obsoletus obsoletus California Ridgway's rail	ABNME05011	Endangered	Endangered	G3T1	S2	FP
Rana boylii pop. 4 foothill yellow-legged frog - central coast DPS	AAABH01054	Threatened	Endangered	G3T2	S2	
Rana draytonii California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Reithrodontomys raviventris salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S3	FP
Riparia riparia bank swallow	ABPAU08010	None	Threatened	G5	S3	
Sanicula maritima adobe sanicle	PDAPI1Z0D0	None	Rare	G2	S2	1B.1
Scapanus latimanus insularis Angel Island mole	AMABB02032	None	None	GNRT1	S2?	
Scapanus latimanus parvus Alameda Island mole	AMABB02031	None	None	GNRT1	SH	SSC
Senecio aphanactis chaparral ragwort	PDAST8H060	None	None	G3	S2	1B.2
Serpentine Bunchgrass Serpentine Bunchgrass	CTT42130CA	None	None	G2	S2.2	
Silene verecunda ssp. verecunda San Francisco campion	PDCAR0U213	None	None	G5T1	S1	1B.2
Sorex ornatus sinuosus Suisun shrew	AMABA01103	None	None	G5T1T2Q	S1S2	SSC
Sorex vagrans halicoetes salt-marsh wandering shrew	AMABA01071	None	None	G5T1	S1	SSC
Sorex vagrans paludivagus Monterey vagrant shrew	AMABA01072	None	None	G5T1	S2	
Spergularia macrotheca var. longistyla long-styled sand-spurrey	PDCAR0W062	None	None	G5T2	S2	1B.2
Speyeria callippe callippe callippe silverspot butterfly	IILEPJ6091	Endangered	None	G5T1	S1	
Spirinchus thaleichthys pop. 2 longfin smelt - San Francisco Bay-Delta DPS	AFCHB03040	Endangered	Threatened	G5TNRQ	S1	
Stebbinsoseris decipiens Santa Cruz microseris	PDAST6E050	None	None	G2	S2	1B.2

Selected Elements by Scientific Name

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California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Sternula antillarum browni California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
Streptanthus albidus ssp. peramoenus most beautiful jewelflower	PDBRA2G012	None	None	G2T2	S2	1B.2
Streptanthus glandulosus ssp. niger Tiburon jewelflower	PDBRA2G0T0	Endangered	Endangered	G4T1	S1	1B.1
Stuckenia filiformis ssp. alpina northern slender pondweed	PMPOT03091	None	None	G5T5	S2S3	2B.2
Suaeda californica California seablite	PDCHE0P020	Endangered	None	G1	S1	1B.1
Symphyotrichum lentum Suisun Marsh aster	PDASTE8470	None	None	G2	S2	1B.2
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC
Thaleichthys pacificus eulachon	AFCHB04010	Threatened	None	G4	S1	SSC
Trachusa gummifera San Francisco Bay Area leaf-cutter bee	IIHYM80010	None	None	G1	S1	
Trifolium amoenum two-fork clover	PDFAB40040	Endangered	None	G1	S1	1B.1
Trifolium hydrophilum saline clover	PDFAB400R5	None	None	G2	S2	1B.2
Triphysaria floribunda San Francisco owl's-clover	PDSCR2T010	None	None	G2?	S2?	1B.2
Triquetrella californica coastal triquetrella	NBMUS7S010	None	None	G2	S2	1B.2
Tryonia imitator mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	
Valley Needlegrass Grassland Valley Needlegrass Grassland	CTT42110CA	None	None	G3	S3.1	
Vespericola marinensis Marin hesperian	IMGASA4140	None	None	G2	S2	
Viburnum ellipticum oval-leaved viburnum	PDCPR07080	None	None	G4G5	S3	2B.3
Xanthocephalus xanthocephalus yellow-headed blackbird	ABPBXB3010	None	None	G5	S3	SSC

Record Count: 162

CALIFORNIA NATIVE PLANT SOCIETY

98 results · Quads: 3712283, 3712284, 3712282, 3812213, 3712273, 3812214, 3812212, 3712274, 3712272 • CBR: Excluded

Scientific Name	Common Name	Family	Lifeform	Blooming Period	Fed List	State List	Global Rank	State Rank	CA Rare Plant Rank
Amorpha californica var. napensis	Napa false indigo	Fabaceae	perennial deciduous shrub	Apr-Jul	None	None	G4T2	S2	1B.2
Amsinckia lunaris	bent-flowered fiddleneck	Boraginaceae	annual herb	Mar-Jun	None	None	G3	S3	1B.2
Androsace elongata ssp. acuta	California androsace	Primulaceae	annual herb	Mar-Jun	None	None	G5?T3T4	S3S4	4.2
Aphyllon robbinsii	Robbins' broomrape	Orobanchaceae	annual herb (achlorophyllous)	Apr-Jul	None	None	G1	S1	1B.1
Arabis blepharophylla	coast rockcress	Brassicaceae	perennial herb	Feb-May	None	None	G4	S4	4.3
Arctostaphylos franciscana	Franciscan manzanita	Ericaceae	perennial evergreen shrub	Feb-Apr	FE	None	GHC	S1	1B.1
Arctostaphylos montana ssp. ravenii	Presidio manzanita	Ericaceae	perennial evergreen shrub	Feb-Mar	FE	CE	G3T1	S1	1B.1
Arctostaphylos pallida	pallid manzanita	Ericaceae	perennial evergreen shrub	Dec-Mar	FT	CE	G1	S1	1B.1
Arenaria paludicola	marsh sandwort	Caryophyllaceae	perennial stoloniferous herb	May-Aug	FE	CE	G1	S1	1B.1
Aspidotis carlotta-halliae	Carlotta Hall's lace fern	Pteridaceae	perennial rhizomatous herb	Jan-Dec	None	None	G3	S3	4.2
Astragalus nuttallii var. nuttallii	ocean bluff milk-vetch	Fabaceae	perennial herb	Jan-Nov	None	None	G4T4	S4	4.3
Astragalus tener var. tener	alkali milk-vetch	Fabaceae	annual herb	Mar-Jun	None	None	G2T1	S1	1B.2
Blepharizonia plumosa	big tarplant	Asteraceae	annual herb	Jul-Oct	None	None	G1G2	S1S2	1B.1
Calamagrostis ophitidis	serpentine reed grass	Poaceae	perennial herb	Apr-Jul	None	None	G3	S3	4.3
Calochortus pulchellus	Mt. Diablo fairy-lantern	Liliaceae	perennial bulbiferous herb	Apr-Jun	None	None	G2	S2	1B.2
Calochortus tiburonensis	Tiburon mariposa-lily	Liliaceae	perennial bulbiferous herb	Mar-Jun	FT	CT	G1	S1	1B.1
Calochortus umbellatus	Oakland star-tulip	Liliaceae	perennial bulbiferous herb	Mar-May	None	None	G3?	S3?	4.2
Calystegia purpurata ssp. saxicola	coastal bluff morning-glory	Convolvulaceae	perennial herb	(Mar)Apr-Sep	None	None	G4T2T3	S2S3	1B.2
Carex comosa	bristly sedge	Cyperaceae	perennial rhizomatous herb	May-Sep	None	None	G5	S2	2B.1
Carex praticola	northern meadow sedge	Cyperaceae	perennial herb	May-Jul	None	None	G5	S2	2B.2
Castilleja affinis var. neglecta	Tiburon paintbrush	Orobanchaceae	perennial herb (hemiparasitic)	Apr-Jun	FE	CT	G4G5T1T2	S1	1B.2
Castilleja ambigua var. ambigua	johnny-nip	Orobanchaceae	annual herb (hemiparasitic)	Mar-Aug	None	None	G5T4	S3S4	4.2
Centromadia parryi ssp. congdonii	Congdon's tarplant	Asteraceae	annual herb	(Apr)May-Oct(Nov)	None	None	G3T2	S2	1B.1
Chloropyron maritimum ssp. palustre	Point Reyes salty bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jun-Oct	None	None	G4?T2	S2	1B.2
Chloropyron molle ssp. molle	soft salty bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jun-Nov	FE	CR	G2T1	S1	1B.2
Chorizanthe cuspidata var. cuspidata	San Francisco Bay spineflower	Polygonaceae	annual herb	Apr-Jul(Aug)	None	None	G2T1	S1	1B.2
Chorizanthe robusta var. robusta	robust spineflower	Polygonaceae	annual herb	Apr-Sep	FE	None	G2T1	S1	1B.1
Cicuta maculata var. bolanderi	Bolander's water-hemlock	Apiaceae	perennial herb	Jul-Sep	None	None	G5T4T5	S2?	2B.1
Cirsium andrewsii	Franciscan thistle	Asteraceae	perennial herb	Mar-Jul	None	None	G3	S3	1B.2
Cirsium hydrophilum var. vaseyi	Mt. Tamalpais thistle	Asteraceae	perennial herb	May-Aug	None	None	G2T2	S2	1B.2
Clarkia concinna ssp. automixa	Santa Clara red ribbons	Onagraceae	annual herb	(Apr)May-Jun(Jul)	None	None	G5?T3	S3	4.3
Clarkia franciscana	Presidio clarkia	Onagraceae	annual herb	May-Jul	FE	CE	G1	S1	1B.1
Collinsia corymbosa	round-headed collinsia	Plantaginaceae	annual herb	Apr-Jun	None	None	G1	S1	1B.2
Collinsia multicolor	San Francisco collinsia	Plantaginaceae	annual herb	(Feb)Mar-May	None	None	G2	S2	1B.2
Collomia diversifolia	serpentine collomia	Polemoniaceae	annual herb	May-Jun	None	None	G4	S4	4.3

Scientific Name	Common Name	Family	Lifeform	Blooming Period	Fed List	State List	Global Rank	State Rank	CA Rare Plant Rank
Dirca occidentalis	western leatherwood	Thymelaeaceae	perennial deciduous shrub	Jan-Mar(Apr)	None	None	G2	S2	1B.2
Equisetum palustre	marsh horsetail	Equisetaceae	perennial rhizomatous herb		None	None	G5	S1S3	3
Eriogonum luteolum var. caninum	Tiburon buckwheat	Polygonaceae	annual herb	May-Sep	None	None	G5T2	S2	1B.2
Eryngium jepsonii	Jepson's coyote-thistle	Apiaceae	perennial herb	Apr-Aug	None	None	G2	S2	1B.2
Erysimum franciscanum	San Francisco wallflower	Brassicaceae	perennial herb	Mar-Jun	None	None	G3	S3	4.2
Erythranthe laciniata	cut-leaved monkeyflower	Phrymaceae	annual herb	Apr-Jul	None	None	G4	S4	4.3
Erythranthe nudata	bare monkeyflower	Phrymaceae	annual herb	May-Jun	None	None	G4	S4	4.3
Extriplex joaquinana	San Joaquin spearscale	Amaranthaceae	annual herb	Apr-Oct	None	None	G2	S2	1B.2
Fissidens pauperculus	minute pocket moss	Fissidentaceae	moss		None	None	G3?	S2	1B.2
Fritillaria liliacea	fragrant fritillary	Liliaceae	perennial bulbiferous herb	Feb-Apr	None	None	G2	S2	1B.2
Gilia capitata ssp. chamissonis	blue coast gilia	Polemoniaceae	annual herb	Apr-Jul	None	None	G5T2	S2	1B.1
Gilia millefoliata	dark-eyed gilia	Polemoniaceae	annual herb	Apr-Jul	None	None	G2	S2	1B.2
Grindelia hirsutula var. maritima	San Francisco gumplant	Asteraceae	perennial herb	Jun-Sep	None	None	G5T1Q	S1	3.2
Helianthella castanea	Diablo helianthella	Asteraceae	perennial herb	Mar-Jun	None	None	G2	S2	1B.2
Hemizonia congesta ssp. congesta	congested-headed hayfield tarplant	Asteraceae	annual herb	Apr-Nov	None	None	G5T2	S2	1B.2
Hesperevax caulescens	hogwallow starfish	Asteraceae	annual herb	Mar-Jun	None	None	G3	S3	4.2
Hesperolinon congestum	Marin western flax	Linaceae	annual herb	Apr-Jul	FT	CT	G1	S1	1B.1
Heteranthera dubia	water star-grass	Pontederiaceae	perennial herb (aquatic)	Jul-Oct	None	None	G5	S2	2B.2
Hoita strobilina	Loma Prieta hoita	Fabaceae	perennial herb	May-Jul(Aug-Oct)	None	None	G2?	S2?	1B.1
Holocarpha macradenia	Santa Cruz tarplant	Asteraceae	annual herb	Jun-Oct	FT	CE	G1	S1	1B.1
Horkelia cuneata var. sericea	Kellogg's horkelia	Rosaceae	perennial herb	Apr-Sep	None	None	G4T1?	S1?	1B.1
Hosackia gracilis	harlequin lotus	Fabaceae	perennial rhizomatous herb	Mar-Jul	None	None	G3G4	S3	4.2
Hypogymnia schizidiata	island tube lichen	Parmeliaceae	foliose lichen		None	None	G2G3	S2	1B.3
Iris longipetala	coast iris	Iridaceae	perennial rhizomatous herb	Mar-May(Jun)	None	None	G3	S3	4.2
Isocoma arguta	Carquinez goldenbush	Asteraceae	perennial shrub	Aug-Dec	None	None	G1	S1	1B.1
Lasthenia conjugens	Contra Costa goldfields	Asteraceae	annual herb	Mar-Jun	FE	None	G1	S1	1B.1
Lathyrus jepsonii var. jepsonii	Delta tule pea	Fabaceae	perennial herb	May-Jul(Aug-Sep)	None	None	G5T2	S2	1B.2
Layia carnosa	beach layia	Asteraceae	annual herb	Mar-Jul	FT	CE	G2	S2	1B.1
Leptosiphon aureus	bristly leptosiphon	Polemoniaceae	annual herb	Apr-Jul	None	None	G4?	S4?	4.2
Leptosiphon grandiflorus	large-flowered leptosiphon	Polemoniaceae	annual herb	Apr-Aug	None	None	G3G4	S3S4	4.2
Leptosiphon latisectus	broad-lobed leptosiphon	Polemoniaceae	annual herb	Apr-Jun	None	None	G4	S4	4.3
Leptosiphon rosaceus	rose leptosiphon	Polemoniaceae	annual herb	Apr-Jul	None	None	G1	S1	1B.1
Lessingia germanorum	San Francisco lessingia	Asteraceae	annual herb	(Jun)Jul-Nov	FE	CE	G1	S1	1B.1
Lessingia hololeuca	woolly-headed lessingia	Asteraceae	annual herb	Jun-Oct	None	None	G2G3	S2S3	3
Lilaeopsis masonii	Mason's lilaeopsis	Apiaceae	perennial rhizomatous herb	Apr-Nov	None	CR	G2	S2	1B.1
Meconella oregana	Oregon meconella	Papaveraceae	annual herb	Mar-Apr	None	None	G2	S2	1B.1
Micropus amphibolus	Mt. Diablo cottonweed	Asteraceae	annual herb	Mar-May	None	None	G3G4	S3S4	3.2
Microseris paludosa	marsh microseris	Asteraceae	perennial herb	Apr-Jun(Jul)	None	None	G2	S2	1B.2
Monolopia gracilens	woodland woollythreads	Asteraceae	annual herb	(Feb)Mar-Jul	None	None	G3	S3	1B.2
Pentachaeta bellidiflora	white-rayed pentachaeta	Asteraceae	annual herb	Mar-May	FE	CE	G1	S1	1B.1
Plagiobothrys chorisianus var. chorisianus	Choris' popcornflower	Boraginaceae	annual herb	Mar-Jun	None	None	G3T1Q	S1	1B.2
Plagiobothrys diffusus	San Francisco popcornflower	Boraginaceae	annual herb	Mar-Jun	None	CE	G1Q	S1	1B.1
Plagiobothrys glaber	hairless popcornflower	Boraginaceae	annual herb	Mar-May	None	None	GX	SX	1A
Platanthera michaelii	Michael's rein orchid	Orchidaceae	perennial herb	Apr-Aug	None	None	G3	S3	4.2
Pleuropogon hooverianus	North Coast semaphore grass	Poaceae	perennial rhizomatous herb	Apr-Jun	None	CT	G2	S2	1B.1
Polemonium carneum	Oregon polemonium	Polemoniaceae	perennial herb	Apr-Sep	None	None	G3G4	S2	2B.2
Polygonum marinense	Marin knotweed	Polygonaceae	annual herb	(Apr)May-Aug(Oct)	None	None	G2	S2	3.1

Scientific Name	Common Name	Family	Lifeform	Blooming Period	Fed List	State List	Global Rank	State Rank	CA Rare Plant Rank
Ranunculus lobbii	Lobb's aquatic buttercup	Ranunculaceae	annual herb (aquatic)	Feb-May	None	None	G4	S3	4.2
Sanicula maritima	adobe sanicle	Apiaceae	perennial herb	Feb-May	None	CR	G2	S2	1B.1
Senecio aphanactis	chaparral ragwort	Asteraceae	annual herb	Jan-Apr(May)	None	None	G3	S2	1B.2
Silene verecunda ssp. verecunda	San Francisco campion	Caryophyllaceae	perennial herb	(Feb)Mar-Jul(Aug)	None	None	G5T1	S1	1B.2
Spergularia macrotheca var. longistyla	long-styled sand-spurrey	Caryophyllaceae	perennial herb	Feb-May	None	None	G5T2	S2	1B.2
Stebbinsoseris decipiens	Santa Cruz microseris	Asteraceae	annual herb	Apr-May	None	None	G2	S2	1B.2
Streptanthus albidus ssp. peramoenus	most beautiful jewelflower	Brassicaceae	annual herb	(Mar)Apr-Sep(Oct)	None	None	G2T2	S2	1B.2
Streptanthus glandulosus ssp. niger	Tiburon jewelflower	Brassicaceae	annual herb	May-Jun	FE	CE	G4T1	S1	1B.1
Stuckenia filiformis ssp. alpina	northern slender pondweed	Potamogetonaceae	perennial rhizomatous herb (aquatic)	May-Jul	None	None	G5T5	S2S3	2B.2
Suaeda californica	California seablite	Amaranthaceae	perennial evergreen shrub	Jul-Oct	FE	None	G1	S1	1B.1
Symphyotrichum lentum	Suisun Marsh aster	Asteraceae	perennial rhizomatous herb	(Apr)May-Nov	None	None	G2	S2	1B.2
Trifolium amoenum	two-fork clover	Fabaceae	annual herb	Apr-Jun	FE	None	G1	S1	1B.1
Trifolium hydrophilum	saline clover	Fabaceae	annual herb	Apr-Jun	None	None	G2	S2	1B.2
Triphysaria floribunda	San Francisco owl's-clover	Orobanchaceae	annual herb	Apr-Jun	None	None	G2?	S2?	1B.2
Triquetrella californica	coastal triquetrella	Pottiaceae	moss		None	None	G2	S2	1B.2
Viburnum ellipticum	oval-leaved viburnum	Viburnaceae	perennial deciduous shrub	May-Jun	None	None	G4G5	S3	2B.3

IPaC **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Alameda County, California



Local office

Sacramento Fish And Wildlife Office

(916) 414-6600
(916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

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Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
salt marsh harvest mouse Reithrodontomys raviventris Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/613	Endangered

Birds

NAME	STATUS
California least tern Sternula antillarum browni Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
California Ridgway's rail Rallus obsoletus obsoletus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4240	Endangered
western snowy plover Charadrius nivosus nivosus There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8035	Threatened

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Yellow-billed Cuckoo Coccyzus americanus — Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/3911

Reptiles

NAME	STATUS
Alameda whipsnake (=striped racer) Masticophis lateralis euryxanthus Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5524	Threatened
Northwestern Pond Turtle Actinemys marmorata Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

Amphibians

NAME	STATUS
California red-legged frog Rana draytonii Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/2891	Threatened
Foothill yellow-legged frog Rana boylii There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5133	Threatened

Fishes

NAME	STATUS
tidewater goby Eucyclogobius newberryi Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/57	Endangered

Insects

NAME	STATUS
Monarch butterfly Danaus plexippus Wherever found There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

Flowering Plants

NAME	STATUS
Pallid manzanita Arctostaphylos pallida Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8292	Threatened
Santa Cruz tarplant Holocarpha macradenia Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6832	Threatened

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Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

There are Bald Eagles and/or Golden Eagles in your project area.

Measures for Proactively Minimizing Eagle Impacts
For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the Do I Need A Permit Tool. For assistance making this determination for golden eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

Ensure Your Eagle List is Accurate and Complete
If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs
The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31

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Golden Eagle Aquila chrysaetos — Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1680

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

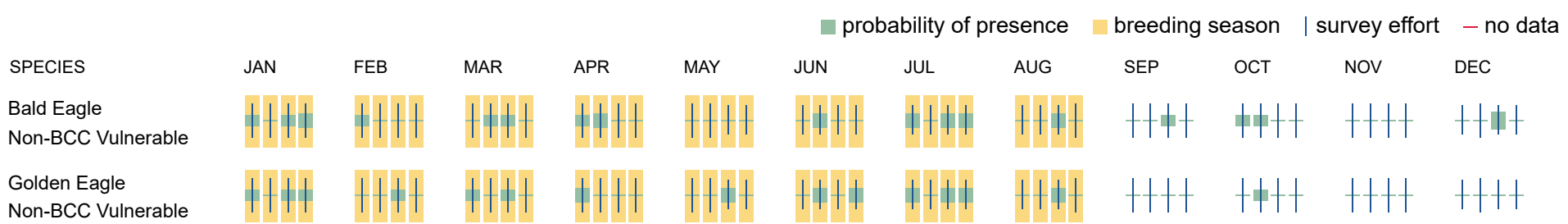
Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle (Bald and Golden Eagle Protection Act requirements may apply).

Proper interpretation and use of your eagle report
On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there,

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and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:
The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases birds of concern, including Birds of Conservation Concern (BCC), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the Nationwide avoidance and minimization measures for birds document, and any other project-specific avoidance and minimization measures suggested at the link Measures for avoiding and minimizing impacts to birds for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles document, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

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For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs
The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Allen's Hummingbird Selasphorus sasin This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
Belding's Savannah Sparrow Passerculus sandwichensis beldingi This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8	Breeds Apr 1 to Aug 15
Black Oystercatcher Haematopus bachmani This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9591	Breeds Apr 15 to Oct 31
Black Skimmer Rynchops niger This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Black Swift Cypseloides niger This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8878	Breeds Jun 15 to Sep 10
Black Turnstone Arenaria melanocephala This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Black-chinned Sparrow Spizella atrogularis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9447	Breeds Apr 15 to Jul 31
Brandt's Cormorant Urile penicillatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 15 to Sep 15
Bullock's Oriole Icterus bullockii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Jul 25
California Gull Larus californicus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 1 to Jul 31
California Thrasher Toxostoma redivivum This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31

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Cassin's Finch Haemorhous cassinii — Breeds May 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9462

Clark's Grebe Aechmophorus clarkii — Breeds Jun 1 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Common Yellowthroat Geothlypis trichas sinuosa — Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/2084

Elegant Tern Thalasseus elegans — Breeds Apr 5 to Aug 5

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/8561

Golden Eagle Aquila chrysaetos — Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1680

Heermann's Gull Larus heermanni — Breeds Mar 15 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Lawrence's Goldfinch Spinus lawrencei — Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9464

Long-eared Owl asio otus — Breeds Mar 1 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3631

Marbled Godwit Limosa fedoa — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9481

Northern Harrier Circus hudsonius — Breeds Apr 1 to Sep 15

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/8350

Nuttall's Woodpecker Dryobates nuttallii — Breeds Apr 1 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/9410

Oak Titmouse Baeolophus inornatus — Breeds Mar 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9656

Olive-sided Flycatcher Contopus cooperi — Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3914

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Red Knot Calidris canutus roselaari — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/8880

Santa Barbara Song Sparrow Melospiza melodia graminea — Breeds Mar 1 to Sep 5
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/5513

Short-billed Dowitcher Limnodromus griseus — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9480

Tricolored Blackbird Agelaius tricolor — Breeds Mar 15 to Aug 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3910

Western Grebe Aechmophorus occidentalis — Breeds Jun 1 to Aug 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/6743

Western Gull Larus occidentalis — Breeds Apr 21 to Aug 25
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Western Screech-Owl Megascops kennicottii cardonensis — Breeds Mar 1 to Jun 30
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Willet Tringa semipalmata — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wrentit Chamaea fasciata — Breeds Mar 15 to Aug 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Yellow-billed Magpie Pica nuttalli — Breeds Apr 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9726

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Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in

week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (▬)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

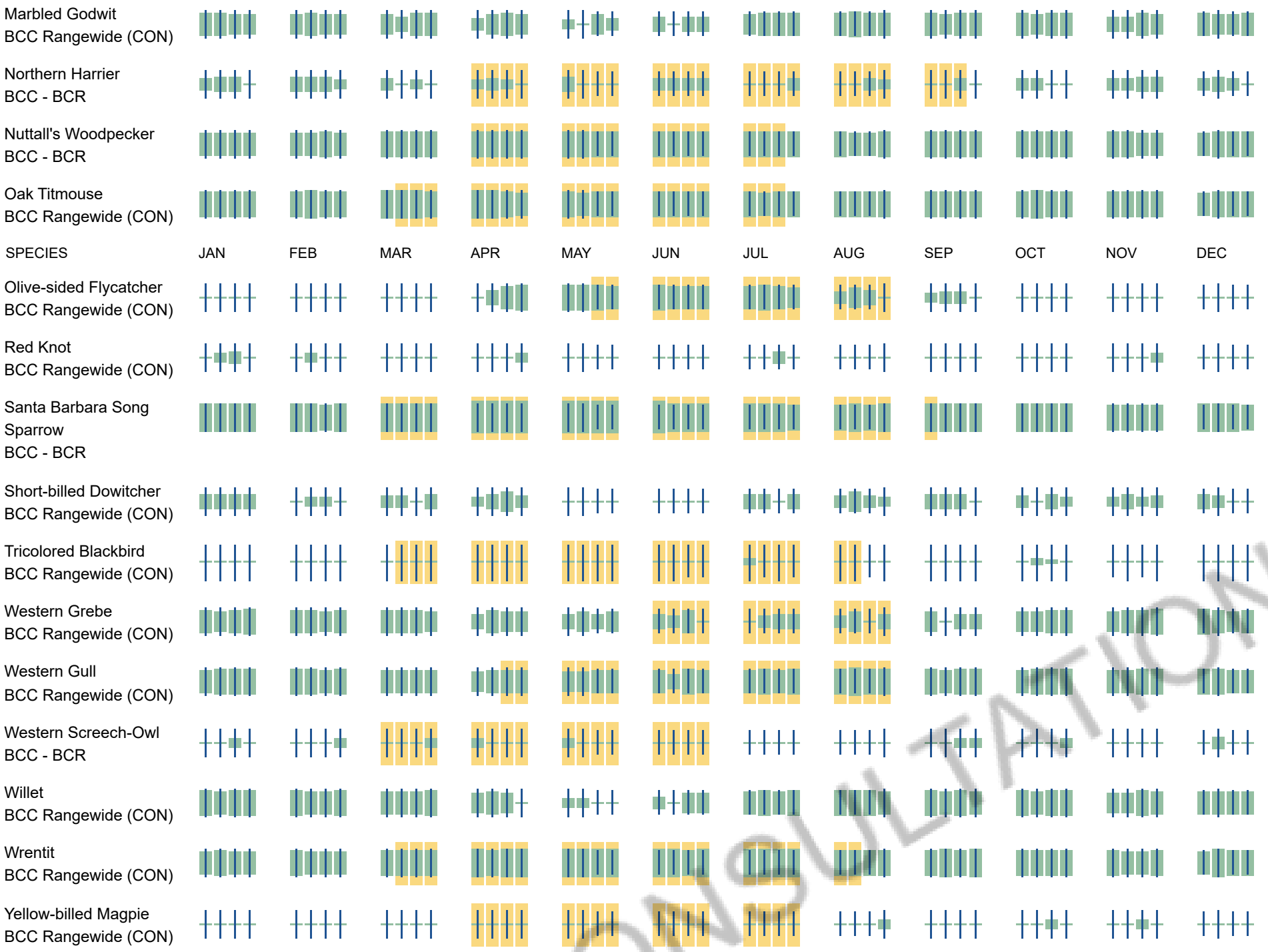
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

NOT FOR CONSULTATION

probability of presence | breeding season | survey effort | no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Allen's Hummingbird BCC Rangewide (CON)												
Bald Eagle Non-BCC Vulnerable												
Belding's Savannah Sparrow BCC - BCR												
Black Oystercatcher BCC Rangewide (CON)												
Black Skimmer BCC Rangewide (CON)												
Black Swift BCC Rangewide (CON)												
Black Turnstone BCC Rangewide (CON)												
Black-chinned Sparrow BCC Rangewide (CON)												
Brandt's Cormorant BCC Rangewide (CON)												
Bullock's Oriole BCC - BCR												
California Gull BCC Rangewide (CON)												
California Thrasher BCC Rangewide (CON)												
SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cassin's Finch BCC Rangewide (CON)												
Clark's Grebe BCC Rangewide (CON)												
Common Yellowthroat BCC - BCR												
Elegant Tern BCC - BCR												
Golden Eagle Non-BCC Vulnerable												
Heermann's Gull BCC Rangewide (CON)												
Lawrence's Goldfinch BCC Rangewide (CON)												
Long-eared Owl BCC Rangewide (CON)												



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Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as “Vulnerable”. See the FAQ “What are the levels of concern for migratory birds?” for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Bald and Golden Eagle Protection Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ “Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds”.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs
Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:
The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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Coastal Barrier Resources System

Projects within the John H. Chafee Coastal Barrier Resources System (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local Ecological Services Field Office or visit the CBRA Consultations website. The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

CBRA information is not available at this time

This can happen when the CBRS map service is unavailable, or for very large projects that intersect many coastal areas. Try again, or visit the CBRS map to view coastal barriers at this location.

Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the official CBRS maps. The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here: https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation

Data exclusions

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact CBRA@fws.gov.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

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The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

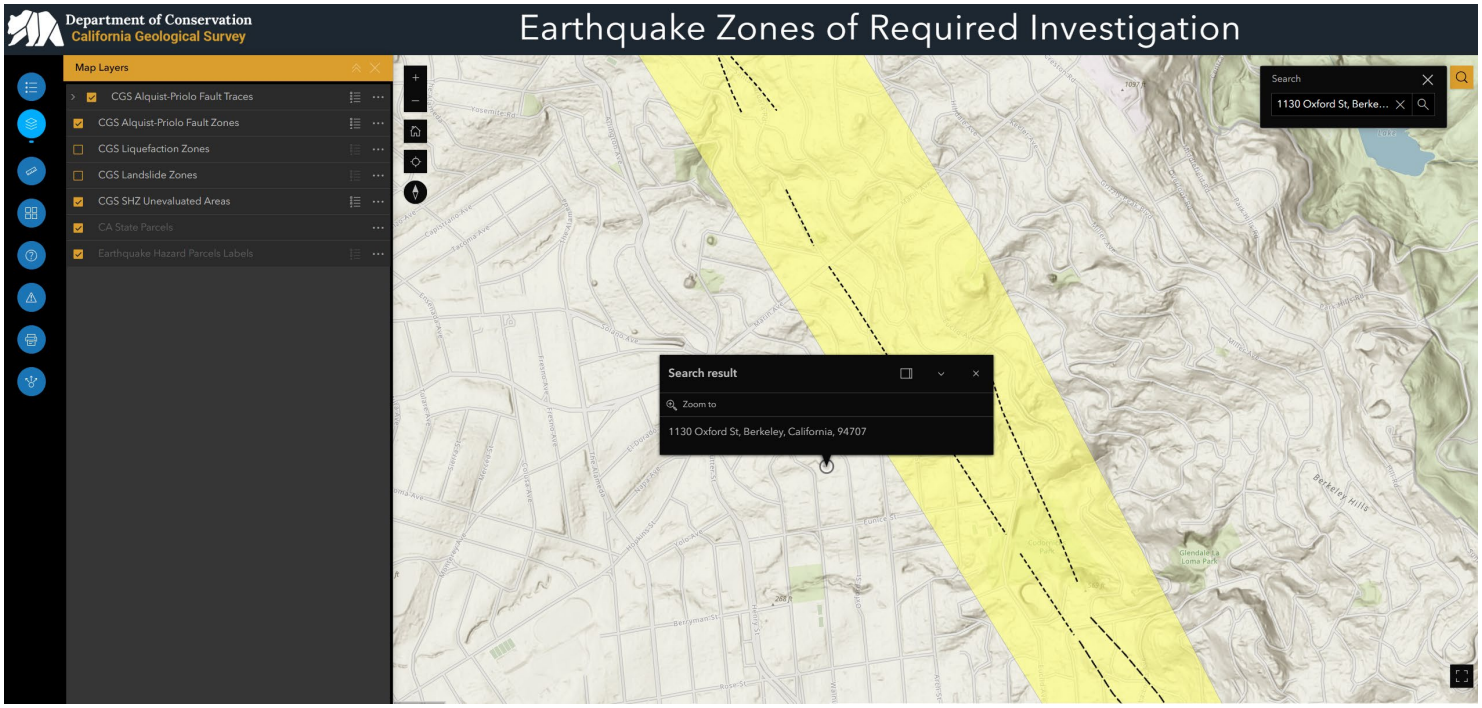
Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

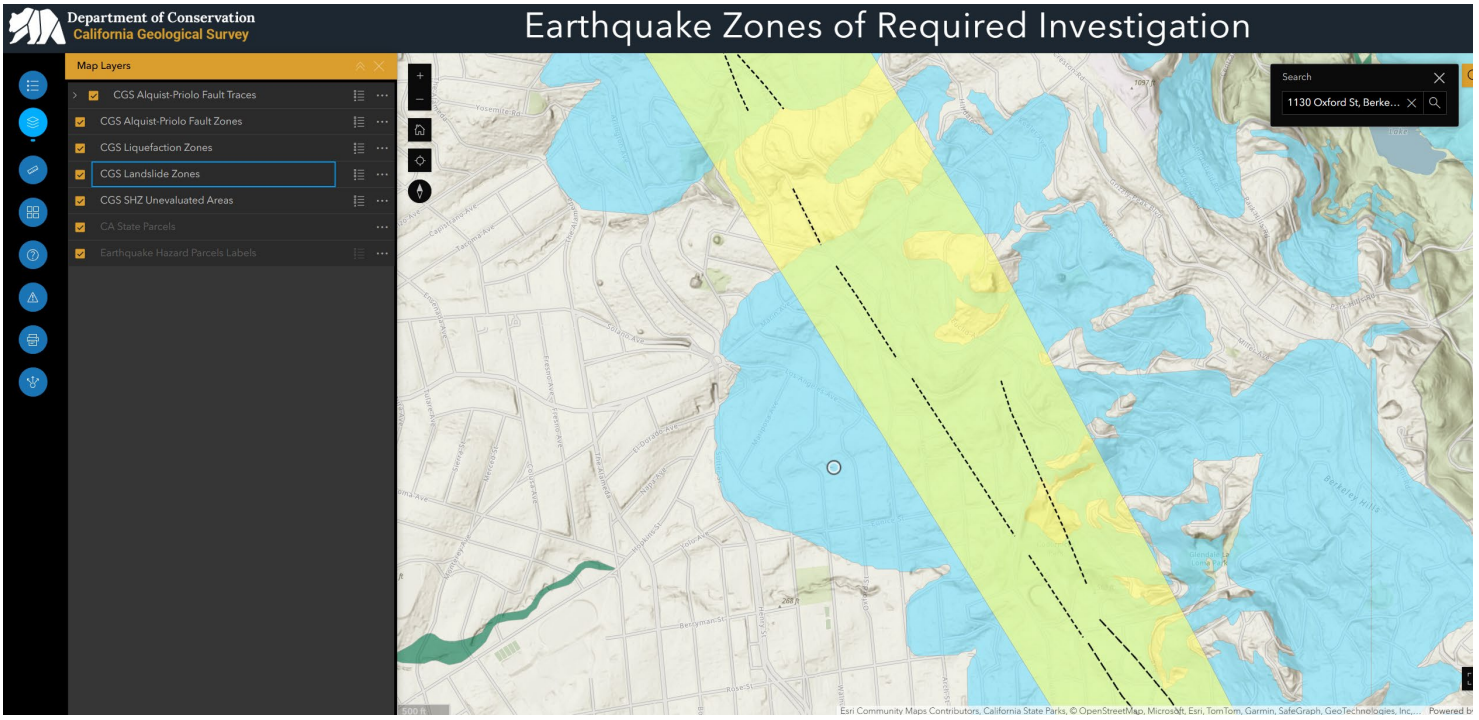
Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

ATTACHMENT 3





Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: HAC Letter of Support re: Item 7A - 1130 Oxford St
Attachments: HAC Letter Item 7A, 1130 Oxford Street.pdf

From: Brianna Morales <brianna@housingactioncoalition.org>
Sent: Wednesday, November 4, 2026 4:15 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Gong, Sharon <SGong@berkeleyca.gov>
Subject: HAC Letter of Support re: Item 7A - 1130 Oxford St

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Chair Gaffney and Members of the Board,

The Housing Action Coalition (HAC) writes in support of Item 7A and urges the Board to approve the use permit at 1130 Oxford Street, as staff recommends.

Berkeley has been a strong champion of creating pathways for housing, both politically and with policy. We hope to see this housing project move forward so more residents and families can call Berkeley home, safely and securely.

Thank you and the entire Board for your work.

--
In support,

Brianna Morales | Pronouns: She/Her

Political Organizing & Programs Manager | Housing Action Coalition
555 Montgomery St, San Francisco, CA 94111
Cell: (619) 535-6182 | Email: brianna@housingactioncoalition.org

HOUSING ACTION COALITION

To sign up for HAC's Newsletter, click here.
To opt out of all HAC emails, respond to this email with "unsubscribe all".

555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

November 4, 2026

Members of the Zoning Adjustments Board
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

RE: Item 7A – Use Permit #ZP2026-0056, 1130 Oxford Street

Dear Chair Gaffney and Members of the Board,

The Housing Action Coalition (HAC) writes in support of staff's recommendation to approve Use Permit #ZP2026-0056, which would allow demolition of the vacant school buildings at 1130 Oxford Street so that new homes can move forward.

California is in a housing shortage, and Berkeley has an exemplary record in putting forward policy and supporting projects that would help address it. This project is one of them. The housing proposal is advancing under the Starter Home Revitalization Act (SB 684), which provides for ministerial approval that addresses the housing crisis with the urgency it deserves.

The project team plans 31 for-sale rowhomes, well suited to young families and downsizers, with work beginning in the first quarter of 2027 and homes complete by summer 2028. Though HAC has not conducted a formal Project Review for the team, Berkeley needs more homes that people can buy, and starter homes like these give families a chance to put down roots in the community. With its schools, parks, and community resources, Berkeley is a wonderful place to raise a family, and these homes would give more families the chance to call it home.

The site is currently a vacant school. Neighbors have long asked for better use of this site, and new housing here is a better outcome for the neighborhood than a vacant building, and delay only extends vacancy and pushes back the homes.

Staff has recommended approval, and we urge the Board to follow that recommendation so that this project can move forward. Thank you for your consideration.

Sincerely,

Brianna Morales, *Political Organizing & Programs Manager*
Housing Action Coalition (HAC)

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056; today's correspondence
Attachments: C002d SENT 20261103 Letter to ZAB re 1130 Oxford.pdf

From: kmhperry@sonic.net <kmhperry@sonic.net>
Sent: Wednesday, November 4, 2026 2:36 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Planning Dept. Mailbox <Planning@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>
Cc: 'Tom Lippe' <lippelaw@sonic.net>
Subject: Re: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056; today's correspondence

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear members of the Zoning Adjustments Board, Ms. Price, Ms. Gong, Ms. Hersch, and Ms. Brown:

Please see today's correspondence attached in .pdf format re the above referenced matter.

Thank you in advance for your attention to this matter.

Kelly

Kelly Marie Perry
Law Offices of Thomas N. Lippe, APC
50 California Street, Suite 1500
San Francisco, CA 94111
tel: 415-777-5604 x.2
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web: www.lippelaw.com

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Law Offices of
THOMAS N. LIPPE, APC

50 California Street, Suite 1500
San Francisco, California 94111

Telephone: 415-777-5604
Email: Lippelaw@sonic.net

November 4, 2026

By email to: zab@berkeleyca.gov
City of Berkeley Zoning Adjustments Board
1947 Center Street
Berkeley, CA 94704
Attn: Sarah Price & Sharon Gong, Board Secretary

By email to: planning@berkeleyca.gov
Anne Hersch
City of Berkeley Planning and Development Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

By email to: attorney@berkeleyca.gov
Farimah Brown
City of Berkeley City Attorney

Re: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056

Dear members of the Zoning Adjustments Board, Ms. Price, Ms. Gong, Ms. Hersch, and Ms. Brown:

This office represents Oxford Hillside Safety Alliance ("OHSA"). OSHA was previously known as Oxford Hillside: Safety, Scale, Access and Accountability (OHSSA) but has now changed its name.

OHSA is an association of Berkeley residents working for safe, appropriately scaled, accessible, environmentally responsible, and legally compliant housing plans. OHSA objects to city approval of Use Permit #ZP2026-0056 to authorize demolition at the site and to the associated subdivision approvals and housing development project proposed for 1130 Oxford Street. The demolition and associated subdivision approvals and housing development project are referred to collectively in this letter as the "Project."

The ZAB cannot legally issue the demolition use permit for this project for a number of reasons, some of which are discussed in my October 22, 2026, comment letter, and others of which are discussed here.

1. The Board Cannot Makes the Findings Required by BMC, sections 23.406(E)(1-4) or 23.326.070(D).

Since the use permit for demolition of the existing buildings is only one of several

permits required for this Project, the Board must consider whether it is "detrimental ... to the general welfare of the City" to authorize demolition if the other permits cannot be granted. (BMC, § 23.406(E)(1)(b).) The staff report's proposed finding on this point expressly rely on the fact that the Project calls for the demolition to be followed by subdivisions and construction of homes. (Staff Report, Attachment 2, Proposed Zoning Adjustments Board Findings ("Proposed Findings"), p. 3 ["In addition, the findings for the required discretionary permits are satisfied per the Evidence in Findings 2 and 3 below"]; p3-4 ["The demolition of the site will allow for the development of an infill housing project allowed pursuant to SB 684/SB 1123]".)

In fact, however, as discussed in my October 22, 2026, comment letter and further discussed in this letter, the current Project is not legally viable because it conflicts with state and local law. Since the former school buildings are not uninhabitable (see Staff Report, Attachment 2, Proposed Findings, p. 4 ["The structure is not known to present an uninhabitable attractive nuisance to the public']), it would be detrimental to the City to allow demolition without a viable plan to replace these buildings with a productive land use.

The same is true of the findings required for demolition of "a main building used for non-residential purposes on any lot" pursuant to BMC, § 23.326.070(D)(2).) The findings include:

> The demolition:
> (a) Is required to allow a proposed new building or other proposed new use;
> (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
> (c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or
> (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use.[1]

Regarding paragraph (a), staff's Proposed Findings again relies on the fact that the Project calls for the demolition to be followed by subdivisions and construction of homes. (Staff Report, Attachment 2, Proposed Findings, p. 4 ["This finding is met because the demolition is required to allow the site to be used for a future housing development project"].) And, as noted above, the current Project is not legally viable.

Regarding paragraph (a), the staff's Proposed Findings rely on the fact that housing is consistent with the purposes of the R-1H zoning district but it cherry-picks those purposes by

[1]The staff report admits that paragraphs (c) and (d) do not apply.

omitting any mention or discussion of one of the district's purposes, i.e., "Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood." (See Staff Report, Attachment 2, Proposed Findings, p. 4; BMC, § 23.202.050(A)(4).) Clearly the buildings are still usable for these purposes.

In short, the Board cannot make the findings required by BMC, § 23.326.070(D)(2).

2. The Housing Project Is Not Legally Viable Because the "Parent Parcel" is not "Vacant" and the Subdivisions Will Result in More than 10 New Lots and More than 10 New Homes.

My October 22, 2026, comment letter explains why the Project violates the "vacancy" and "10 lot/10 home" requirements of Government Code section 66499.41. The Project also violates these same requirements as codified in Berkeley Municipal Code, Chapter 21.30.

The Project includes the applicant's request for ministerial approval of a second round of subdivisions, from 8 to 31 lots, pursuant to Government Code section 66499.41 and Berkeley Municipal Code, Chapter 21.30. (Berkeley's ordinance to regulate and implement the ministerial review procedures mandated by Government Code section 66499.41 for small lot subdivisions, known as Middle Housing Infill Projects, or MHIPs, is codified at Berkeley Municipal Code, Chapter 21.30.)

These laws preclude ministerial approval of subdivisions where the subdivision will result in more than 10 new lots or more than 10 new homes,[2] and where the lot proposed to be subdivided is not "vacant."[3] (See my October 22, 2026, comment letter, section 2.a.) As noted above, the staff report admits that the lot is not vacant because it has buildings that are not "uninhabitable."

So the applicant and city staff have devised a clever, but illegal, bootstrapping scheme to defeat these legal requirements. The scheme involves separating the permit process into three steps. The first phase is to obtain a permit to demolish the buildings. The second step is to subdivide the lots into 8 lots in a discretionary process. The third step is to subdivide each of the 8 lots into 3 or 4 lots, and thereby obtain a total of 31 lots. Magically, by the beginning of the third, purportedly ministerial, step, all 8 lots are now "vacant" and each of the 8 subdivisions in the third step will result in fewer than 10 lots and 10 homes.

This bootstrapping scheme is illegal for the simple reason that it renders the "vacancy"

---

[2]See BMC 21.30.020.A.1.

[3]See BMC § 21.30.050.A.1(b).

and "10 lot/10 home" requirements surplusage and writes them out of Government Code section 66499.41 and Berkeley Municipal Code, Chapter 21.30.

Chapter 21.30 defines the "parent parcel" that the applicant seeks to subdivide as "The legally-established parcel that exists prior to a subdivision creating a MHIP" and provides that "For purposes of applying zoning development standards under this Chapter, the parent parcel shall be treated as a single lot prior to subdivision." (BMC § 21.30.040.B(1).)

For the city to characterize each of the 8 lots that result from the first round of subdivisions in the second step of the scheme requires pretending that the true, single "parent parcel" that currently exists does not, in fact, exist. The sophistry of this position is positively juvenile.

The scheme would eliminate any upper limit on the number of parcels that could be created through ministerial review and would eliminate any possibility of ministerial review being unavailable due to the lot not being vacant. The courts "avoid interpretations that render any language surplusage." (*Mayor v. Workers' Compensation Appeals Board* (2026) 20 Cal.5th 874; 347 Cal.Rptr.3d 570, 587.) The applicant's interpretation would impermissibly read both requirements out of the statute. "[W]e may not broaden or narrow the scope of [a] provision by reading into it language that does not appear in it or reading out of it language that does." (*Mayor v. Workers' Compensation Appeals Board*, *supra*, quoting *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 545.)

Moreover, the legislature's inclusion of these limits on ministerial subdivision review occurs in the context of the well-established law of preemption. Zoning is historically a matter of local control. (*Village of Euclid, Ohio v. Ambler Realty Co.* (1926) 272 U.S. 365, 395; *Miller v. Board of Public Works of City of Los Angeles* (1925) 195 Cal.477, 495; *Big Creek Lumber, supra,* 38 Cal.4th at 1151–52 ["Land use regulation in California historically has been a function of local government under the grant of police power contained in article XI, section 7 of the California Constitution"].) "A city's or county's power to control its own land use decisions derives from this inherent police power, not from the delegation of authority by the state." (*Big Creek Lumber, supra,* 38 Cal.4th at 1151, quoting *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 782.) Further, "the Legislature, when enacting state zoning laws, has declared its 'intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters.'" (*Ibid*, quoting Gov.Code, § 65800.) "The power of cities and counties to zone land use in accordance with local conditions is well entrenched." (*IT Corp. v. Solano County Bd. of Supervisors* (1991) 1 Cal.4th 81, 89.)

That said, the state may preempt local control of zoning, but to do so the state law must address a matter of statewide concern, must be reasonably related to the resolution of the statewide concern, and must be "narrowly tailored to limit incursion into legitimate municipal interests." (*City of Watsonville v. State Dept. of Health Services* (2005) 133 Cal.App.4th 875, 883 (*Watsonville*); *Johnson v. Bradley* (1992) 4 Cal.4th 389, 404.)

Here, the "vacancy" and "10 lot/10 home" requirements serve the purpose of narrowly tailoring the state's preemption of local zoning authority. The scheme devised by the applicant would contravene this legislative intent.

Finally, the staff report claims that the Project's so-called "stacked subdivision" approach complies with Government Code section 66499.41 because the state Department of Housing and Community Development ("HCD") says it does, citing "HCD guidance."(Staff Report, p. 9.)[4] This is false. HCD said no such thing.

The purported HCD Guidance states:

> "Question 6: Does the SHRA allow for multiple 10-unit SHRA projects to be constructed on adjacent parcels by the same developer?
> The answer is "yes," provided that each project application is processed separately. The statute does not include any provision that would prohibit multiple projects pursuant to the SHRA from being proposed on adjacent parcels, including when submitted by the same applicant or property owner. Nevertheless, each proposed subdivision must be reviewed and approved independently, with each parcel evaluated for compliance with all applicable eligibility criteria, including the maximum of 10 residential units, minimum lot size, and density requirements. While common ownership or adjacency does not preclude application of the statute, jurisdictions should ensure that each proposal stands on its own merits and conforms to the statutory framework without relying on aggregation across parcels."

(Staff Report, Attachment 8, p. 4.)

This discussion does not address the facts of this case. Here, there are no "adjacent parcels" to start with. The bootstrapping continues.

3. Because the Project Is Not Consistent with the City's Zoning Ordinance, it is Not Eligible for the "AB 130 Exemption" from CEQA.

The "AB 130 exemption" cannot be used if the Project is not consistent with the city's general plan or zoning ordinance (Public Resources Code § 21080.66(a)(4)). In addition to violating the minimum lot size requirements of the city's zoning ordinance (See my October 22, 2026, comment letter, section 1.b.), the Project is inconsistent with the zoning ordinances

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[4]The staff report states: "The Department of Housing and Community Development (HCD) has provided Technical Assistance confirming that SB 684/SB 1123 allows for multiple 10-unit residential projects to be constructed on adjacent parcels by the same developer, please see Attachment 8, Question 6 on Page 4 for more information."

discussed in section 1 and 2, above.

Therefore, neither the Project nor any portion of it is entitled to ministerial review under SB 684, as modified by SB 1123.

4. Because The Project is Located on Habitat for Protected Species, it is Not Eligible for the "AB 130 Exemption" from CEQA or For Ministerial Review Under SB 684/1123.

The staff report asserts that the Project site is not "located within habitat for protected species." (Staff Report, p. 15.) The report provides no evidence to support that conclusion and it fails to respond to the evidence in Dr. Smallwood's report showing that the site is habitat for protected species. (See Exhibit 1 to my October 22, 2026, letter)

On this record, the Project is not eligible for the "AB 130 exemption" from CEQA or for ministerial review under SB 684/1123.

Thank you for your attention to this matter.

Very Truly Yours,

Tom Lippe

Thomas N. Lippe