

Emerald Hills Project

Biological Technical Report

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ACRONYMS AND ABBREVIATIONS

AMSL	above mean sea level
applicant	D.R. Horton
ASMD	Area Specific Management Directive
BCME	Biological Construction Mitigation/Monitoring Exhibit
BMPs	Best Management Practices
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFG Code	California Fish and Game Code
City	City of San Diego
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CSVR	Consultant Site Visit Record
ESL	Environmentally Sensitive Lands
FESA	Federal Endangered Species Act
HELIX	HELIX Environmental Planning, Inc.
MBTA	Migratory Bird Treaty Act
MHPA	Multi-habitat Planning Area
MMC	Mitigation Monitoring Coordination
MSCP	Multiple Species Conservation Program
PEIR	Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Project Final Program Environmental Impact Report
project	Emerald Hills Project
PUSD	Poway Unified School District
sq.ft.	square foot
RWQCB	Regional Water Quality Control Board
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

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SUMMARY OF FINDINGS

The Emerald Hills project (project) site consists of 31.4 acres in the City of San Diego (City), San Diego County, California. The site is located south of State Route 94, north of Old Memory Lane, south of Tooley Street, east of Emerald Hills Park and Johnson Elementary School, and west of 60th Street. The project involves the construction of 123 new residential units, internal streets, and other associated infrastructure, with a portion of the site being designated as landscaped open space. The property is situated in unsectioned land of Township 17 South, Range 2 West of the U.S. Geological Survey (USGS) 7.5-minute National City quadrangle map.

A biological due diligence survey of the proposed development area took place on March 31, 2021, and involved vegetation community mapping, evaluating the potential for sensitive plant and animal species to occur, and identifying other sensitive biological resource constraints such as potential jurisdictional waterways and wetlands associated with the project. An updated general biological survey was conducted on October 23, 2023, resulting in minor revisions to the vegetation mapping and confirmation of the initial preliminary jurisdictional delineation. The purpose of this biological technical report is to describe the existing vegetation, jurisdictional resources, and plant and animal species, including those recognized as sensitive under federal, state, and local regulations. Furthermore, the report provides an analysis of direct, indirect, and cumulative impacts based on the proposed project design, evaluates the site's significance to regional biological resources planning, and provides mitigation measures that would reduce significant impacts to a level below significant. The project is not located within the Multi-Habitat Planning Area (MHPA) of the Multiple Species Conservation Program (MSCP).

A total of five vegetation communities or land use types occur on site: Diegan coastal sage scrub (disturbed), non-native grassland, non-native vegetation, disturbed land, and developed lands. Two of these, Diegan coastal sage scrub and non-native grassland, are considered sensitive upland vegetation communities under the City's Biological Guidelines (City of San Diego 2018) and Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Final Program Environmental Impact Report (PEIR; Dyett & Bhatia 2015) and require mitigation for impacts. Proposed mitigation ratios for impacts to sensitive upland vegetation communities are in conformance with the Biological Guidelines (City of San Diego 2018) and assume that all impacts are outside of the MHPA. If mitigated within the MHPA, the proposed mitigation for 0.4 acre of impacts to Diegan coastal sage scrub is 0.4 acre (1:1 mitigation ratio), and for 29.2 acres of impacts to non-native grassland is 14.6 acres (0.5:1 mitigation ratio). Although not proposed, mitigation outside the MHPA would occur at a ratio of 1.5:1 for Diegan coastal sage scrub and 1:1 for non-native grassland. Mitigation for impacts to sensitive upland vegetation communities is proposed to occur off-site at the East Elliot area near Spring Canyon, the Landbankers Mitigation Site in the northeastern portion of the City, or an alternate site approved by the City. Habitat mitigation is described in mitigation measure BIO-2.

No jurisdictional areas that may be regulated by the United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or City were recorded on site or observed during biological surveys; therefore, no permits from the regulatory agencies or City wetland mitigation are required for the project.

In addition to biological surveys in 2021 and 2023, a spring survey for special-status plants was conducted on April 10, 2024, and a summer survey was conducted on June 24, 2024. Two special-status

plants were observed on-site during biological surveys: small-flowered morning glory (*Convolvulus simulans*), which is a California Rare Plant Rank (CRPR) 4.2 species, and decumbent goldenbush (*Isocoma menziesii* var. *decumbens*), which is CRPR 1B.2. No other special-status plant species has a high potential to occur within the project site. Given that these species are not federally or state listed or listed as a narrow endemic, do not occur in unusually high concentrations on-site, and are relatively common regionally, habitat mitigation described in mitigation measure BIO-2 is proposed as mitigation for impacts to special-status plant species.

No special-status animals were detected on-site during the biological surveys; however, two species have a high potential to occur: Cooper's hawk (*Accipiter cooperii*) and prairie falcon (*Falco mexicanus*). To avoid any direct impacts to these or other special status birds, including native bird species protected under the Migratory Bird Treaty Act or California Fish and Game Code, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (January 15 to July 15 for raptors, February 1 to September 15 for general avian species; mitigation measure BIO-1).

If the removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey within three calendar days before the start of construction activities to determine the presence or absence of nesting birds in the proposed area of disturbance. The applicant shall submit the results of the pre-construction survey to the City Development Services Department for review and approval before the start of construction activities. If nesting birds are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Laws shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitoring Coordination (MMC) Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place before and/or during construction.

The City requested that Crotch's bumble bee (*Bombus crotchii*) surveys be conducted. The site was evaluated during the habitat assessment as having low potential for the species. No Crotch's bumble bee was observed during the focused surveys conducted on May 1, 3, and 21 and June 19, 2024.

Additional mitigation measures would reduce potential biological impacts from construction activities to a less than significant level (mitigation measure BIO-1):

- The owner/permittee shall submit a letter to the City stating that a Qualified Biologist has been retained to implement the project's biological monitoring program. The letter should include the names and contact information of all persons involved in the biological monitoring of the project.
- The Qualified Biologist shall attend the pre-construction meeting to discuss the project's biological monitoring program and arrange for additional activities required for mitigation.
- The Qualified Biologist shall submit all required documents to MMC, verifying that mitigation reports are completed or scheduled in accordance with applicable federal, state, and local regulations.

- The Qualified Biologist shall submit a Biological Construction Mitigation/Monitoring Exhibit (BCME) for MMC approval, which includes all biological documents, restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys and survey schedules, timing of surveys, avian construction avoidance areas/noise buffers/barriers, and any other requirements determined by the Qualified Biologist and City.
- Before construction, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with project conditions in the BCME. In addition, any sensitive biological resources (habitats, plant and animal species including nesting birds, etc.) shall be demarcated with an appropriate buffer.
- Before construction, the Qualified Biologist shall present an educational training to all project personnel. Topics should include but are not limited to the need to avoid impacts outside of the approved construction area, avoidance of sensitive plants and animals, and clarify approved access routes and staging areas.
- All construction activities shall be restricted to approved areas. The Qualified Biologist shall monitor activities to ensure compliance with approved project limits and that the work plan has been amended to avoid any sensitive species located during pre-construction activities. The Qualified Biologist shall document field activities via the Consultant Site Visit Record (CSVR) and submit the form to the City.
- If impacts exceed the previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state, and federal laws. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City MMC within 30 days of construction completion.

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1.0 INTRODUCTION

At the request of D.R. Horton (applicant), HELIX Environmental Planning, Inc. (HELIX) completed this biological technical report for the Emerald Hills Project (project), a residential development project that is proposed in the City of San Diego, San Diego County, California. The initial preliminary application No. 693332 was submitted to the City of San Diego (City) as the Old Memory Lane Project.

The purpose of this report is to document the existing biological conditions within the project site and provide an analysis of potential impacts to sensitive biological resources with respect to local, state, and federal policy. This report provides the biological resources technical documentation necessary for review under the California Environmental Quality Act (CEQA) by the City and other responsible agencies for the project.

1.1 PROJECT LOCATION

The project site is located within the City of San Diego (City), California, located south of State Route 94 and west of 60th Street (Figure 1, *Regional Location*). Specifically, the project is located on Assessor's Parcel Number (APN) 543-340-02-00, north of Old Memory Lane, south of Tooley Street, east of Emerald Hills Park and Johnson Elementary School, and west of 60th Street. The approximately 31-acre site is situated in unsectioned land of Township 17 South, Range 2 West of the U.S. Geological Survey (USGS) 7.5-minute National City quadrangle map (Figure 2, *Project Vicinity [USGS Topography]*). The site was previously the broadcasting location of KSON-FM and KKLQ-FM (Figure 3, *Project Vicinity [Aerial Photograph]*). Off-site improvements for the project occur along 60th Street, east of the project. The project site is not located adjacent to the Multi-habitat Planning Area (MHPA) or within any conserved lands. The site is located in the Encanto Neighborhoods Community Planning Area, as described in the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Final Program Environmental Impact Report (PEIR; Dyett & Bhatia 2015).

1.2 PROJECT DESCRIPTION

The project would construct 123 new residential units, internal streets, and other associated infrastructure. A portion of the site would be designated as landscaped open space that would be managed and maintained by the homeowner's association to be established for the development. The project also includes off-site construction, including sewer, water, and storm drain connections within Old Memory Lane; improvements to the existing City alley connecting to Old Memory Lane for emergency vehicle access, sewer, water, and storm drain; road improvements and storm drains along 60th Street, surface improvements on Upland Street and Dipper Street to transition from 60th; and storm drain on Dipper Street. The main off-site improvements are shown on Figure 3, and all off-site impacts are within developed areas. The project is not required to include a brush management plan but would comply with the City Municipal Code with regards to the California Fire Code (City 2023).

2.0 METHODS

2.1 LITERATURE REVIEW

Before conducting biological field surveys, HELIX conducted a search of aerial imagery (Google 2023), previous reports (HELIX 2022, Dyett & Bhatia 2015), U.S. Department of Agriculture (USDA) Natural

Resources Conservation Service (NRCS) soils maps (USDA 2019), USGS topographic maps (USGS 2013), National Wetlands Inventory (USFWS 2023c), U.S. Fish and Wildlife Service (USFWS) critical habitat maps (USFWS 2023b), City Multiple Species Conservation Program (MSCP) Subarea Plan designations (City 1997b), and sensitive species information from California Department of Fish and Wildlife Service's (CDFW) California Natural Diversity Database (CNDDDB; CDFW 2023a), USFWS database records (USFWS 2023a), and County of San Diego SanBIOS (2023). The PEIR did not identify sensitive habitat on-site; however, a site-specific biology survey was required based on mitigation measure PEIR MM-BIO-1, which states in part, "Where sensitive biological resources are known or suspected on or adjacent to a proposed project site, a biological assessment shall be performed for that project."

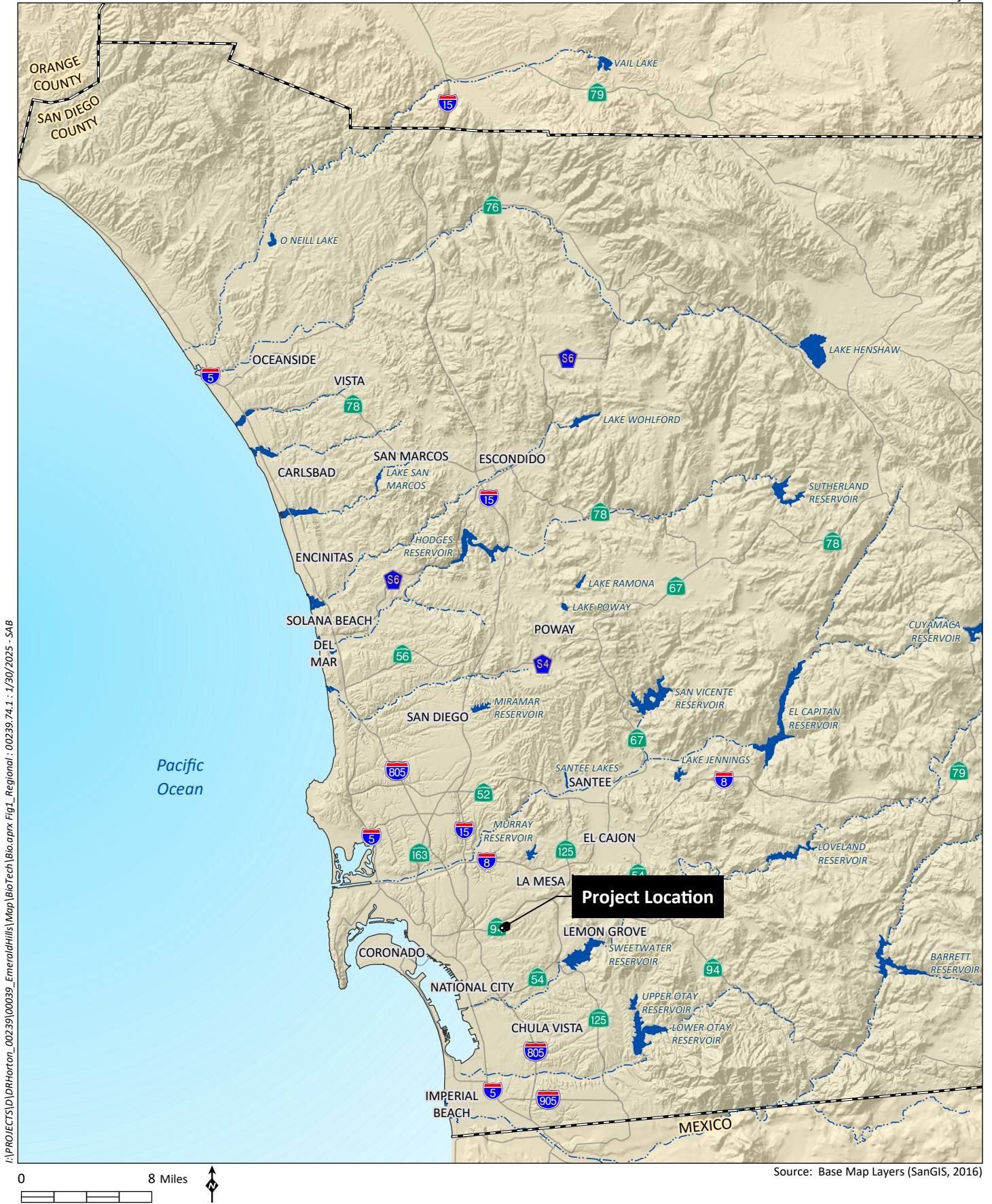
2.2 GENERAL BIOLOGICAL SURVEYS

HELIX biologist Benjamin Rosenbaum conducted a biological due diligence survey of the proposed development area on March 31, 2021, in order to map existing vegetation communities; evaluate the potential for sensitive plant and animal species to occur; and identify other sensitive biological resources constraints associated with the project site, such as potential waterways and wetlands (Table 1, *HELIX Survey Information*).

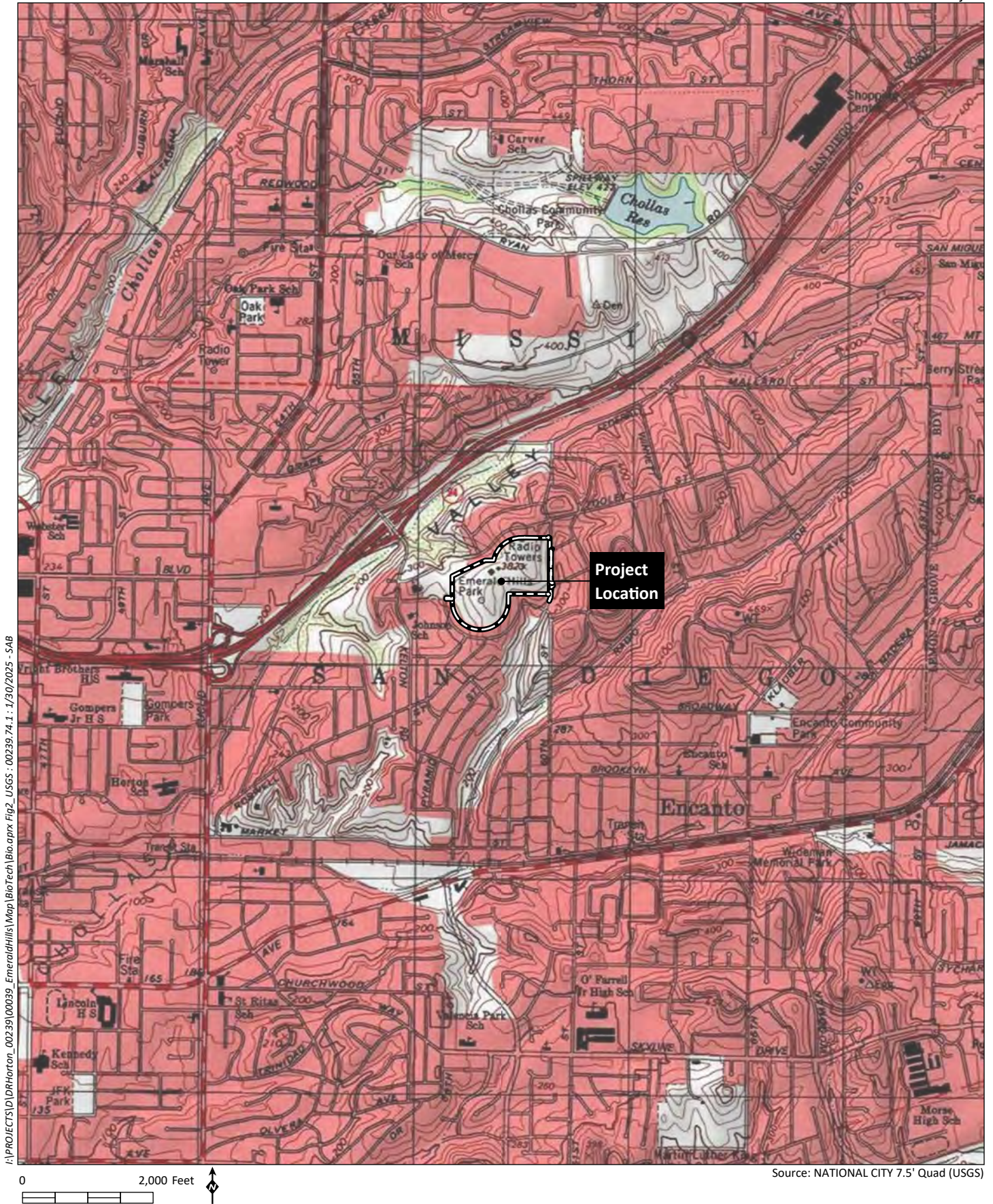
Table 1
HELIX SURVEY INFORMATION

Survey Date	Personnel	Purpose
3/31/2021	Benjamin Rosenbaum	Biological due diligence survey
10/23/2023	Amy Mattson Kacee Morrell	General biological survey update
4/10/2024	Amy Mattson	Spring special-status plant survey
5/1/2024, 5/3/2024	Angelica Grunloh	Crotch's bumble bee (<i>Bombus crotchii</i>) habitat assessment and first survey
5/21/2024	Angelica Grunloh Lindsay Willrick	Crotch's bumble bee second survey
6/19/2024	Angelica Grunloh Amy Mattson	Crotch's bumble bee third survey
6/24/2024	Amy Mattson	Summer special-status plant survey

HELIX biologists Amy Mattson and Kacee Morrell conducted a general biological survey update on October 23, 2023, to confirm and update HELIX's vegetation mapping and biological resources, resulting in minor revisions to the vegetation mapping. Vegetation was mapped on a 1"=175' scale aerial photograph. Biological resources were recorded using a handheld Global Positioning System unit. The site was surveyed on foot with the aid of binoculars. Animal identifications were made in the field by direct, visual observation, or indirectly by detection of calls, burrows, tracks, or scat. Plant identifications were made in the field or in the lab through comparison with voucher specimens or photographs. Plant and animal species observed or otherwise detected during the surveys were recorded (Appendices A and B). However, the lists of species identified are not necessarily comprehensive accounts of all species that occur on the site, as species that are nocturnal, secretive, or seasonally restricted may not have been observed.



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2.3 PRELIMINARY JURISDICTIONAL WETLAND DELINEATION

HELIX biologist Benjamin Rosenbaum conducted a preliminary jurisdictional delineation of the proposed project site and adjacent lands as part of a biological due diligence survey of the Project site on March 31, 2021 (HELIX Environmental Planning, Inc. [HELIX] 2022) and confirmed by Ms. Mattson and Mr. Morrell as part of an updated general biological survey on October 23, 2023 (Table 1). Before beginning fieldwork, current aerial imagery (Google Earth 2023) and National Wetlands Inventory maps (USFWS 2023c) were reviewed to assist in determining the presence or absence of potential jurisdictional areas.

2.4 SPECIAL-STATUS PLANT SURVEYS

HELIX biologist Amy Mattson conducted a special-status plant survey of the project site in spring and summer 2024 (Table 1). HELIX biologist Lindsay Willrick keyed decumbent goldenbush (*Isocoma menziesii* var. *decumbens*) observed on-site.

2.5 CROTCH'S BUMBLE BEE SURVEYS

Focused surveys for Crotch's bumble bee (*Bombus crotchii*) were conducted at the request of the City (Table 1). HELIX biologist Angelica Grunloh conducted the Crotch's bumble bee habitat assessment of the project site on May 1, 2024. The habitat assessment included mapping the vegetation on-site according to the Manual of California Vegetation (Sawyer and Keeler-Wolf 1995), determining the species composition within vegetation alliances, and collecting a list of flowering species. HELIX's survey method is based on the California Department of Fish and Wildlife (CDFW) *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* issued June 6, 2023, which calls for an initial Crotch's bumble bee habitat assessment followed by three bumble bee surveys. The three surveys were spaced two to four weeks apart during the Colony Active Period (April through August) and when floral resources were present in 2024. Each survey was conducted over two days or by two biologists to meet the recommended survey rate of three acres per hour. Bumble bee species observed during the survey were identified but were not captured or handled to avoid potential take. If a Crotch's bumble bee were detected or suspected, the location and observation details would be documented, including photographs. UC-Riverside bumble bee expert Dr. Douglas Yanega would confirm species identification for non-capture photos. Ms. Grunloh conducted the first survey of the project site on May 1 and 3, 2024. Ms. Grunloh and Ms. Willrick conducted the second survey on May 21, 2024. Ms. Grunloh and Ms. Mattson conducted the third survey on June 19, 2024. Dr. Yanega checked all of the photos taken of bumble bees subsequent to the surveys.

2.6 SURVEY LIMITATIONS

Noted animal species were identified by direct observation, vocalizations, or the observance of scat, tracks, or other signs. However, the lists of species identified are not necessarily comprehensive accounts of all species that utilize the project site, as species that are nocturnal, secretive, or seasonally restricted may not have been observed. Those species that are of special status and have the potential to occur in the project site are addressed in Appendix C of this report.

2.7 NOMENCLATURE

Nomenclature follows Baldwin et al. (2012) for plants, Collins and Taggart (2006) for reptiles, American Ornithological Society (2023) for birds, Baker et al. (2003) for mammals, and Holland (1986) and Oberbauer (2008) for vegetation communities. Plant species status is taken from the California Native Plant Society (CNPS 2023). Animal species status is from CDFW (2023b and c). Soils information was taken from the USDA NRCS (2019).

3.0 RESULTS

3.1 REGIONAL CONTEXT

The site is within the boundary of the City's MSCP Subarea Plan, outside of the MHPA (Figure 3). The site is located outside the Coastal Overlay Zone and is not within any lands identified as critical habitat by the USFWS (USFWS 2023b).

3.2 GENERAL LAND USES

The site is the broadcasting location of KSON-FM and KKLQ-FM. Aside from two radio towers, associated facilities, and a road leading up to them, the bulk of the site consists of a naturalized habitat that is regularly maintained. The site is adjacent to Emerald Hills Park to the northwest, Johnson Magnet School and residential development to the southwest, and residential development to the north, south, and east. The site is currently zoned "RS-1-2 (Residential – Single Unit, Minimum 20,000 square foot [sq.ft.] lots)," and the proposed Change of Zone would rezone the Project site to "RX-1-1 (Residential – Small Lot, minimum 4,000 sq.ft. lots)" to accommodate the proposed residential development.

3.3 DISTURBANCE

It appears from historic aerial photos that the radio towers have been in operation since at least 1953, the first aerial photo available from [HistoricAerials.com](https://www.historicaerials.com). Most of the site consists of non-native grassland, which is regularly mowed. Small patches of disturbed native habitat occur along the northern site boundary.

HELIX reviewed historic aerial imagery available on Google Earth to gain insight on the frequency of clearing on site. Mowing occurred at least annually from 2016 through 2024, when good quality imagery was available. Clearing was assumed to have occurred when mowing lines looked freshly made, when the mowing striping pattern changed between successive aerial images, and when the site looked abundantly vegetated on an aerial image but striped in the subsequent image. The resolution on some aerial images did not allow for making assumptions about annual mowing prior to 2016; however, aerial imagery available on [HistoricAerials.com](https://www.historicaerials.com) show the vegetation dominating the site appeared generally low-growing, consistent with regular clearing, mowing, or grazing, back through 1953, the first image available.

3.4 TOPOGRAPHY AND SOILS

Elevations on-site range from approximately 404 feet above mean sea level (AMSL) at the base of the northeastern radio tower to approximately 310 feet AMSL at the western edge of the site. Five soil types

have been mapped within the project site: Diablo clay, 2 to 9 percent slopes; Diablo clay, 15 to 30 percent slopes; Diablo -Urban land complex, 15 to 30 percent slopes; Huerhuero-Urban land complex, 2 to 9 percent slopes; and Terrace escarpments (USDA 2019; Figure 4, *Soils*).

Steep Hillsides are a component of the City’s Environmentally Sensitive Lands (ESL) Regulations (City 1999, 1997a). Although some steep slopes are mapped on the project site, slope analysis of the site determined that there are no steep hillsides on-site, as defined per Section 113.0103 of the San Diego Municipal Code (Hunsaker & Associates 2023).

Special flood hazard areas are also regulated by the City’s ESL Regulations. Because the site is located on a hilltop, the site does not include any 100-year floodplain, 500-year floodplain, or 100-year floodway (Federal Emergency Management Agency 2016).

3.5 VEGETATION COMMUNITIES/HABITAT TYPES

A total of five vegetation communities or land use types occur on site: Diegan coastal sage scrub (disturbed), non-native grassland, non-native vegetation, disturbed land, and developed lands (Table 2, *Existing Vegetation Communities/Land Use Types*; Figure 5, *Vegetation and Special-Status Species*). Two of these are considered sensitive habitats requiring mitigation for impacts (Diegan coastal sage scrub [disturbed] and non-native grassland). The communities/habitat types are presented in Table 2 in order by MSCP Tier. The habitat surrounding the project site within 100 feet consists of developed land.

Table 2
EXISTING VEGETATION COMMUNITIES/LAND USE TYPES

Multiple Species Conservation Program (MSCP) Tier ¹	Vegetation Community/Land Use Type	Site Acreage ²	Off-site Acreage	Entire Project Acreage
Wetlands				
N/A	--	--	--	--
Uplands				
II	Diegan Coastal Sage Scrub (disturbed phase)	0.4	--	0.4
IIIB	Non-native Grassland	29.2	--	29.2
IV	Non-native Vegetation	0.3	--	0.3
IV	Disturbed Land	0.1	--	0.1
IV	Developed Land	1.2	0.2	1.4
Uplands Subtotal		31.2	0.2	31.4
TOTAL		31.2	0.2	31.4

¹ Tiers refer to City MSCP Subarea Plan habitat classification system.

² Habitat acreage rounded to the nearest 0.1 acre for uplands. Totals reflect rounding. Off-site portion of the project is entirely developed land.

3.5.1 Diegan Coastal Sage Scrub – Disturbed

Diegan coastal sage scrub is the widespread coastal sage scrub in coastal southern California, typically occupying xeric sites characterized by shallow soils. Approximately 0.4 acre of disturbed Diegan coastal sage scrub occurs within the project site. On-site, this habitat is dominated by lemonadeberry (*Rhus integrifolia*), with lesser amounts of broom baccharis (*Baccharis sarothroides*) intermixed with non-native species. This vegetation community on-site does not include California sagebrush (*Artemisia*

californica) or California buckwheat (*Eriogonum fasciculatum*), which are favored by the coastal California gnatcatcher (*Polioptila californica californica*; Natural History Museum 2024). It also does not include any cactus, which is a requirement for coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*).

3.5.2 Non-native Grassland

Non-native grassland is characterized by a sparse to dense cover of annual grasses and is often associated with numerous species of showy-flowered, native, annual forbs. Approximately 29.2 acres of non-native grassland occupy a majority of the project site. On-site, this habitat is dominated by wild oat (*Avena* sp.), purple false brome (*Brachypodium distachyon*), prickly wild lettuce (*Lactuca serriola*), and mustards (*Brassica nigra* and *Hirschfeldia incana*), with patches of fountain grass (*Pennisetum setaceum*) and Bermuda grass (*Cynodon dactylon*).

3.5.3 Non-native Vegetation

Non-native vegetation is a category describing stands of naturalized trees and shrubs (e.g., eucalyptus [*Eucalyptus* spp.], Brazilian peppertree [*Schinus terebinthifolius*], and Peruvian peppertree [*Schinus molle*]), many of which are also used in landscaping. Approximately 0.3 acre of non-native vegetation occurs along the northwest and south edges of the project site.

3.5.4 Disturbed Land

Disturbed land includes land cleared of vegetation (e.g., dirt roads), land containing a preponderance of non-native plant species such as ornamentals or ruderal exotic species that take advantage of disturbance (previously cleared or abandoned landscaping), or land showing signs of past or present animal usage that removes any capability of providing viable habitat. On site, approximately 0.1 acre of disturbed land near the center of the project where an old transformer footing was present. This vegetation community was dominated by bare ground, wild oat, and Bermuda grass.

3.5.5 Developed

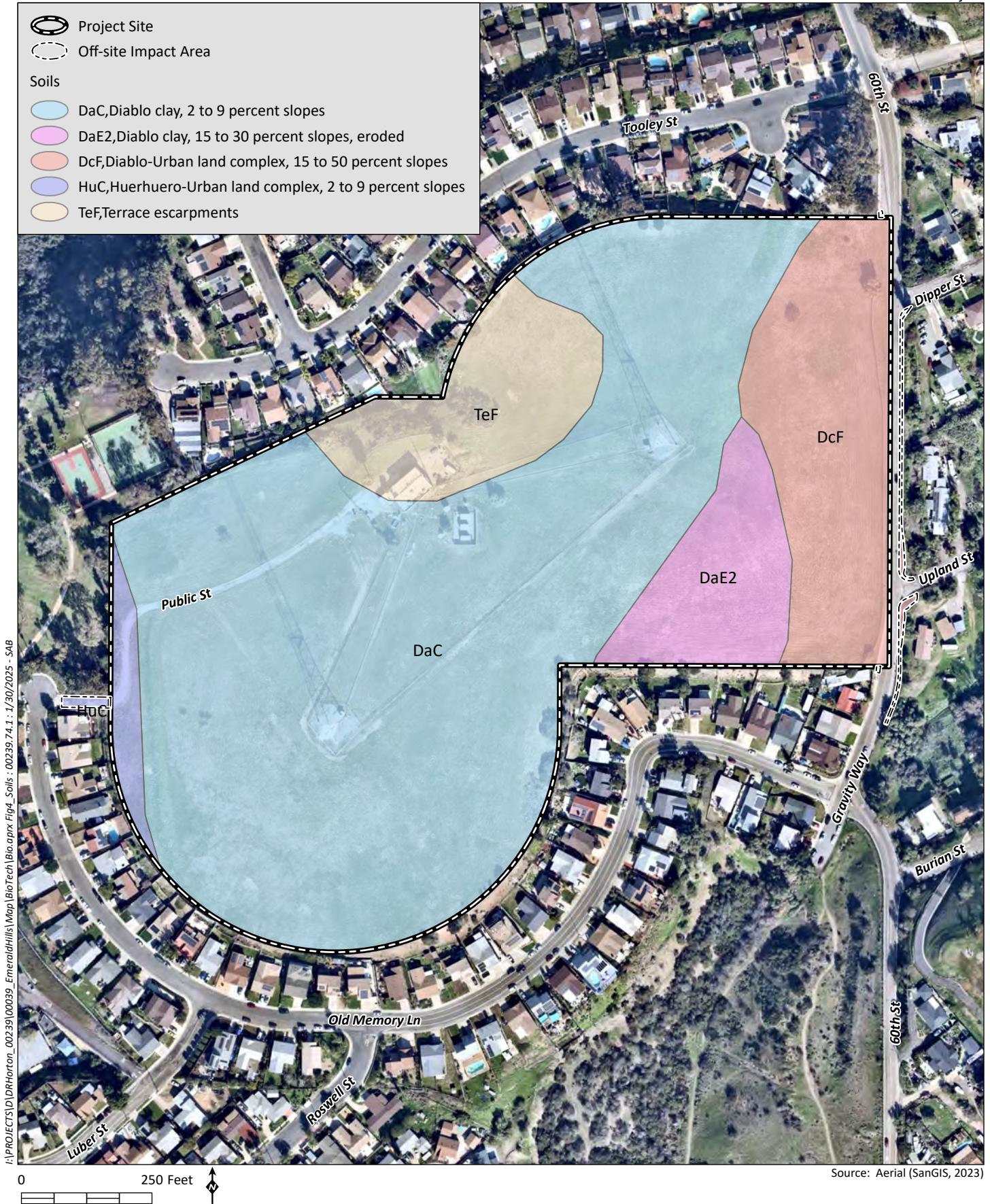
Developed land consists of 1.2 acres of existing structures in the middle of the project site and 0.2 acre of off-site roads (Figure 5).

3.6 FLORA

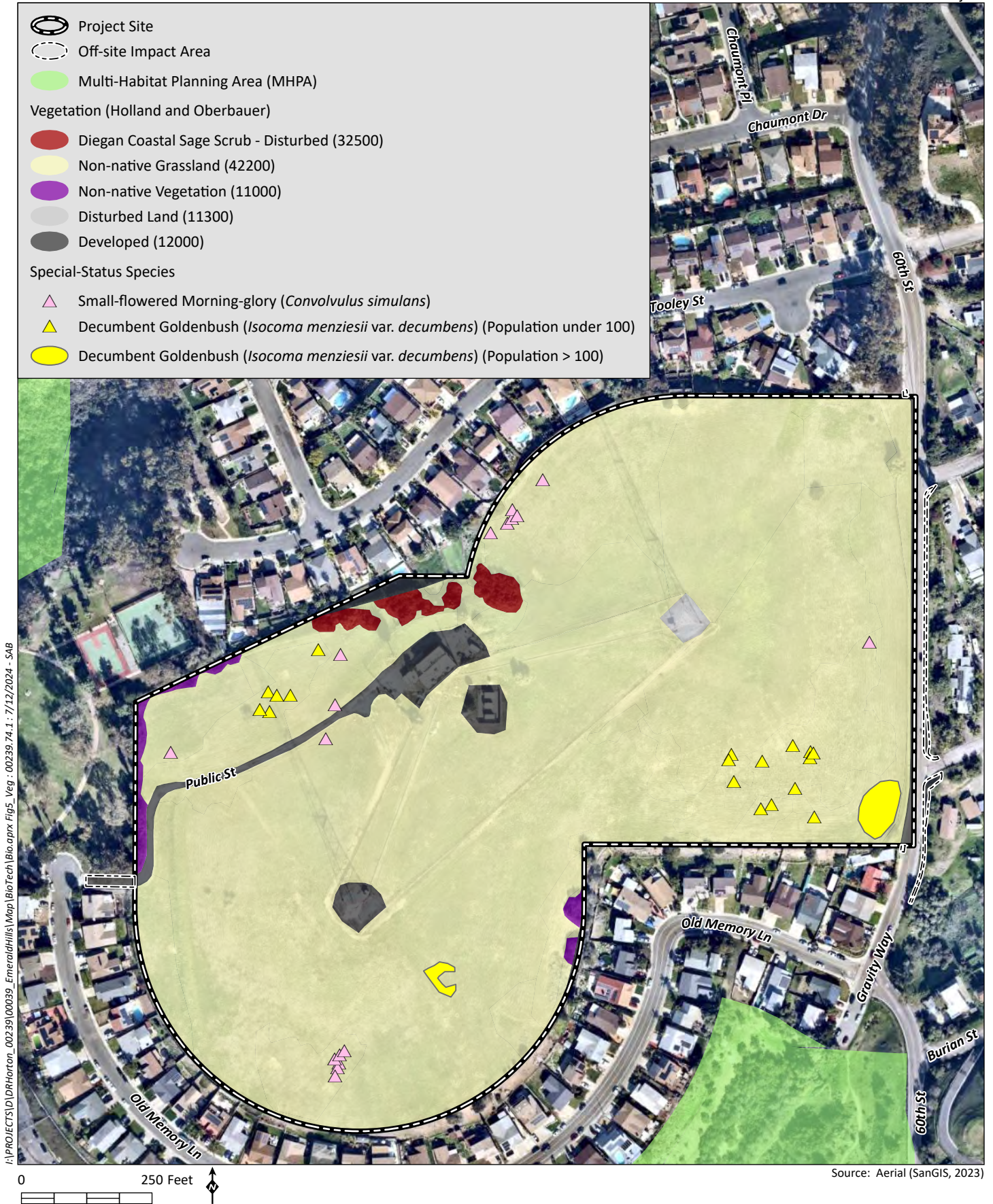
HELIX identified a total of 76 plant species or genera in the project site, of which 50 (66 percent) are non-native species (Appendix A).

3.7 FAUNA

A total of 31 animal species were observed or otherwise detected in the project site during the biological surveys conducted on-site, including 15 invertebrate, 14 bird, and two mammal species (Appendix B).



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3.8 SENSITIVE VEGETATION COMMUNITIES/HABITAT TYPES

Sensitive vegetation communities/habitat types are defined as land that supports unique vegetation communities or the habitats of rare or endangered species or subspecies of animals or plants as defined by Section 15380 of the State CEQA Guidelines (Association of Environmental Professionals 2023). The City's ESL Regulations (City 1997a) and Biology Guidelines (City 2018) define sensitive biological resources as: lands included in the MHPA; wetlands; Tier IIIB and higher vegetation types; lands supporting species or subspecies listed as rare, endangered, or threatened; and lands containing narrow endemic species, vernal pool species, or covered species as listed in the City's Biology Guidelines. Impacts to sensitive habitat types require compensatory mitigation.

3.9 SPECIAL-STATUS SPECIES

3.9.1 Special-Status Plant Species

Special-status plant species have been afforded special status and/or recognition by the USFWS, CDFW, and/or the City (e.g., MSCP narrow endemic species), and may also be included in the CNPS Inventory of Rare and Endangered Plants (CNPS 2023). Their status is often based on one or more of three distributional attributes: geographic range, habitat specificity, and/or population size. A species that exhibits a small or restricted geographic range (such as those endemic to the region) is geographically rare. A species may be more or less abundant but occurs only in very specific habitats. Lastly, a species may be widespread but exists naturally in small populations.

Two special-status plant species were observed within the project site: small-flowered morning glory (*Convolvulus simulans*) and decumbent goldenbush (*Isocoma menziesii* var. *decumbens*). Neither species is federally or state listed or listed as a narrow endemic. Small-flowered morning glory is assigned a CRPR 4.2 by the CNPS. This designation indicates that this plant is of limited distribution or infrequent throughout a broader area in California, and its status should be monitored regularly. A threat rank of 0.2 indicates that it is moderately threatened in California. Decumbent goldenbush is CRPR 1B.2. This designation indicates that this plant is rare or endangered in California and elsewhere.

Small-flowered Morning glory (*Convolvulus simulans*)

Listing: CRPR 4.2

Distribution: Scattered locations from the foothills to the coast in southern California and Baja California, Mexico. Species rare in southern California.

Habitat: Coastal clay areas in openings of chaparral, sage scrub, and grasslands.

Status on site: A total of 74 plants were observed across the site beneath an overstory of non-native grasses, prickly wild lettuce, and mustards (Figure 5).

Decumbent Goldenbush (*Isocoma menziesii* var. *decumbens*)

Listing: CRPR 1B.2

Distribution: Orange and San Diego counties; Baja California, Mexico; San Clemente and Santa Catalina islands.

Habitat: Presumed to utilize coastal sage scrub habitat intermixed with grassland and is more partial to clay soils than other closely related varieties.

Status on site: An estimate of 467 plants were observed in two clusters, and scattered throughout the site (Figure 5).

In addition to small-flowered morning glory and decumbent goldenbush, a total of 32 special-status plant species known from within three miles of the site, or included on the City's MSCP Narrow Endemic list, were analyzed for their potential to occur within the project site (Appendix C). No other special-status plant species were considered to have a high potential to occur on-site. The plant species analyzed are not anticipated to occur on-site due to negative focused species surveys, the lack of appropriate soils, habitat, elevation, and/or known occurrences in the vicinity. San Diego goldenstar (*Bloomeria clevelandii*), variegated dudleya (*Dudleya variegata*), and Otay tarplant (*Deinandra conjugens*) were previously assessed as a high potential but are now considered low potential because they were not observed during focused species surveys conducted during their flowering period.

3.9.2 Special-Status Animal Species

Special-status animal species include those that have been afforded special status and/or recognition by the USFWS, CDFW, and/or the City. In general, the principal reason an individual taxon (species or subspecies) is given such recognition is the documented or perceived decline or limitations of its population size or geographical extent and/or distribution, resulting in most cases from habitat loss.

No special-status species were observed on-site. A total of 18 special-status animal species known from within approximately three miles of the site were analyzed for their potential to occur within the project site (Appendix C). Two special-status animal species have a high potential to occur: Cooper's hawk (*Accipiter cooperii*) and prairie falcon (*Falco mexicanus*).

Cooper's hawk (*Accipiter cooperii*)

Status: --/WL; MSCP Covered

Distribution: In California, the species breeds from Siskiyou County south to San Diego County and east to the Owens Valley at elevations below 9,000 feet.

Habitat(s): Inhabits forests, riparian areas, and more recently, suburban and urban areas, nesting within dense woodlands and forests and isolated trees in open areas.

Status on site: Suitable foraging habitat present. Limited nesting opportunities occur along the periphery of the site.

Prairie falcon (*Falco mexicanus*)

Status: --/WL

Distribution: Uncommon permanent resident and migrant of California ranging from the Sierra Nevada southwest along the inner coastal mountains and east to the southeastern deserts but absent from the northern coastal fog belt.

Habitat(s): Primary habitats include grasslands, savannahs, alpine meadows, some agricultural fields during the winter season, and desert scrub areas where suitable cliffs or bluffs are present for nest sites. Requires sheltered cliff ledges for cover and nesting, which may range in height from low rock outcrops of 30 feet to cliffs up to and higher than 400 feet.

Status on site: This species could forage in grassland, but nesting habitat is not present.

The City requested that this report provide additional discussion of coastal California gnatcatcher and coastal Cactus wren potential to use the site.

Coastal California gnatcatcher occurs in coastal sage scrub. Specifically, the species prefers patches dominated by California sagebrush and California buckwheat, and avoids those dominated by sage (*Salvia* spp.), laurel sumac (*Malosma laurina*), and lemonadeberry (Natural History Museum 2024).

Coastal California gnatcatcher has low potential to occur on-site given that the site is dominated by non-native grassland and given that the coastal sage scrub present on the northern edge of the site is a small area, located adjacent to residential development, and is of low quality. The disturbed coastal sage scrub mapped on-site is composed primarily of lemonadeberry and other large shrubs and lacks California sagebrush and California buckwheat.

Coastal cactus wren occupies native scrub vegetation with thickets of mature cacti consisting of cholla (*Cylindropuntia* spp.) or prickly-pear cactus (*Opuntia littoralis*). Cacti must be tall enough to support and protect the bird's nest (typically 3 feet or more in height). Surrounding vegetation usually consists of coastal sage scrub habitat with shrubs normally below the level of nest placement. Coastal cactus wren is not expected on-site because the site is dominated by non-native grassland, not scrub habitat, and no cacti were observed on site. The nearest coastal cactus wren record is approximately half a mile to the southwest of the site, with apparent potentially suitable habitat (cactus) visible on aerial imagery in that same area.

3.9.3 Crotch's Bumble Bee

Crotch's bumble bee is State Candidate Endangered, and due to recent interest in protecting this species, the City requested that surveys be conducted. No Crotch's bumble bee was observed during focused surveys (Figure 6, *Crotch's Bumble Bee Habitat Assessment and Survey Results*). This bee inhabits open grasslands and scrub habitats. It primarily nests underground and forages on a wide variety of flowers, but a short tongue renders it best suited to open flowers with short corollas. In Southern California, it is most commonly observed on flowering species in the *Asclepias*, *Astragalus*, *Chaenactis*, *Eschscholzia*, *Lupinus*, *Phacelia*, and *Salvia* genera. This species has low potential to occur in the study area given the dominance of non-native grasses, prickly wild lettuce (*Lactuca serriola*), and mustards (Table 3, *Species Composition by Mapped Alliance*), and scarcity of suitable flowers observed during surveys (Table 4, *Percent Cover of Flowering Plants*). The scarcity of nectar resources on-site also reduces the site's potential to support nesting because the species will typically forage within 200 meters of their nest. California ground squirrel (*Otospermophilus beecheyi*), which would create holes for nesting, was not observed on-site. Potential nesting resources consist of soil cracks and bunch grasses. Nectaring and nesting resources were limited in the developed areas adjacent to the site.

Table 3
SPECIES COMPOSITION BY MAPPED ALLIANCE

Scientific Name ¹	Common Name	Percent Cover
Brachypodium distachyon semi-natural stands		
<i>Acmispon glaber</i>	deerweed	3
<i>Ambrosia psilostachya</i>	western ragweed	1
<i>Asclepias curassavica</i>*	blood flower	<1
<i>Asphodelus fistulosus</i> *	onionweed	<1
<i>Astragalus</i> sp.	astragalus	<1
<i>Avena fatua</i> *	wildoats	25
<i>Baccharis pilularis</i>	coyote brush	<1
<i>Brachypodium distachyon</i> *	purple false brome	35
<i>Calystegia macrostegia</i>	island morning glory	3
<i>Carduus pycnocephalus</i> *	Italian thistle	<1
<i>Centaurea melitensis</i> *	tocalote	3
<i>Convolvulus simulans</i> †	small-flowered morning glory	<1
<i>Croton setiger</i>	turkey-mullein	<1
<i>Cynodon dactylon</i> *	Bermuda grass	<1
<i>Dittrichia graveolens</i> *	stinkwort	<1
<i>Erodium botrys</i> *	big heron bill	<1
<i>Festuca perennis</i> *	Italian rye grass	10
<i>Foeniculum vulgare</i> *	fennel	<1
<i>Glebionis coronaria</i> *	crown daisy	<1
<i>Gutierrezia californica</i>	California matchweed	<1
<i>Hedypnois cretica</i> *	crete weed	<1
<i>Hirschfeldia incana</i> *	short-pod mustard	2
<i>Isocoma menziesii</i> var. <i>decumbens</i> †	decumbent goldenbush	<1
<i>Lactuca serriola</i> *	prickly wild lettuce	5
<i>Lupinus</i> sp.*	Lupine	<1
<i>Lysimachia arvensis</i> *	scarlet pimpernel	<1
<i>Malva parviflora</i> *	cheeseweed	1
<i>Medicago polymorpha</i> *	California burclover	<1
<i>Vachellia farnesiana</i> *	sweet acacia	<1
<i>Pseudognaphalium californicum</i>	California cudweed	<1
<i>Raphanus sativus</i> *	wild radish	<1
<i>Rumex crispus</i> *	curly dock	<1
<i>Salsola tragus</i> *	Russian thistle	<1
<i>Sisyrinchium bellum</i>	blue eyed grass	<1
<i>Sonchus asper</i> *	prickly sow thistle	<1
<i>Sonchus oleraceus</i> *	sow thistle	1
<i>Stipa pulchra</i>	purple needle grass	2
Pennisetum setaceum semi-natural stands		
<i>Acmispon glaber</i>	deerweed	1
<i>Avena fatua</i> *	wildoats	5
<i>Brachypodium distachyon</i> *	purple false brome	20
<i>Calystegia macrostegia</i>	island morning glory	2
<i>Centaurea melitensis</i> *	tocalote	2
<i>Croton setiger</i>	turkey-mullein	<1
<i>Festuca perennis</i> *	Italian rye grass	1

Scientific Name ¹	Common Name	Percent Cover
<i>Foeniculum vulgare</i> *	fennel	1
<i>Hedypnois cretica</i> *	crete weed	1
<i>Isocoma menziesii</i> var. <i>decumbens</i> †	decumbent goldenbush	<1
<i>Lactuca serriola</i> *	prickly wild lettuce	3
<i>Medicago polymorpha</i> *	California burclover	<1
<i>Pennisetum setaceum</i> *	fountain grass	50
<i>Sisyrinchium bellum</i>	blue eyed grass	1
<i>Solanum</i> sp.	nightshade	<1
<i>Stipa pulchra</i>	purple needle grass	3
Lolium perenne semi-natural stands		
<i>Acmispon glaber</i>	deerweed	<1
<i>Ambrosia psilostachya</i>	western ragweed	<1
<i>Avena fatua</i> *	wild oats	15
<i>Brachypodium distachyon</i> *	purple false brome	20
<i>Brassica nigra</i> *	black mustard	1
<i>Bromus diandrus</i> *	ripgut brome	1
<i>Centaurea melitensis</i> *	to calote	5
<i>Croton setiger</i>	turkey-mullein	<1
<i>Festuca perennis</i> *	Italian rye grass	35
<i>Foeniculum vulgare</i> *	fennel	35
<i>Hirschfeldia incana</i> *	short-pod mustard	1
<i>Lactuca serriola</i> *	prickly wild lettuce	7
<i>Malva parviflora</i> *	cheeseweed	1
<i>Pennisetum setaceum</i> *	fountain grass	5
<i>Sisyrinchium bellum</i>	blue eyed grass	<1
<i>Sonchus oleraceus</i> *	sow thistle	2
<i>Stipa pulchra</i>	purple needle grass	2
Mediterranean California Naturalized Annual and Perennial Grassland		
<i>Acmispon glaber</i>	deerweed	<1
<i>Astragalus</i> sp.	astragalus	<1
<i>Avena fatua</i> *	wild oats	10
<i>Brachypodium distachyon</i> *	purple false brome	15
<i>Bromus diandrus</i> *	ripgut brome	1
<i>Centaurea melitensis</i> *	to calote	35
<i>Festuca perennis</i> *	Italian rye grass	7
<i>Foeniculum vulgare</i> *	fennel	1
<i>Glebionis coronaria</i> *	crown daisy	1
<i>Gutierrezia californica</i>	California matchweed	<1
<i>Hirschfeldia incana</i> *	short-pod mustard	1
<i>Isocoma menziesii</i> var. <i>decumbens</i> †	decumbent goldenbush	<1
<i>Lactuca serriola</i> *	prickly wild lettuce	10
<i>Malva parviflora</i> *	cheeseweed	2
<i>Pennisetum setaceum</i> *	fountain grass	7
<i>Pseudognaphalium californicum</i>	California cudweed	<1
<i>Sisyrinchium bellum</i>	blue eyed grass	<1
<i>Sonchus asper</i> *	prickly sow thistle	<1
<i>Sonchus oleraceus</i> *	sow thistle	2
<i>Stipa pulchra</i>	purple needle grass	3

Scientific Name ¹	Common Name	Percent Cover
Rhus integrifolia association		
<i>Baccharis pilularis</i>	coyote brush	10
<i>Brachypodium distachyon</i> *	purple false brome	2
<i>Callistemon</i> sp.*	crimson bottle brush	2
<i>Eucalyptus</i> sp.*	eucalyptus	5
<i>Festuca perennis</i> *	Italian rye grass	2
<i>Malosma laurina</i>	laurel sumac	3
<i>Phoenix canariensis</i> *	Canary Island date palm	2
<i>Rhus integrifolia</i>	lemonadeberry	60
<i>Schinus molle</i> *	Peruvian pepper tree	2
<i>Washingtonia robusta</i> *	Mexican fan palm	1
<i>Yucca gigantea</i> *	giant yucca	1
Developed		
<i>Acacia</i> sp.*	acacia	10
<i>Callistemon</i> sp.*	crimson bottle brush	15
<i>Carpobrotus edulis</i> *	hottentot-fig	10
<i>Eucalyptus</i> sp.*	eucalyptus	20
<i>Hirschfeldia incana</i> *	short-pod mustard	5
<i>Schinus terebinthifolia</i> *	Brazilian pepper tree	15
<i>Washingtonia robusta</i> *	Mexican fan palm	15

¹ Plants in genera most commonly associated with Crotch's bumble bee (*Asclepias*, *Astragalus*, *Chaenactis*, *Eschscholzia*, *Lupinus*, *Phacelia*, and *Salvia*) shown in **bold**.

Table 4
PLANTS IN BLOOM

Scientific Name	Common Name	Survey Numbers in Bloom ¹
<i>Acmispon glaber</i>	deerweed	HA/1, 2, 3
<i>Amsinckia menziesii</i>	fiddleneck	HA/1
<i>Asclepias curassavica</i> *	blood flower	2, 3
<i>Asphodelus fistulosus</i> *	onionweed	HA/1
<i>Astragalus</i> sp.	astragalus	HA/1
<i>Brassica nigra</i> *	black mustard	HA/1, 2, 3
<i>Callistemon</i> sp. *	crimson bottle brush	2, 3
<i>Calystegia macrostegia</i>	island morning glory	HA/1, 2, 3
<i>Carduus pycnocephalus</i> *	Italian thistle	2, 3
<i>Carpobrotus edulis</i> *	hottentot-fig	HA/1, 2, 3
<i>Centaurea melitensis</i> *	totalote	HA/1, 2, 3
<i>Centaurea solstitialis</i> *	yellow starthistle	3
<i>Convolvulus arvensis</i> *	field bindweed	3
<i>Convolvulus simulans</i> †	small-flowered morning glory	HA/1, 2
<i>Croton setiger</i>	turkey-mullein	3
<i>Erodium botrys</i> *	big heron bill	HA/1, 2, 3
<i>Eucalyptus</i> sp.*	eucalyptus	3
<i>Euphorbia polycarpa</i>	smallseed sandmat	3
<i>Foeniculum vulgare</i> *	fennel	HA/1, 2, 3
<i>Glebionis coronaria</i> *	crown daisy	HA/1, 2
<i>Grindelia camporum</i>	gum plant	3

Scientific Name	Common Name	Survey Numbers in Bloom ¹
<i>Gutierrezia californica</i>	California matchweed	2, 3
<i>Hedypnois cretica</i> *	crete weed	HA/1, 2, 3
<i>Heterotheca grandiflora</i>	telegraph weed	3
<i>Hirschfeldia incana</i> *	short-pod mustard	2, 3
<i>Isocoma menziesii</i> var. <i>decumbens</i> †	decumbent goldenbush	HA/1, 2, 3
<i>Lactuca serriola</i> *	prickly wild lettuce	HA/1, 3
<i>Lysimachia arvensis</i> *	scarlet pimpernel	2, 3
<i>Malva parviflora</i> *	cheeseweed	HA/1, 2, 3
<i>Melilotus indicus</i> *	annual yellow sweetclover	HA/1
<i>Phalaris</i> sp.*	canarygrass	3
<i>Plantago erecta</i>	California plantain	3
<i>Pseudognaphalium californicum</i>	California cudweed	2, 3
<i>Sisyrinchium bellum</i>	blue eyed grass	HA/1, 2, 3
<i>Solanum elaeagnifolium</i> *	horse nettle	2, 3
<i>Sonchus asper</i> *	prickly sow thistle	3
<i>Sonchus oleraceus</i> *	sow thistle	HA/1, 3
<i>Taraxacum</i> sp.*	dandelion	3
<i>Torilis arvensis</i> *	field hedge parsley	3

† Special status species

* Non-native species

¹ HA = Habitat Assessment

3.9.4 Nesting Birds

Trees and shrubs both within and adjacent to the project site could provide suitable nesting habitat for several bird species known to the region.

3.9.5 Raptor Foraging

Red-tailed hawk was observed near the project site during the biological survey, and additional raptor species may use the site for foraging or could use on-site trees for nesting. These include red-shouldered hawk (*Buteo lineatus*; not listed or MSCP covered), Cooper's hawk, and prairie falcon.

3.10 JURISDICTIONAL WATERS AND WETLANDS

No jurisdictional areas that may be regulated by the United States Army Corps of Engineers (USACE), CDFW, Regional Water Quality Control Board (RWQCB), and/or City were recorded on site or observed during biological surveys.

3.11 HABITAT CONNECTIVITY AND WILDLIFE CORRIDORS

Wildlife corridors connect otherwise isolated pieces of habitat and allow movement or dispersal of plants and animals. Local wildlife corridors allow access to resources such as food, water, and shelter within the framework of their daily routine. Regional corridors provide these functions over a larger scale and link two or more large habitat areas, allowing the dispersal of organisms and the consequent mixing of genes between populations. A corridor is a specific route that is used for the movement and

migration of species and may be different from a linkage in that it represents a smaller or narrower avenue for movement. A linkage is an area of land that supports or contributes to the long-term movement of animals and genetic exchange by providing a live-in habitat that connects to other habitat areas. Many linkages occur as stepping-stone linkages that are made up of a fragmented archipelago arrangement of habitat over a linear distance.

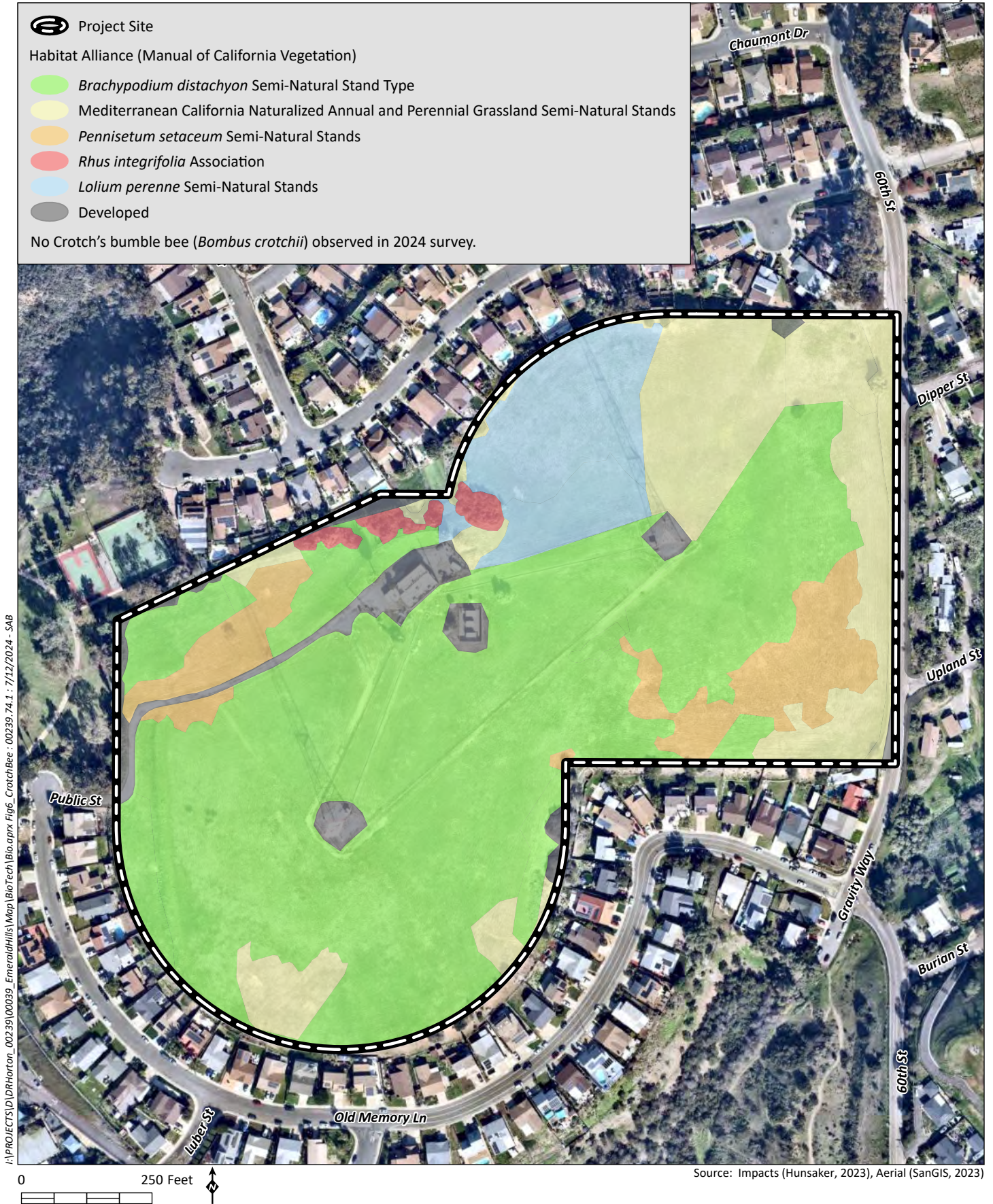
The project site does not occur within a biological resource core area or habitat linkage identified in the MSCP Subarea Plan. The Emerald Hills Branch of Chollas Creek, to the west of the project site and Emerald Hills Park, is known to provide dispersal of urban-acclimated species such as coyote (*Canis latrans*), northern raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and striped skunk (*Mephitis mephitis*) (RECON 2015). However, the project site is surrounded by existing development, is entirely fenced except for a small gap in the fence at 5710 Old Memory Lane, and would provide low potential for regional or localized wildlife movement. In addition to being fenced and surrounded by development, the site consists of sparsely vegetated hillsides, which would make wildlife moving across the site highly visible to humans and predators. Therefore, it lacks the topographic and vegetative cover that would make it a preferred movement route for wildlife. Birds could move through the site; however, the species that would be likely to use the site would be the same common, urban-adapted species that would use the adjacent residential development.

The City asked for additional discussion of the site's potential to serve as a wildlife corridor or stepping-stone linkage for coastal California gnatcatcher and coastal cactus wren. Coastal California gnatcatcher observations are recorded in the MHPA to the north, northwest, west, and south of the project site. As discussed in Section 3.9.4, the site does not support suitable habitat for the coastal California gnatcatcher, making the site unsuitable for use as a stepping-stone linkage. When the species is traveling between suitable habitat to the north and south of the project, it would be a shorter distance for them to fly through the back yards of houses between Beverly Street and 56th Street and across Roswell Street, than across the active-use Emerald Hills Park, the frequently mowed, low-cover project site, and the homes along Old Memory Lane to the MHPA to the south. So, while the coastal California gnatcatcher may travel across the site, it seems less likely than another route.

In the vicinity of the project, coastal cactus wren is recorded in the MHPA to the southwest of the project site. As discussed in Section 3.9.4, coastal cactus wren is not expected to occur on-site since the site does not contain suitable habitat. Aerial imagery of the MHPA near the site was reviewed on Google Earth for features that look like cactus (i.e., potentially suitable habitat). In addition to the site itself lacking cactus, the MHPA closest to the south end of the site also appears to lack cactus. Thus, it may be even less likely for a coastal cactus wren to travel through the site than a coastal California gnatcatcher since it is a longer distance between potentially suitable habitat. Similar to coastal California gnatcatcher, it appears that the smaller gap between MHPA areas across Roswell Street southwest of the project site provides a better movement path for coastal cactus wren compared to the project site.

4.0 APPLICABLE REGULATIONS

This section provides a summary of regulations applicable to the proposed project.



4.1 FEDERAL GOVERNMENT

4.1.1 Federal Endangered Species Act

Administered by the USFWS, the Federal Endangered Species Act (FESA) provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a “take” under the FESA. Section 9(a) of the FESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns.

The USFWS designates critical habitat for endangered and threatened species. Critical habitat is defined as areas of land that are considered necessary for endangered or threatened species to recover. The ultimate goal is to restore healthy populations of listed species within their native habitats so they can be removed from the list of threatened or endangered species. Once an area is designated as critical habitat pursuant to the FESA, federal agencies must consult with the USFWS to ensure that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of the critical habitat.

Sections 7 and 10(a) of the FESA regulate actions that could jeopardize endangered or threatened species. Section 7 generally describes a process of federal interagency consultation and issuance of a biological opinion and incidental take statement when federal actions may adversely affect listed species. Section 10(a) generally describes a process for preparation of a Habitat Conservation Plan and issuance of an incidental take permit. Pursuant to Section 10(a), the City was issued a take permit for their adopted MSCP Subarea Plan.

4.1.2 Migratory Bird Treaty Act

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA), as amended under the Migratory Bird Treaty Reform Act of 2004 (FR Doc. 05-5127). The MBTA is generally protective of migratory birds but does not actually stipulate the type of protection required. In common practice, the MBTA is now used to place restrictions on the disturbance of active bird nests during the nesting season; however, the City does not treat compliance with the MBTA as a mitigation measure under CEQA unless sensitive species are present. In addition, the USFWS commonly places restrictions on disturbances allowed near active raptor nests.

4.2 STATE OF CALIFORNIA

4.2.1 California Environmental Quality Act

Primary environmental legislation in California is found in CEQA and its implementing guidelines (State CEQA Guidelines), which require that projects with potential adverse effects (or impacts) on the environment undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

4.2.2 California Endangered Species Act

The California Endangered Species Act (CESA) established that it is State policy to conserve, protect, restore, and enhance State endangered species and their habitats. Under State law, plant and animal species may be formally designated rare, threatened, or endangered by official listing by the California Fish and Game Commission. The CESA authorizes that private entities may “take” plant or wildlife species listed as endangered or threatened under the FESA and CESA, pursuant to a federal Incidental Take Permit if the CDFW certifies that the incidental take is consistent with CESA (CFG Code Section 2080.1[a]). For State-only listed species, Section 2081 of the CFG Code authorizes the CDFW to issue an Incidental Take Permit for State listed threatened and endangered species if specific criteria are met. The City was issued a take permit for their adopted MSCP Subarea Plan pursuant to Section 2081.

4.2.3 California Fish and Game Code

The CFG Code provides specific protection and listing for several types of biological resources. Pursuant to CFG Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by CFG Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds would not be disturbed, subject to approval by CDFW and/or USFWS.

4.3 CITY OF SAN DIEGO

4.3.1 Environmentally Sensitive Lands

Impacts to biological resources in the City must comply with ESL Regulations. The purpose of the regulations is to “protect, preserve, and, where damaged restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands.” Environmentally sensitive lands are defined to include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and special flood hazard areas (e.g., 100-year floodplains).

The Biology Guidelines require seasonal restrictions on clearing, grubbing, or grading where development may impact the following bird species: western snowy plover (*Charadrius nivosus nivosus*), southwestern willow flycatcher (*Empidonax traillii extimus*), least tern (*Sternula antillarum browni*), San Diego cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), least Bell’s vireo (*Vireo bellii pusillus*), tricolored blackbird (*Agelaius tricolor*), coastal California gnatcatcher, and burrowing owl (*Athene cunicularia*).

4.3.2 Multiple Species Conservation Program

In July 1997, the USFWS, CDFW, and City adopted the Implementing Agreement for the MSCP. This program allows the incidental take of threatened and endangered species as well as regionally-sensitive species that are conserved by it (covered species). The MSCP designates regional preserves that are intended to be mostly void of development activities, while allowing the development of other areas

subject to the requirements of the program. Impacts to biological resources are regulated by the City's ESL regulations.

The City's MSCP Subarea Plan has been prepared to meet the requirements of the California Natural Communities Conservation Planning Act of 1992. This Subarea Plan describes how the City's portion of the MSCP Preserve, the MHPA, would be implemented.

5.0 ANALYSIS OF PROJECT EFFECTS

5.1 LAND USE ADJACENCY GUIDELINES – SECTION 1.4.3 OF THE MSCP

The project is not located adjacent to the MHPA. The nearest MHPA is located approximately 278 feet to the south of the site, beyond the two rows of houses on either side of Old Memory Lane. On the other side of the project site, the nearest MHPA is approximately 316 feet away, across Emerald Hills Park. Thus, the project would be in compliance with land use adjacency guidelines. In general, these guidelines are intended to determine the project's potential to affect the MHPA, with respect to drainage, toxins, lighting, noise, barriers to incursion, invasive species, brush management, and grading/land development.

5.2 CONDITIONS OF COVERAGE

Sensitive species were evaluated for coverage under the MSCP. One of the species observed or determined to have high potential to occur on the project site (Appendix C) had area-specific management directives (ASMDs) applied to them as conditions of coverage, as described below.

Cooper's hawk

Conditions: In the design of future projects within the Metro-Lakeside-Jamul segment, the design of preserve areas shall conserve patches of oak woodland and oak riparian forest of adequate size for nesting and foraging habitat. Area-specific management directives must include 300-foot impact avoidance areas around the active nests, and minimization of disturbance in oak woodlands and oak riparian forests.

Discussion: The project is not located within the Metro-Lakeside-Jamul segment, and there are no oak woodlands or oak riparian forests on or adjacent to the site.

5.3 SPECIAL-STATUS SPECIES

Two special-status plant species were observed within the project site, but no animal species are known to breed within the project site.

Small-flowered morning glory, which is CRPR 4.2, was observed in the project site. A total of 74 plants were observed beneath an overstory of non-native grasses, prickly wild lettuce, and mustards (Figure 5). Because this species has low sensitivity and does not occur in unusually high concentrations on-site, no mitigation measures are proposed in addition to the habitat mitigation in mitigation measure BIO-2.

Decumbent goldenbush, which is CRPR 1B.2, was observed in the project site. An estimated 467 plants were observed in two clusters and scattered throughout the site (Figure 5). Because this species is not

federally or state listed or listed as a narrow endemic, does not occur in unusually high concentrations on-site, and is distributed fairly widely throughout the City's MHPA, including in the general areas of the proposed mitigation parcels, no mitigation measures are proposed in addition to the habitat mitigation in mitigation measure BIO-2. This is consistent with the Biology Guidelines, which state that it is expected that the majority of CEQA sensitive species not covered by the MSCP will be adequately mitigated through habitat-based mitigation.

Spring and summer focused plant species surveys were conducted to determine if narrow endemic plant species with the potential to occur on-site are present. No other special-status plant species are expected to occur due to the lack of suitable habitat. Implementation of mitigation measure BIO-2 would reduce impacts to special-status plant species to less than significant.

Cooper's hawk may nest on or adjacent to the site. However, the implementation of mitigation measure BIO-1 would reduce impacts to Cooper's hawk to less than significant. A pre-construction nesting bird survey would be conducted to determine the presence of any nesting birds. Avoidance measures would be provided for nesting birds.

Prairie falcon, a watch list species, has the potential to forage on site. Impacts to this species are not expected to be significant with the implementation of compensatory habitat mitigation provided as mitigation measure BIO-2.

As discussed above, coastal California gnatcatcher has low potential to occur on-site given that the site is dominated by non-native grassland. The small amount of coastal sage scrub present by residential development on the northern edge of the site is of low quality. This species occurs in coastal sage scrub, but prefers patches dominated by California sagebrush and California buckwheat, and avoids those dominated by sage, laurel sumac, and lemonadeberry (Natural History Museum 2024). The disturbed coastal sage scrub mapped on-site consists primarily of lemonadeberry and other large shrubs and lacks California sagebrush and California buckwheat. The nearest off-site MHPA with potential for this species starts more than 300 feet to the northwest on the other side of Emerald Hills Park. Therefore, indirect noise impacts to breeding coastal California gnatcatchers located in the off-site MHPA would be considered less than significant. Implementation of mitigation measure BIO-2 would reduce impacts to coastal California gnatcatcher habitat to less than significant.

5.4 RIPARIAN HABITAT AND SENSITIVE NATURAL COMMUNITIES

The project would result in a total of 0.4 acre of direct impacts to Diegan coastal sage scrub (disturbed), a Tier II habitat outside of the MHPA (Figure 7, *Vegetation and Special-Status Species Impacts*; Table 5, *Habitat Impacts*). The project would also result in 29.2 acres of direct impacts to non-native grassland, a Tier IIIB habitat outside of the MHPA. Impacts to Tier II and IIIB habitats are considered significant. The project would not impact any wetland vegetation communities. All impacts are outside the MHPA. If all mitigation occurs inside the MHPA, impacts to Tier II habitat must be mitigated at a 1:1 ratio, and impacts to Tier IIIB habitat must be mitigated at a 0.5:1 ratio. If mitigation were to occur outside the MHPA, mitigation ratios would be 1.5:1 for Tier II habitat and 1:1 for Tier IIIB habitat. Implementation of mitigation measure BIO-2 would reduce the impact on Tier II and IIIB habitats to a less than significant level.

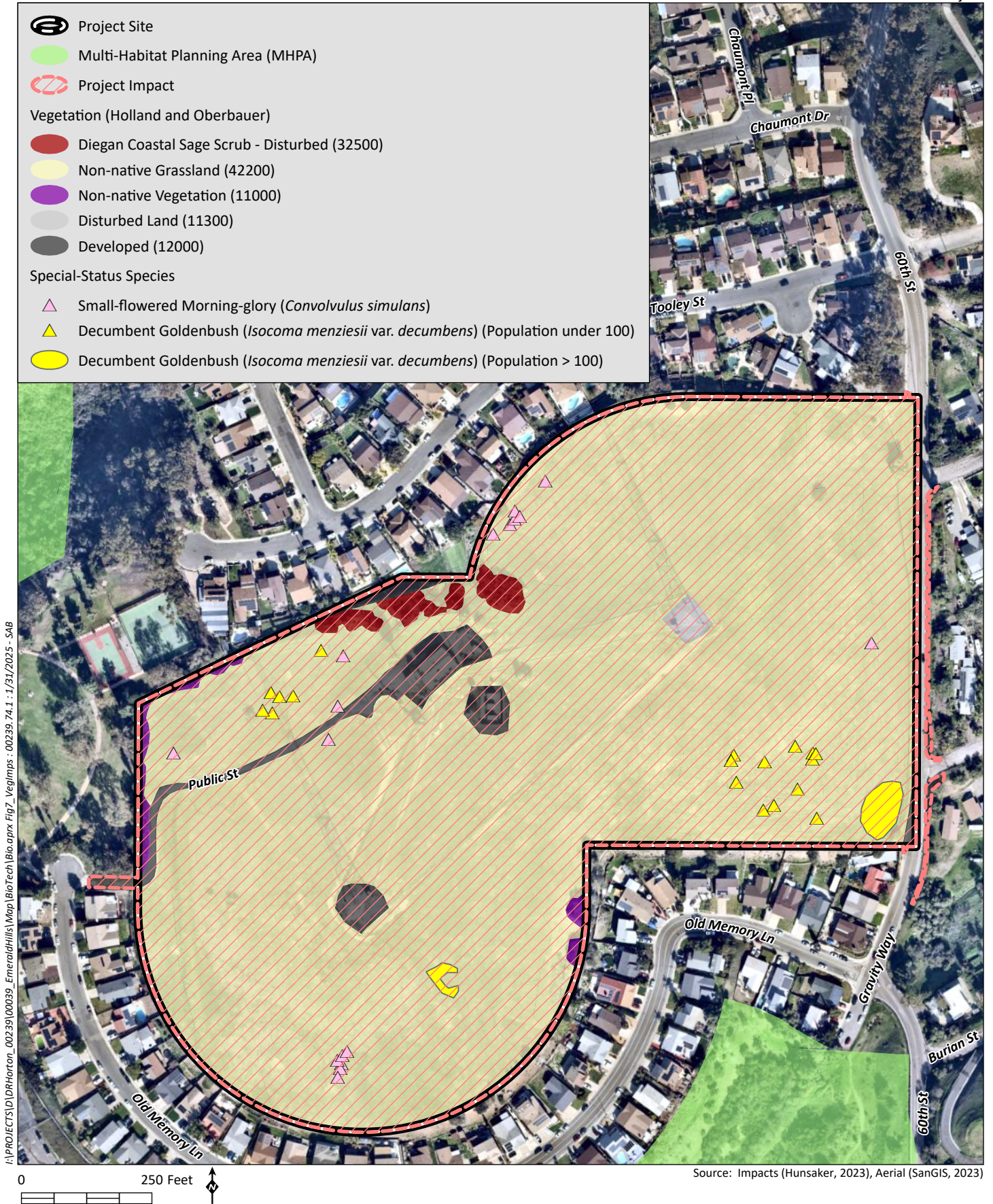


Table 5
HABITAT IMPACTS

Vegetation Community	Tier ¹	Impacts (acres) ²		
		On-site	Off-site	Total ³
Diegan Coastal Sage Scrub (including disturbed)	II	0.4	--	0.4
Non-native Grassland	IIIB	29.2	--	29.2
Non-native Vegetation	IV	0.3	--	0.3
Disturbed Land		0.1	--	0.1
Developed Land		1.2	0.2	1.4
TOTAL		31.2	0.2	31.4

¹ Tiers refer to City MSCP Subarea Plan habitat classification system.

² Habitat acreage rounded to the nearest 0.1 acre for uplands. Totals reflect rounding. Off-site portion of the project is entirely developed land.

³ Acreage for impact areas within the project site, as well as off-site impact areas.

The project would result in significant impacts to Tier II and IIIB habitats; however, mitigation measures to fully compensate for the loss of habitat would reduce impacts to less than significant. Mitigation is proposed at ratios consistent with those required by the City and Wildlife Agencies. With the implementation of mitigation measure BIO-2, impacts on Tier II and Tier IIIB habitats would be reduced to less than significant.

5.5 JURISDICTIONAL WETLANDS AND WATERWAYS

The project would not result in direct impacts to federally-, state-, or City-protected wetlands or vernal pools because none of these features occur on-site. Project construction is expected to incorporate erosion control Best Management Practices (BMPs) per the City's standards, which would prevent impacts to downstream resources.

5.6 WILDLIFE MOVEMENT AND NURSERY SITES

The project would not impede the movement of any native, resident, or migratory fish or wildlife species or interfere with established native, resident, or migratory wildlife corridors. The project site is currently surrounded by developed land and is not expected to provide for regional or localized wildlife movement, nor does it include suitable habitat for a stepping-stone linkage for coastal California gnatcatcher or coastal cactus wren, as discussed in Section 3.11. Wildlife may continue to use the Emerald Hills Branch of Chollas Creek in the MHPA to the west of the project site and Emerald Hills Park. Chollas Creek is known to provide dispersal of urban-acclimated species. In addition, the project would not interfere with linkages identified in the MSCP Plan or the use of native wildlife nursery sites. For these reasons, the proposed project would not interfere with habitat connectivity and wildlife corridors.

6.0 MITIGATION AND MONITORING REQUIREMENTS

The Southeastern San Diego PEIR included programmatic mitigation measures designed to ensure that future projects within the CPU area comply with all applicable guidelines and regulations and ensure impacts to sensitive biological resources are avoided to the extent feasible and minimized when avoidance is not possible. PEIR MM-BIO-1 requires site-specific biological resources surveys for all projects with a potential for significant impacts on sensitive species. Per PEIR MM-BIO-1, the biological

analysis, project design, and mitigation must follow the CEQA Significance Thresholds, Biology Guidelines, MSCP Subarea Plan, FESA, MBTA, CESA, and ESL Regulations. This report describes the site-specific biological surveys conducted for the project and demonstrates consistency with the listed guidelines and regulations; therefore, this report and the mitigation measures recommended herein satisfy PEIR MM-BIO-1. PEIR MM-BIO-1 also requires a conceptual mitigation plan following the outline in the Biology Guidelines, but that outline only applies to revegetation/restoration plans; thus, a conceptual mitigation plan is not needed for this project.

PEIR MM-BIO-2 lists permitting requirements for projects that impact wetlands or jurisdictional resources. The project does not impact wetland or jurisdictional resources; therefore, PEIR MM-BIO-2 does not apply to the project. PEIR MM-BIO-3 requires mitigation to reduce potentially significant impacts to nesting, foraging, or movement of wildlife species within the CPU area. The project includes mitigation for nesting and foraging impacts under mitigation measure BIO-1 below. Wildlife foraging is also covered by habitat mitigation measure BIO-2. Wildlife movement was determined not to be a significant impact for this project, as discussed in Section 5.6 above. Therefore, the project satisfies PEIR MM-BIO-3. Finally, PEIR MM-LU-2 requires consistency with the land use adjacency guidelines, which do not apply to this project because it is not adjacent to MHPA.

The following mitigation measures shall be implemented to reduce potential impacts from the Emerald Hills project to less than significant.

6.1 BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

Implementation of mitigation measure BIO-1 would reduce potential impacts from construction to less than significant.

BIO-1 In accordance with PEIR MM-BIO-3, prior to the issuance of any grading or landscaping permit, the City Manager (or appointed designee) shall verify that the following project requirements are shown on the construction plans:

Biological Resource Protection During Construction

I. Prior to Construction

- A. **Biologist Verification** – The owner/permittee shall provide a letter to the City’s Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego’s Biological Guidelines (2018), has been retained to implement the project’s biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Pre-construction Meeting** – The Qualified Biologist shall attend the pre-construction meeting, discuss the project’s biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting, including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports, including but not limited to, maps, plans, surveys, survey timelines, or buffers, are completed or scheduled per City Biology Guidelines, MSCP, ESL

regulations, project permit conditions; CEQA; endangered species acts; and/or other local, state or federal requirements.

- D. **BCME** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include any: restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City MMC. The BCME shall include a site plan, a written and graphic depiction of the project’s biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **General Avian Protection Requirements** – In accordance with PEIR MM-BIO-3, to avoid any direct impacts to red-tailed hawk (*Buteo jamaicensis*), Anna’s hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), American kestrel (*Falco sparverius*), bushtit (*Psaltirparus minimus*), American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), northern mockingbird (*Mimus polyglottos*), yellow-rumped warbler (*Setophaga coronata*), song sparrow (*Melospiza melodia*), California towhee (*Melospiza crissalis*), Bewick’s wren (*Thryomanes bewickii*), black phoebe (*Sayornis nigricans*), kingbird (*Tyrannus* sp.), other bird species protected by the MBTA, and any avian species identified as a listed, candidate, sensitive, or special-status species in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (January 15 to September 15). If the removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction survey shall be conducted within three calendar days before the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to the City Development Services Department MMC/MSCP for review and approval before initiating any construction activities. If nesting birds protected by the MBTA or City are detected, a letter report in conformance with the City’s Biology Guidelines and applicable State and Federal Laws (i.e., appropriate follow-up surveys, monitoring schedules, construction, and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City DSD MMC/MSCP for review and approval and implemented to the satisfaction of the City. The City’s DSD MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place before and/or during construction.
- F. **Resource Delineation** – Before construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize the attraction of nest predators to the site.

- G. **Education** – Before the commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on “Exhibit A” and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be emailed to MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species-specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state, and federal laws. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City MMC within 30 days of construction completion.

6.2 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND HABITATS

6.2.1 Mitigation Element

Implementation of mitigation measure BIO-2 would reduce the impacts to Tier II and IIIB habitat to less than significant (Table 6, *Sensitive Habitat Impacts and Mitigation*). Mitigation for impacts to sensitive upland habitats would be in accordance with PEIR MM-BIO-1, following the outline and ratios defined in the Biology Guidelines, and would also mitigate for impacts to decumbent goldenbush and small-flowered morning glory.

Table 6
SENSITIVE HABITAT IMPACTS AND MITIGATION

Vegetation Community	Tier	Impacts (acres)	Mitigation Ratio¹	Required Mitigation (acres)	Proposed Mitigation (acres)
Diegan Coastal Sage Scrub (disturbed phase)	II	0.4	1:1	0.4	0.4
Non-native Grassland	IIIB	29.2	0.5:1	14.6	14.6
TOTAL		29.6	-	15.0	15.0

¹ Mitigation ratios are consistent with the City's Biology Guidelines Table 3 (City 2018) and the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Project Final PEIR Table 5.5-4 (Dyett & Bhatia 2015) and assume all impacts are outside the MHPA and all mitigation is inside the MHPA. If mitigation were to occur outside of the MHPA, or if narrow endemic species were found on-site, the ratio would be 1.5:1 for Tier II habitat and 1:1 for Tier IIIB habitat. Mitigation ratios are based on the fact that no narrow endemic species were found during focused species surveys.

BIO-2 Compensatory Mitigation: As mitigation for impacts to 0.4 acre of Tier II habitat and 29.2 acres of Tier IIIB habitat, the project applicant shall provide compensatory habitat mitigation of at least 0.4 acre of Tier II habitat (or higher Tier) and 14.6 acres of Tier IIIB habitat (or higher Tier), in accordance with PEIR MM-BIO-1. Mitigation for impacts to Tier II and IIIB habitats could occur within the MHPA in Tiers I through III (out-of-kind), or outside of the MHPA within the affected habitat type (in-kind). Mitigation ratios assume all impacts are outside the MHPA and no narrow endemic species are present. Compensatory mitigation would be provided off-site within the MHPA at a site approved by the City. Mitigation is proposed at the Poway Unified School District parcels in the East Elliot area near Spring Canyon, and/or an alternate site approved by the City (which could include the approved Landbankers Mitigation Site in the northwestern portion of the City), with the final mitigation package to be approved by the City before impacts. If the City were to approve some compensatory mitigation to occur outside the MHPA, it would be provided at mitigation ratios of 1.5:1 for Tier II habitat and 1:1 for Tier IIIB habitat. Prior to the issuance of construction or grading permits, the mitigation land will either be dedicated to the City in fee title, or protected by a recorded covenant of easement. Upon acceptance of the property, the City will manage it in accordance with the MSCP Framework Management Plan as modified by the area specific management directives and the Vernal Pool Management and Monitoring Plan, as appropriate.

Mitigation is anticipated to be satisfied at property owned by the Poway Unified School District (PUSD) in the East Elliot area near Spring Canyon, the Landbankers Mitigation Site in the northeastern portion of the City, or an alternate site approved by the City. HELIX evaluated the Landbankers Mitigation Site and seven other potential mitigation sites on private parcels in East Elliot (HELIX 2022). The applicant is considering the PUSD property in the East Elliot area to meet their mitigation obligations, with the Landbankers Mitigation Site as a backup option. HELIX biologist Angelia Bottiani evaluated the PUSD property as part of due diligence for purchase on May 24, 2024.

The Landbankers Mitigation Site occurs within the MHPA and is protected by a covenant of easement. An updated general biological survey of the Landbankers Mitigation Site was conducted on October 23, 2023, by Ms. Mattson and Mr. Morrell to check for current conditions. Site conditions were comparable to what was previously mapped (Dudek & Associates 1999; HELIX 2022). The only additions would be to include a vernal pool identified in the City's Vernal Pool Habitat Conservation Plan (City 2019) and three potential vernal pools observed during the site visit within the northwest corner of the site. The presence of vernal pools only increases the overall habitat value of the site, and the small size of the

vernal pools (0.18 acre) would not significantly affect the other habitat acreages on-site. Therefore, the vegetation mapping was not revised. No major site disturbance, spread of invasive species, or erosion was observed during the current survey, and the site remains suitable for habitat mitigation.

The City confirmed in 2015 that a total of 9.7 acres of Tier IIIA habitat credits remain available for use, and a title search conducted in 2022 showed no subsequent transfer of habitat credits, which is confirmed by a signed letter from D.R. Horton as the property owner (HELIX 2022, Appendix D). After using the 9.7 acres remaining at the Landbankers parcel, an additional 5.3 acres of compensatory mitigation would occur elsewhere (4.9 acres of Tier IIIB or better habitat and 0.4 acre of Tier II or better habitat). While the PUSD parcels are proposed and available for mitigation as discussed below, as further proof of mitigation feasibility there are at least seven other parcels available in the East Elliot area recommended by the City for mitigation. According to SanGIS habitat mapping, all seven potential mitigation sites are located within MHPA and include a mixture of habitats, including some Tier II habitat, such that mitigation would be provided in-Tier for Diegan coastal sage scrub and in-Tier or up-Tiered for non-native grassland impacts (HELIX 2022). Each of the seven parcels includes more than 5.3 acres. Habitat mapping would be confirmed in the field and provided to the City before finalizing the purchase of any parcel. Compensatory mitigation would need to be approved by the City during the condition satisfaction process before the project impacts.

The two PUSD parcels are in the MHPA, in the East Elliot area, and are available for mitigation according to the attached letter from PUSD (Appendix E). A portion of these parcels have been used for mitigation, with more than the required 15.0 acres available for future mitigation. There is acreage remaining available for mitigation because the Westview High School (WHS) project needed 79.81 acres of mitigation if mitigating outside of Torrey Highlands, according to HELIX's interpretation. WHS had 5.49 acres of on-site mitigation, reducing the mitigation requirement to 74.32 acres. The two mitigation parcels total approximately 94.47 acres according to HELIX's mapping and included 94 acres of Tier II, IIIA, and IIIB habitat according to PUSD records from 1999. HELIX mapped the vegetation within these parcels to determine the type and amount of potential mitigation credit available. (Table 7, Figure 8a, *Potential Poway Unified School District Mitigation Site 1* and Figure 8b, *Potential Poway Unified School District Mitigation Site 2*). HELIX calculated that a total of 16.43 acres of Tier II habitat and 2.63 acres of Tier IIIA and IIIB habitat, 19.06 acres total, remain available for mitigation.

Table 7
AVAILABLE PUSD MITIGATION

Vegetation Community	Tier¹	Previous Habitat Mapping (acres)	Used for Mitigation³ (acres)	Current Habitat Mapping (acres)	Available for Current Mitigation (acres)
Diegan Coastal Sage Scrub (including disturbed)	II	43	14.26	71.26	16.43 (previous mitigation used 14.26 acre of Tier II to mitigate for Tier II and 40.57 acres to mitigate for Tier III)
Broom Baccharis Scrub	II	6		0	

Vegetation Community	Tier¹	Previous Habitat Mapping (acres)	Used for Mitigation³ (acres)	Current Habitat Mapping (acres)	Available for Current Mitigation (acres)
Southern Mixed Chaparral	IIIA	15	60.06	10.75	2.63 (previous mitigation used 8.83 acres of Tier IIIA, 10.66 acres of Tier IIIB, and 40.57 acres of Tier II)
Non-native Grassland	IIIB	30		11.37	
Disturbed Land	IV	0	0	1.09	N/A
TOTAL		94	74.32	94.47	19.06

¹ Tiers refer to City MSCP Subarea Plan habitat classification system.

² Habitat acreage rounded to the nearest 0.1 acre for uplands for areas mapped by HELIX. Previous mapping and impact calculations retain the same significant figures that were available.

³ Mitigation obligation for the Westview High School Project was 18.32 acres of Tier II and 61.49 acres of Tier IIIA/Tier IIIB, of which 4.06 acres was satisfied by coastal sage scrub restoration on-site and 1.43 acres of Tier IIIA/Tier IIIB was satisfied by preservation of existing habitat on-site.

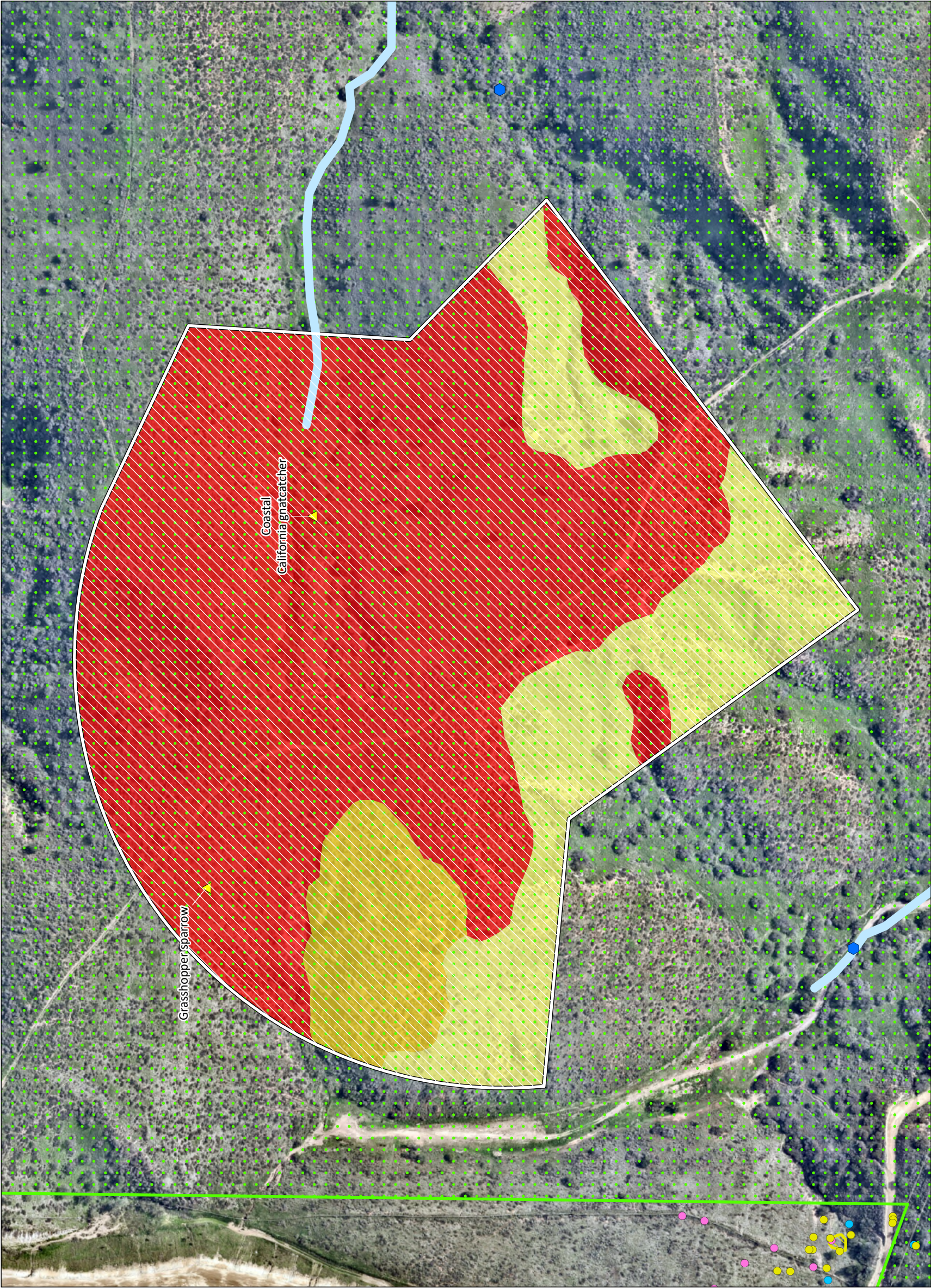
⁴ Mitigation in the MHPA may occur in the same or greater Tier. Mitigation outside of the MHPA may occur in the same Tier. We propose using Tier II and IIIB within the MHPA as mitigation.

N/A = Not Applicable as mitigation.

After HELIX prepared the conservative calculations provided in Table 7, PUSD provided correspondence from the City requiring 69.81 acres as the mitigation acreage for the Westview High School project (Appendix F). Per the City's request, PUSD prepared, signed, and delivered the attached Conservation Deed to the City for recordation (Appendix G). It appears that the City never recorded the Conservation Deed. The Conservation Deed was prepared for 69.81 acres, as directed by the City in the attached letter dated August 31, 1999 (Appendix F). The Conservation Deed included all of APN 366-080-23, 35.144 acres, plus the western 34.666-acre portion of APN 366-040-32, including a combination of MHPA and non-MHPA land (Figure 8). Using the County acreage of 59.75 for parcel 366-040-32, this leaves 25.08 acres available for mitigation on APN 366-040-32, exceeding both the 19.06 acres from Table 7 and the approximately 24.50 acres from the PUSD letter (Appendix E). The remaining approximately 25 acres of APN 366-040-32 were mapped by HELIX as Diegan coastal sage scrub, a Tier II habitat, and non-native grassland, a Tier IIIB habitat and includes more than 15.0 acres within MHPA, as shown on Figure 8, making it suitable as mitigation for the Emerald Hills project. The proposed mitigation area shown on Figure 8 includes 14.50 acres of Diegan coastal sage scrub/Tier II habitat and 0.52 acre of non-native grassland/Tier IIIB habitat (15.02 acres of sensitive habitat), as well as 0.14 acre of disturbed habitat that would not count toward the project's mitigation obligation. Therefore, adequate mitigation for the project is available on the PUSD site, either alone or in combination with the Landbankers site.

6.2.2 Protection and Notice Element

Per City Biology Guidelines Section III.B.2, Protection and Notice Element, project mitigation must provide assurances that areas offered for mitigation or remainder areas in the OR-1-2 Zone not developed but indirectly impacted by the proposed development will be adequately protected from future development (City 2018). Additionally, adequate notice must be recorded against the title of the property to memorialize the status of mitigation and remainder areas. The Protection Element will identify the specific actions incorporated into the project to protect any areas offered as mitigation. Dedication in fee title to the City is the preferred method of protecting mitigation areas. In lieu of dedication in fee title, or granting of a conservation easement, then a covenant of easement would be

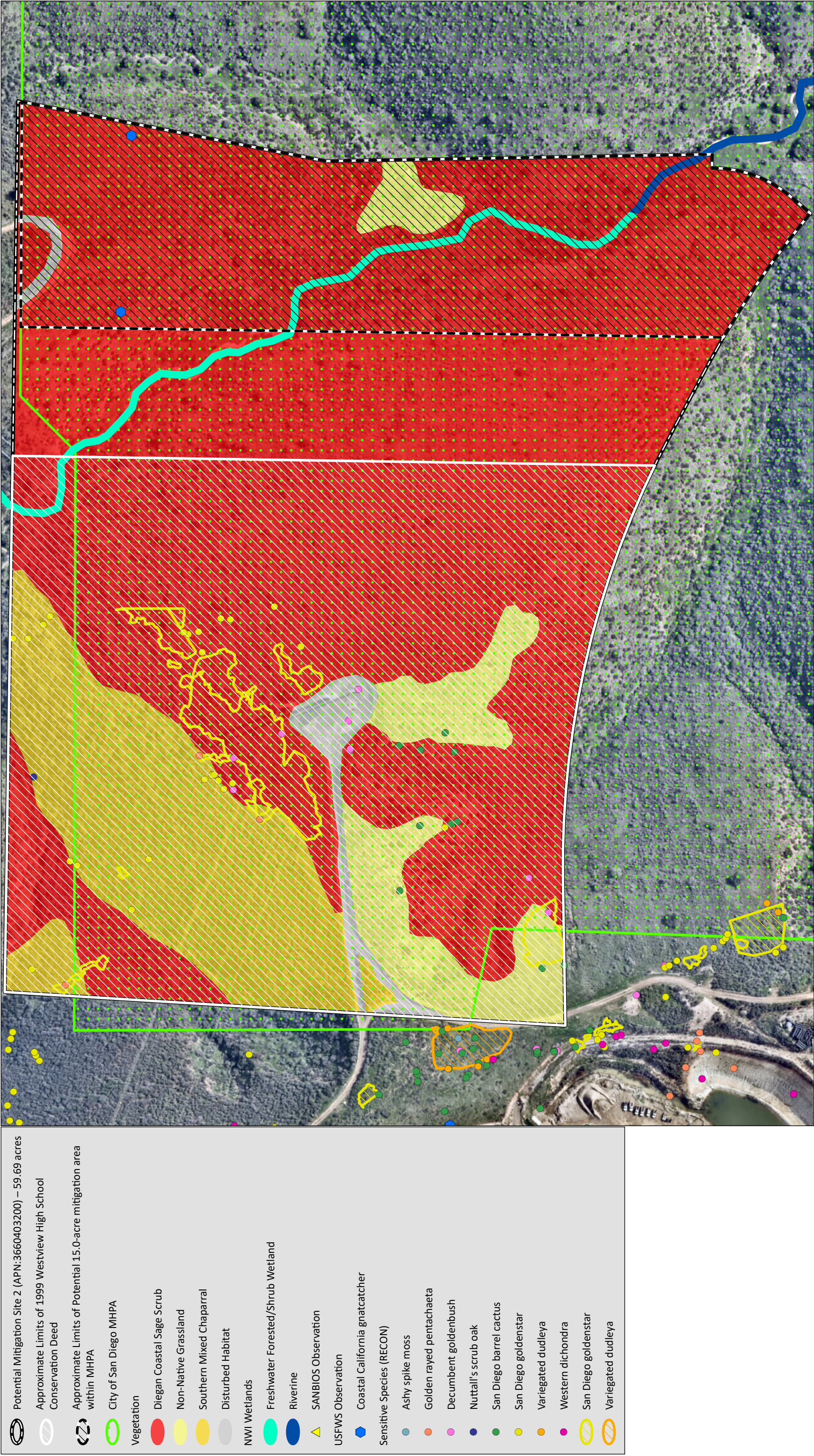


Source: Aerial (SanGIS 2023)

- Potential Mitigation Site 1 (APN: 3660802300) – 34.77 acres
- Approximate Limits of 1999 Westview High School Conservation Deed
- City of San Diego MHPA
- Vegetation
- Diegan Coastal Sage Scrub
 - Non-Native Grassland
 - Southern Mixed Chaparral
- NWI Wetlands
- Freshwater Emergent Wetland
- SANBIOS Observation
- USFWS Observation
- Coastal California gnatcatcher
- Sensitive Species (RECON)
- Graceful tarplant
 - Decumbent goldenbush
 - San Diego goldenstar
 - San Diego goldenstar

Potential Poway Unified School District Mitigation Site 1

Figure 8a



Potential Poway Unified School District Mitigation Site 2

Figure 8b

required to be recorded against the title of the property, with the USFWS and the CDFW named as third-party beneficiaries.

As described in Section 6.2.1, project mitigation is anticipated to be satisfied at property owned by the PUSD, the Landbankers Mitigation Site, or an alternate site approved by the City. The Landbankers Mitigation Site occurs within the MHPA and is protected by a covenant of easement. A covenant of easement was submitted for the portion of the PUSD property needed as mitigation for the Westview High School project, but was not recorded by the City. Implementation of mitigation measure BIO-2, which requires either fee title dedication to the City or recording a covenant of easement, would ensure compliance with the City Biology Guidelines Protection and Notice Element.

6.2.3 Management Element

Per City Biology Guidelines Section III.B.3, Management Element, project mitigation must provide assurances that the mitigation or remainder areas in the OR-1-2 Zone will be adequately managed and monitored in a manner consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Section 5.3.2 and Chapter 7 of the VPHCP, as appropriate (City 2018).

Mitigation lands are intended to be transferred in fee title to the City. Upon acceptance of the property, the City will manage it in accordance with the MSCP Framework Management Plan as modified by the area specific management directives. For the Landbankers parcel, the Vernal Pool Management and Monitoring Plan would also be applicable. There are no brush management requirements or other project-specific management requirements associated with the mitigation parcels. Implementation of mitigation measure BIO-2 would ensure compliance with the City Biology Guidelines Management Element.

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8.0 REFERENCES

- American Ornithological Society (AOS). 2023. AOU Checklist of North and Middle American Birds (online checklist). Retrieved from: <http://checklist.aou.org/taxa/>.
- Association of Environmental Professionals. 2023. 2023 CEQA Statute and Guidelines. Available at: https://www.califaep.org/statute_and_guidelines.php.
- Baker, R.J., L.C. Bradley, R.D. Bradley, J.W. Dragoo, M.D. Engstrom, R.S. Hoffmann, C.A. Jones, F. Reid, D.W. Rice, and C. Jones. 2003. Revised checklist of North American Mammals north of Mexico. Occasional Papers of the Museum, Texas Tech University 223.
- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken, editors. 2012. The Jepson Manual: Vascular Plants of California, second edition. University of California Press, Berkeley.
- California Department of Fish and Wildlife (CDFW). 2023a. California Natural Diversity Database.
- 2023b. State and Federally Listed Endangered and Threatened Animals of California. State of California. Biogeographic Data Branch, California Natural Diversity Database. October. Retrieved from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline=1>.
- 2023c. Special Animals List. Biogeographic Data Branch, California Natural Diversity Database. Periodic publication. October. Retrieved from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline=1>.
- 2023d. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. June 6. Retrieved from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>.
- California Native Plant Society (CNPS), Rare Plant Program. 2023. Rare Plant Inventory (online edition, v9.5). California Native Plant Society, Sacramento, CA. Retrieved from: <http://www.rareplants.cnps.org>. Accessed October 2023.
- City of San Diego. 2023. San Diego Municipal Code, Fire Protection and Prevention, Adoption of the 2022 California Fire Code. April 6. Available at: <https://docs.sandiego.gov/municode/MuniCodeChapter05/Ch05Art11Division01.pdf>.
2000. San Diego Municipal Code, Landscape Regulations, Brush Management. January 1. Available at: <https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art02Division04.pdf>.
2019. Revised Final City of San Diego Vernal Pool Habitat Conservation Plan. October. Available at: https://www.sandiego.gov/sites/default/files/vphcp_revised_final.pdf.

City of San Diego (cont.)

2018. San Diego Municipal Code, Land Development Code. Biology Guidelines. February 1.

Available at:

https://www.sandiego.gov/sites/default/files/amendment_to_the_land_development_manual_biology_guidelines_february_2018_-_clean.pdf.

1999. San Diego Municipal Code, Land Development Code. Steep Hillside Guidelines. June 1.

Available at: <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/landdevmanual/lmsteephillsides.pdf>.

1997a. San Diego Municipal Code, Land Development Code. Environmentally Sensitive Lands Regulations. December 9. Available at:

<https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division01.pdf>.

1997b. City of San Diego MSCP Subarea Plan. March. Available at:

<https://www.sandiego.gov/sites/default/files/legacy/planning/programs/mscp/pdf/subareafullversion.pdf>.

Collins, Joseph T. and Travis W. Taggart. 2006. The Center for North American Herpetology (CNAH): The Academic Portal to North American Herpetology. Available at: <http://www.cnah.org>.

County of San Diego. 2023. SanBIOS.

Dudek & Associates. 1999. Biological Resources Technical Report for the Torrey Santa Fe Project, City of San Diego, California. September.

Dyett and Bhatia Urban and Regional Planners. 2015. Southeastern San Diego and Encanto Neighborhoods Community Plan Updates Project Final Program Environmental Impact Report. October 1. Available at:

https://www.sandiego.gov/sites/default/files/legacy/planning/programs/ceqa/2015/20151006s_dandenfeir.pdf.

Federal Emergency Management Agency. 2016. National Flood Hazard Layer. April 5.

Google Earth. 2023. Accessed: October, November 2023.

HELIX Environmental Planning, Inc. 2022. Habitat Mitigation for Emerald Hills Project (Old Memory Lane Preliminary Application No. 693332). September 2.

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, 156 pp.

Hunsaker & Associates. 2023. (Draft) Vesting Tentative Map, Emerald Hills. October 24.

The Natural History Museum. 2024. San Diego County Bird Atlas. Pages 430 - 433. Available online at <https://sdplantatlas.org/birdatlas/pdf/California%20Gnatcatcher.pdf>.

- Oberbauer, T., M. Kelly, and J. Buegge. 2008. Draft Vegetation Communities of San Diego County. Based on "Preliminary Descriptions of the Terrestrial Natural Communities of California," R.F. Holland, Ph.D., October 1986. March. Revised from 1996 and 2005. July.
- RECON. 2015. Biological Resources Report for the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates, City of San Diego Project No. 386029 SCH No. 2014051075. July 6.
- Sawyer, John O. and Todd Keeler-Wolf. 1995. A Manual of California Vegetation.
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2019. United States Department of Agriculture. Web soil survey.
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed: October 2023.
- U.S. Fish and Wildlife Service. 2023a. ECOS Environmental Conservation Online System. Available at:
<https://ecos.fws.gov/ecp/>.
- 2023b. USFWS Threatened and Endangered Species Active Critical Habitat Report. Retrieved from: <https://ecos.fws.gov/ecp/report/critical-habitat>.
- 2023c. National Wetlands Inventory, Wetlands Mapper. Retrieved from:
<https://www.fws.gov/program/national-wetlands-inventory>.

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Appendix A

Plant Species Observed

Family	Scientific Name	Common Name	HABITAT**
MONOCOTS			
Agavaceae	<i>Yucca gigantea</i> *	giant yucca	CSS-D, NNG
Araceae	<i>Arum</i> sp.*	lily	NNG
Arecaceae	<i>Phoenix canariensis</i> *	Canary Island date palm	CSS-D
	<i>Washingtonia robusta</i> *	Mexican fan palm	NNV
Iridaceae	<i>Sisyrinchium bellum</i>	blue eyed grass	NNG
Poaceae	<i>Avena barbata</i> *	slender wild oat	CSS-D, NNG
	<i>Avena fatua</i> *	wild oats	CSS-D, NNG, NNV
	<i>Brachypodium distachyon</i> *	purple false brome	CSS-D, NNV
	<i>Bromus diandrus</i> *	ripgut brome	CSS-D, NNG
	<i>Bromus madritensis</i> *	foxtail chess	NNG, NNV
	<i>Cynodon dactylon</i> *	Bermuda grass	NNV
	<i>Festuca perennis</i> *	Italian rye grass	CSS-D, NNG
	<i>Hordeum</i> sp.*	barley	NNG
	<i>Pennisetum setaceum</i> *	fountain grass	NNG, NNV
	<i>Phalaris</i> sp.*	canarygrass	NNG
	<i>Stipa miliacea</i> *	smilo grass	NNV
	<i>Stipa pulchra</i>	purple needle grass	NNG
DICOTS			
Aizoaceae	<i>Carpobrotus edulis</i> *	hottentot-fig	NNV
Anacardiaceae	<i>Malosma laurina</i>	laurel sumac	NNG
	<i>Rhus integrifolia</i>	lemonadeberry	CSS-D, NNV
	<i>Schinus molle</i> *	Peruvian pepper tree	CSS-D, NNV
	<i>Schinus terebinthifolius</i> *	Brazilian pepper tree	NNV
Apiaceae	<i>Foeniculum vulgare</i> *	fennel	NNG
	<i>Torilis arvensis</i> *	field hedge parsley	NNG
Apocynaceae	<i>Asclepias curassavica</i> *	blood flower	NNG
Asphodelaceae	<i>Asphodelus fistulosus</i> *	onionweed	NNG
Asteraceae	<i>Ambrosia psilostachya</i>	western ragweed	NNG
	<i>Baccharis pilularis</i>	coyote brush	CSS-D
	<i>Baccharis sarothroides</i>	broom baccharis	CSS-D, NNG, NNV
	<i>Carduus pycnocephalus</i> *	Italian thistle	NNG
	<i>Centaurea melitensis</i> *	toalote	NNG, NNV
	<i>Centaurea solstitialis</i> *	yellow starthistle	NNG
	<i>Cirsium vulgare</i> *	bullthistle	NNG
	<i>Corethrogyne filaginifolia</i>	common sandaster	NNG
	<i>Dittrichia graveolens</i> *	stinkwort	CSS-D
	<i>Erigeron canadensis</i>	Canada horseweed	NNV
	<i>Glebionis coronaria</i> *	crown daisy	NNG
	<i>Grindelia camporum</i>	gum plant	NNG
	<i>Gutierrezia californica</i>	California matchweed	NNG
	<i>Hedypnois cretica</i> *	crete weed	NNG
	<i>Heterotheca grandiflora</i>	telegraph weed	NNG
	<i>Isocoma menziesii</i> var. <i>decumbens</i> †	decumbent goldenbush	NNG
	<i>Lactuca serriola</i> *	prickly wild lettuce	CSS-D
	<i>Pseudognaphalium californicum</i>	California cudweed	NNG
	<i>Sonchus asper</i> *	prickly sow thistle	NNG

Family	Scientific Name	Common Name	HABITAT**
Asteraceae (cont.)	<i>Sonchus oleraceus</i> *	sow thistle	NNG
	<i>Taraxacum</i> sp.*	dandelion	NNG
Boraginaceae	<i>Amsinckia menziesii</i>	fiddleneck	CSS-D, NNG
Brassicaceae	<i>Brassica nigra</i> *	black mustard	NNG
	<i>Hirschfeldia incana</i> *	short-pod mustard	NNG
	<i>Raphanus sativus</i> *	wild radish	CSS-D, NNG
Chenopodiaceae	<i>Salsola tragus</i> *	Russian thistle	NNG, NNV
Convolvulaceae	<i>Calystegia macrostegia</i>	island morning-glory	NNG, NNV
	<i>Convolvulus arvensis</i> *	field bindweed	NNG
	<i>Convolvulus simulans</i> †	small-flowered morning-glory	NNG
	<i>Cuscuta</i> sp.	dodder	NNG
Euphorbiaceae	<i>Croton setiger</i>	turkey-mullein	NNG
	<i>Euphorbia polycarpa</i>	smallseed sandmat	NNG
Fabaceae	<i>Acacia</i> sp.*	acacia	NNV, NNG
	<i>Acmispon glaber</i>	deerweed	NNG
	<i>Astragalus</i> sp.	astragalus	NNG
	<i>Lupinus</i> sp.	lupine	NNG
	<i>Medicago polymorpha</i> *	California burclover	NNG
	<i>Melilotus indicus</i> *	annual yellow sweetclover	NNG
	<i>Vachellia farnesiana</i> *	sweet acacia	NNG
Geraniaceae	<i>Erodium botrys</i> *	big heron bill	NNG
	<i>Erodium cicutarium</i> *	coastal heron's bill	NNG
Malvaceae	<i>Malva parviflora</i> *	cheeseweed	NNG
Myrsinaceae	<i>Lysimachia arvensis</i> *	scarlet pimpernel	NNG
Myrtaceae	<i>Callistemon citrinus</i> *	crimson bottle brush	NNV
	<i>Eucalyptus</i> sp.*	eucalyptus	NNG
Oxalidae	<i>Oxalis pes-caprae</i>	Bermuda buttercup	NNG
Plantaginaceae	<i>Plantago erecta</i>	California plantain	NNG
Polygonaceae	<i>Rumex crispus</i> *	curly dock	NNG
Rosaceae	<i>Eriobotrya japonica</i> *	loquat	NNV
Solanaceae	<i>Solanum elaeagnifolium</i> .	horse nettle	NNG

† Special status species

* Non-native species

** CSS-D = Disturbed Diegan coastal sage scrub, NNG = Non-native grassland, NNV = Non-native vegetation.

Appendix B

Animal Species Observed or Detected

Order	(Super) Family	Scientific Name	Common Name
INVERTEBRATES			
Araneae	Araneidae	<i>Argiope trifasciata</i>	banded garden spider
Coleoptera	Coccinellidae	--	unidentified ladybug
Gastropoda	--	--	unidentified snail
Hymenoptera	Apidae	<i>Apis mellifera</i>	western honey bee
		<i>Bombus californicus</i>	California bumble bee
		<i>Bombus sonorus</i>	Sonoran bumble bee
		<i>Bombus vandykei</i>	Van Dyke’s bumble bee
		<i>Bombus vosnesenskii</i>	yellow-faced bumble bee
Lepidoptera	Nymphalidae	<i>Vanessa</i> sp.	unidentified lady
	Papilionidae	<i>Papilio rutulus</i>	western tiger swallowtail
	Pieridae	<i>Pontia protodice</i>	checkered (common) white
		--	unidentified sulphur
	--	--	unidentified moth
Stylommatophora	--	--	unidentified snail
	Achatinidae	<i>Rumina decollata</i>	decollate snail
VERTEBRATES			
Birds			
Accipitriformes	Accipitridae	<i>Buteo jamaicensis</i>	red-tailed hawk
Apodiformes	Trochilidae	<i>Calypte anna</i>	Anna’s hummingbird
Columbiformes	Columbidae	<i>Zenaida macroura</i>	mourning dove
Falconiformes	Falconidae	<i>Falco sparverius</i>	American kestrel
Passeriformes	Aegithalidae	<i>Psaltriparus minimus</i>	bushtit
	Corvidae	<i>Corvus brachyrhynchos</i>	American crow
	Fringillidae	<i>Haemorhous mexicanus</i>	house finch
	Mimidae	<i>Mimus polyglottos</i>	northern mockingbird
	Parulidae	<i>Setophaga coronata</i>	yellow-rumped warbler
		<i>Melospiza melodia</i>	song sparrow
	Passerellidae	<i>Melospiza melodia</i>	song sparrow
		<i>Melospiza crissalis</i>	California towhee
	Troglodytidae	<i>Thryomanes bewickii</i>	Bewick’s wren
	Tyrannidae	<i>Sayornis nigricans</i>	black phoebe
<i>Tyrannus</i> sp.		unidentified kingbird	
Mammals			
Carnivora	Mephitidae	<i>Mephitis mephitis</i>	striped skunk (odor)
Rodentia	Geomyidae	<i>Thomomys bottae</i>	pocket gopher

† Listed or sensitive species

Appendix C

Sensitive Species with Potential to Occur

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
PLANTS				
MSCP Narrow Endemic Plants				
<i>Acanthomintha ilicifolia</i>	San Diego thorn-mint	FT/SE CRPR 1B.1 MSCP Covered Narrow Endemic	Annual herb. Found in grassy openings in chaparral or sage scrub, or near vernal pools, with friable or broken clay soils. Elevation below 3,281 ft. Flowering period Apr–Jun.	Low. Limited amount of disturbed coastal sage scrub habitat occurs on site, and species was not observed during surveys. Nearest CNDDB occurrences are an extirpated population by Chollas Creek, recorded in 1986 and a possibly extirpated population two miles to the south from 1882.
<i>Agave shawii</i> var. <i>shawii</i>	Shaw's agave	--/-- CRPR 2B.1 MSCP Covered Narrow Endemic	Shrub. Occurs in coastal bluff scrub and coastal sage scrub. Elevation below 328 ft. Flowering period Sept–May.	Presumed Absent. Conspicuous species that would have been observed if present.
<i>Ambrosia pumila</i>	San Diego ambrosia	FE/-- CRPR 1B.1 MSCP Covered Narrow Endemic	Small perennial herb. Occurs on loam or clay soils. Found in native grassland, valley bottoms, dry drainages, stream floodplain terraces, and vernal pool margins. Also can occur on slopes, disturbed places, and in coastal sage scrub or chaparral. Elevation range 65–1,360 ft. Flowering period Apr–Oct.	Low. Limited amount of disturbed coastal sage scrub habitat occurs on site, and species was not observed during surveys. No existing populations within 3 miles. Nearest CNDDB occurrence from 2006 has been extirpated.
<i>Aphanisma blitoides</i>	aphanisma	--/-- CRPR 1B.2 MSCP Covered Narrow Endemic	Annual herb. Occurs in coastal bluff scrub, coastal dunes, and sandy coastal scrub. Elevation below 656 ft. Flowering period Mar–Jun.	None. Suitable habitat does not occur.
<i>Astragalus tener</i> var. <i>titi</i>	coastal dunes milk-vetch	FE/SE CRPR 1B.1 MSCP Covered Narrow Endemic	Annual herb. Occurs in coastal dunes and sandy places along the coast. Elevation below 66 ft. Flowering period Mar–Jun.	None. Suitable habitat does not occur and site is above known elevation range for the species.
<i>Baccharis vanessae</i>	Encinitas baccharis	FT/SE CRPR 1B.1 MSCP Covered Narrow Endemic	Shrub. Mature but relatively low-growing chaparral is primary habitat; also found in southern maritime and southern mixed chaparrals. Elevation range 197–984 ft. Flowering period Aug–Nov.	Not Expected. Suitable habitat does not occur, and species is a perennial shrub that would have been observed if present.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Cylindropuntia californica</i> var. <i>californica</i> (<i>Opuntia</i> <i>parryi</i> var. <i>serpentina</i>)	snake cholla	--/-- CRPR 1B.1 MSCP Covered Narrow Endemic	Perennial herb (stem succulent). Occurs in chaparral and Diegan coastal sage scrub. Elevation below 820 ft. Flowering period Apr-Jul.	Presumed Absent. Conspicuous species that would have been observed if present.
<i>Deinandra conjugens</i> (<i>Hemizonia conjugens</i>)	Otay tarplant	FT/SE CRPR 1B.1 MSCP Covered Narrow Endemic	Annual herb. Occurs in coastal sage scrub and grassland habitats in southern San Diego County. Elevation range 66-984 ft. Flowering period May- Jun.	Low. Managed grassland and disturbed coastal sage scrub habitat occur on site, but the species was not observed in surveys during the flowering period. Nearest CNDDB occurrence approximately 1 mile to south in Valencia Canyon open space.
<i>Dudleya brevifolia</i> (<i>Dudleya blochmaniae</i> ssp <i>brevifolia</i>)	short leaved dudleya	--/SE CRPR 1B.1 MSCP Covered Narrow Endemic	Perennial herb. Occurs in open areas and sandstone bluffs of chamise chaparral or Torrey pine forest. Elevation below 820 ft. Flowering period Apr-May.	None. Suitable habitat does not occur.
<i>Dudleya variegata</i>	variegated dudleya	--/-- CRPR 1B.2 MSCP Covered Narrow Endemic	Perennial herb. Occurs in chaparral, cismontane woodland, coastal sage scrub, valley and foothill grassland, and vernal pools. Elevation below 984 ft. Flowering period Apr-Jun.	Low. Managed grassland and disturbed coastal sage scrub habitat occur on site, but the species was not observed in surveys during the flowering period. Nearest CNDDB occurrence approximately 2.1 miles to southeast in Paradise Canyon Park.
<i>Eryngium aristulatum</i> var. <i>parishii</i>	San Diego button-celery	FE/SE CRPR 1B.1 MSCP Covered Vernal Pool Species	Annual/perennial herb. Occurs in mesic areas on coastal scrub, native grassland, and vernal pools. Elevation range 65-2,035 ft. Flowering period Apr-Jun.	None. Suitable habitat does not occur.
<i>Navarretia fossalis</i>	spreading navarretia	FT/-- CRPR 1B.1 MSCP Covered Vernal Pool Species	Annual herb. Occurs in vernal pools in chenopod scrub, marshes and swamps, and playas. Elevation range 95-2,150 ft. Flowering period Apr-Jun.	None. Suitable habitat does not occur.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Orcuttia californica</i>	California Orcutt grass	FE/SE CRPR 1B.1 MSCP Covered Vernal Pool Species	Annual herb. Occurs in vernal pools. Known from fewer than 20 occurrences. Elevation range 45–2,165 ft. Flowering period Apr–Aug.	None. Suitable habitat does not occur.
<i>Pogogyne abramsii</i>	San Diego mesa mint	FE/SE CRPR 1B.1 MSCP Covered Vernal Pool Species	Small annual herb. Occurs within vernal pools in grasslands, chamise chaparral, and coastal sage scrub on mesas. Elevation range 328–656 ft. Flowering period Mar–Jul.	None. Suitable habitat does not occur.
<i>Pogogyne nudiuscula</i>	Otay Mesa mint	FE/SE CRPR 1B.1 MSCP Covered Vernal Pool Species	Small annual herb. Occurs within vernal pools. Elevation range 328–820 ft. Flowering period May–Jul.	None. Suitable habitat does not occur.
Other Plants				
<i>Adolphia californica</i>	California adolphia	--/-- CRPR 2B.1	Perennial shrub. Occurs in clay soils, chaparral, coastal scrub, and valley and foothill grassland. Elevation below 1,312 ft. Flowering period Dec–May.	Presumed Absent. Conspicuous species that would have been observed if present.
<i>Ambrosia monogyra</i>	singlewhorl burrobrush	--/-- CRPR 2B.2	Shrub. Occurs in washes and dry riverbeds. Elevation below 1,640 ft. Flowering period Aug – Nov.	Not Expected. Suitable habitat does not occur, and species is a perennial shrub that would have been observed if present.
<i>Bloomeria clevelandii</i> (<i>Muilla clevelandii</i>)	San Diego goldenstar	--/-- CRPR 1B.1 MSCP Covered	Perennial bulbiferous herb. Occurs in valley grasslands, particularly near mima mound topography or in the vicinity of vernal pools, on clay soils. Elevation below 328 ft. Flowering period Apr – May.	Low. Managed grassland and disturbed coastal sage scrub habitat occur on site, but the species was not observed in surveys during the flowering period. Nearest CNDDB occurrence approximately 1.4 miles to north on Naval Base San Diego, Chollas Heights.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Brodiaea orcuttii</i>	Orcutt's brodiaea	--/-- CRPR 1B.1 MSCP Covered	Perennial bulbiferous herb. Occurs on mesic or clay soils in closed-cone coniferous forest, chaparral, cismontane woodland, meadows and seeps, native grassland, and vernal pools. Elevation range 95–5,550 ft. Flowering period May–Jul.	None. Suitable habitat does not occur.
<i>Ceanothus verrucosus</i>	wart-stemmed ceanothus	--/-- CRPR 2B.2 MSCP Covered	Perennial evergreen shrub. Occurs in coastal chaparral intermixed with chamise. Elevation below 1,148 ft. Flowering period Jan–Apr.	Not Expected. Suitable habitat does not occur, and species is a perennial shrub that would have been observed if present.
<i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	summer holly	--/-- CRPR 1B.2	Perennial shrub. Occurs in chaparral and cismontane woodland. Elevation range 95–2,590 ft. Flowering period Apr–Jun.	Not Expected. Suitable habitat does not occur, and species is a perennial shrub that would have been observed if present.
<i>Convolvulus simulans</i>	small-flowered goldenbush	--/-- CRPR 4.2	Annual herb. Occurs on clay and serpentine seeps in openings within chaparral, coastal scrub, and native grassland. Elevation range 98–2,871 ft. Flowering period Mar–Jul.	Present. A total of 74 plants were observed within the project site.
<i>Ericameria palmeri</i> var. <i>palmeri</i>	Palmer's goldenbush	--/-- CRPR 1B.1 MSCP Covered	Perennial shrub. Occurs in coastal drainages, mesic chaparral, and occasionally in coastal sage scrub. Elevation below 1,968 ft. Flowering period Sept – Nov.	Presumed Absent. Conspicuous species that would have been observed if present.
<i>Ferocactus viridescens</i>	San Diego barrel cactus	--/-- CRPR 2B.1 MSCP Covered	Perennial stem succulent. Optimal habitat for this cactus appears to be Diegan coastal sage scrub hillside, often at the crest of slopes and growing among cobbles. Occurs in chaparral, coastal sage scrub, valley and foothill grassland, and vernal pools. Elevation range 5-492 ft. Flowering period May – June.	Presumed Absent. Conspicuous species that would have been observed if present.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Geothallus tuberosus</i>	Campbell's liverwort	--/-- CRPR 1B.1	Ephemeral liverwort. Occurs on mesic soil, in coastal scrub and vernal pools. Elevation range 30–1,970 ft.	Not Expected. Suitable mesic habitat does not occur.
<i>Isocoma menziesii</i> var. <i>decumbens</i>	decumbent goldenbush	--/-- CRPR 1B.2	Shrub. Occurs in chaparral and sandy coastal sage scrub, often in disturbed areas. Elevation below 656 ft. Flowering period Apr–Nov.	Present. An estimate of 467 individuals were present in two patches and scattered throughout the project site.
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	--/-- CRPR 1B.1	Annual herb. Occurs in alkali sinks, coastal salt marshes, freshwater wetlands, and wetland-riparian communities, specifically salt-marsh, vernal pools, and coastal habitats. Elevation below 3,280. Flowering period Feb–Jun.	Not Expected. Suitable habitat does not occur.
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper-grass	--/-- CRPR 4.3	Annual herb. Occurs in openings in chaparral and coastal scrub. Typically in relatively dry, exposed locales. Elevation below 2,905 ft. Flowering period Jan–Jul.	Low. Limited amount of disturbed coastal sage scrub habitat occurs on site, and species was not observed during surveys. Nearest recorded occurrence from 1935, mapped in a non-specific area starting approximately 0.4 mile to the northeast.
<i>Monardella viminea</i>	willow monardella	FE/SE CRPR 1B.1 MSCP Covered	Perennial herb. Occurs in riparian scrub, usually at sandy locales in seasonally dry washes. Generally, there is no canopy cover, and river cobbles may lie in close proximity. Elevation below 1,312 ft. Flowering period Jun–Aug.	Not Expected. Suitable habitat does not occur.
<i>Navarretia prostrata</i>	prostrate vernal pool navarretia	--/-- CRPR 1B.2	Annual herb. Occurs in mesic areas, in coastal scrub, meadows and seeps, alkaline areas in native grassland, and vernal pools. Elevation range 5–3,970 ft. Flowering period Apr–Jul.	Not Expected. Suitable mesic habitat does not occur.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Quercus dumosa</i>	Nuttall's scrub oak	--/-- CRPR 1B.1	Perennial evergreen shrub. Occurs in chaparral and coastal sage scrub in sandy and clay loam habitat. Elevation below 656 ft. Flowering period Feb – Mar.	Presumed Absent. Conspicuous species that would have been observed if present.
<i>Salvia munzii</i>	Munz's sage	--/-- CRPR 2B.2	Perennial shrub. Occurs in chaparral and Diegan coastal sage scrub. When found is often a dominant plant of the area. Elevation below 2,625 ft. Flowering period Jan-May.	Presumed Absent. Conspicuous species that would have been observed if present.
<i>Sphaerocarpos drewei</i>	bottle liverwort	--/-- CRPR 1B.1	Ephemeral liverwort. Occurs on openings in chaparral and coastal scrub. Elevation range 295–1,970 ft.	Low. Limited amount of disturbed coastal sage scrub habitat occurs on site, and species was not observed during surveys. Nearest recorded occurrence approximately 0.2 mile to the southwest within South Cholas Valley.
<i>Stylocline citroleum</i>	oil neststraw	--/-- CRPR 1B.1	Annual herb. Occurs in shadscale scrub and coastal sage scrub. Elevation range 197-984 ft. Flowering period March – April.	Low. Limited amount of disturbed coastal sage scrub habitat occurs on site, and species was not observed during surveys. Site occurs within a population record from 1883, which approximated the location to a 5-mile circle.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
ANIMALS				
Invertebrates				
<i>Bombus crotchii</i>	Crotch's bumble bee	SCE	Occurs in southwestern California from the Central Valley south to the U.S./Mexico border. Inhabits open grassland and scrub habitats near the coast. Primarily nests underground, generally in abandoned rodent nests. Forages on a wide variety of flowers, but a short tongue renders it best suited to open flowers with short corollas. Most commonly observed on flowering species in the Fabaceae, Asteraceae, and Lamiaceae families. Occurrence has also been linked to habitats containing <i>Asclepias</i> , <i>Chaenactis</i> , <i>Lupinus</i> , <i>Medicago</i> , <i>Phacelia</i> , <i>Salvia</i> , <i>Antirrhinum</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , <i>Eriogonum</i> , <i>Cirsium</i> , <i>Acmispon</i> , <i>Euthamia</i> , <i>Ehrendorferia</i> , and <i>Trichostema</i> genera.	Low. The species has not been observed during focused surveys. The nearest known occurrences are approximately 3.1 miles to the northeast from 1957, and approximately 3.8 miles to the west from 1966. Non-native grassland on site is regularly mowed and dominated by multiple grass species and mustards (<i>Brassica nigra</i> and <i>Hirschfeldia incana</i>). Few nectar sources favored by this species were present. The scrub habitat is dominated by dense lemonadeberry (<i>Rhus integrifolia</i>), which is not a food source. Therefore, the site has low value for foraging. California ground squirrel (<i>Otospermophilus beecheyi</i>), which would create holes for nesting, was not observed on site. Potential nesting resources consist of soil cracks and bunch grasses. The scarcity of nectar resources on-site also reduces the site's potential to support nesting, because the species will typically forage within 200 meters of their nest.
<i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp	FE/-- MSCP Covered Vernal Pool Species	Occurs in seasonally astatic pools which occur in tectonic swales or earth slump basins and other areas of shallow, standing water often in patches of grassland and agriculture interspersed in coastal sage scrub and chaparral.	None. Vernal pools do not occur on site.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Euphydryas editha quino</i>	Quino checkerspot butterfly	FE/--	Occurs in open areas with low-growing, sparse vegetation that includes particular larval host plant species (principally <i>Plantago erecta</i> , but also <i>Antirrhinum coulterianum</i> , and <i>Cordylanthus rigidus</i>).	Not Expected. Suitable habitat does not occur, and the site is located outside of the USFWS survey area for this species.
Amphibians and Reptiles				
<i>Anniella stebbinsi</i>	Southern California legless lizard	--/SSC	Found throughout southern California from the Transverse Ranges south to the U.S./Mexico border. Occurs in sparsely vegetated areas with moist warm, loose soil with plant cover; moisture is essential. Common in several habitats but especially in beach dunes, coastal scrub, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces. Found primarily in areas with sandy or loose organic soils or where there is plenty of leaf litter. Sometimes found in suburban gardens.	Not Expected. Suitable moist habitat does not occur.
<i>Aspidoscelis hyperythra</i>	orange-throated whiptail	--/-- WL MSCP Covered	Occurs in open coastal sage scrub, chaparral, and woodlands. Frequently found along the edges of dirt roads traversing its habitats. Important habitat components include open, sunny areas, shrub cover with accumulated leaf litter, and an abundance of insects, spiders, or scorpions.	Low. Limited amount of disturbed coastal sage scrub habitat occurs on site, and species was not observed during surveys. Nearest recorded occurrence approximately 1.4 miles to the northeast in Naval Base San Diego, Chollas Heights.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Gopherus agassizii</i>	desert tortoise	FT/ST	In California, found throughout the Mojave and Sonoran Deserts of southern California at elevations below 3,500 feet. Generally, occurs north and west of the Colorado River and along the east side of the Salton Basin; absent from Coachella Valley. Occupies a variety of habitats including creosote scrub flats, rocky foothills, riverbanks, washes, alluvial fans, sandy dunes, canyon bottoms, and desert oases where suitable sandy or gravelly soils for den construction occur. Spends up to 95 percent of life within underground burrows which they dig. Most active during the spring when they mate and forage for food.	Not Expected. Suitable habitat does not occur.
<i>Spea hammondi</i>	western spadefoot	--/-- SSC	Open coastal sage scrub, chaparral, and grassland, along sandy or gravelly washes, floodplains, alluvial fans, or playas; require temporary pools for breeding and friable soils for burrowing; generally excluded from areas with bullfrogs or crayfish.	Not Expected. Temporary pools not present.
<i>Thamnophis hammondi</i>	two-striped gartersnake	--/SSC	Found in California from Monterey County south along the coast to San Diego County at elevations below 7,000 feet. Commonly inhabits perennial and intermittent streams with rocky beds bordered by riparian habitats dominated by willows (<i>Salix</i> spp.) and other dense vegetation. Has also been found in stock ponds, and other artificially created aquatic habitats, if bordered by dense vegetation and potential prey, such as amphibians and fish, are present.	Not Expected. Suitable habitat does not occur.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
Birds				
<i>Accipiter cooperii</i>	Cooper's hawk	--/WL MSCP Covered	In California, the species breeds from Siskiyou County south to San Diego County and east to the Owens Valley at elevations below 9,000 feet. Inhabits forests, riparian areas, and more recently suburban and urban areas nesting within dense woodlands and forests and isolated trees in open areas.	High. This species could use trees along the periphery of the site, and forage in grassland.
<i>Athene cunicularia</i>	burrowing owl	BCC/SSC MSCP Covered	Found from central California east to the Mojave Desert and south to coastal San Diego County. Primarily a grassland species that prefers areas with level to gentle topography and well-drained soils. Also occupies agricultural areas, vacant lots, and pastures. Requires underground burrows for nesting and roosting that are typically dug by other species such as the California ground squirrel (<i>Spermophilus beecheyi</i>). Will also utilize natural rock cavities, debris piles, culverts, and pipes for nesting and roosting.	Low. While grassland occurs on-site, the potential for burrowing owl is reduced by its developed surroundings and regular discing. California ground squirrel was not observed on-site. There are no recent records nearby; the nearest recorded burrowing owl sighting, mapped in a non-specific area starting approximately 2.7 miles from the site, is from 1895.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Campylorhynchus brunneicapillus sandiegensis</i>	coastal cactus wren	BCC/SSC MSCP Covered	One of seven subspecies occurring restricted to southern California from southern Orange County and San Diego County. Occupies native scrub vegetation with thickets of mature cacti consisting of cholla (<i>Cylindropuntia</i> spp.) or prickly-pear cactus (<i>Opuntia littoralis</i>). Cacti must be tall enough to support and protect the bird's nest (typically 3 feet or more in height). Surrounding vegetation usually consists of coastal sage scrub habitat with shrubs normally below the level of nest placement.	Not Expected. Suitable habitat does not occur. No cacti were observed on site.
<i>Falco mexicanus</i>	prairie falcon	--/WL	Uncommon permanent resident and migrant of California ranging from the Sierra Nevada southwest along the inner coastal mountains and east to the southeastern deserts but absent from northern coastal fog belt. Primary habitats include grasslands, savannahs, alpine meadows, some agricultural fields during the winter season, and desert scrub areas where suitable cliffs or bluffs are present for nest sites. Requires sheltered cliff ledges for cover and nesting which may range in height from low rock outcrops of 30 feet to cliffs up to and higher than 400 feet.	High. This species could forage in grassland but nesting habitat not present.
<i>Laterallus jamaicensis coturniculus</i>	California black rail	--/ST --/FP	Occur in high coastal marshes to freshwater marshes along the lower Colorado River. Along the coast, favors marshland with unrestricted tidal influence (estuarine, intertidal, emergent, and regularly flooded). Primarily nest in pickleweed.	Not Expected. Suitable habitat does not occur, and site located away from the coast.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Poliioptila californica californica</i>	coastal California gnatcatcher	FT/-- SSC MSCP Covered	Occurs in coastal sage scrub and other low scrub. Within coastal sage scrub, the species prefers patches dominated by California sagebrush (<i>Artemisia californica</i>) and California buckwheat (<i>Eriogonum fasciculatum</i>), and avoids those dominated by sage (<i>Salvia</i> spp.), laurel sumac (<i>Malosma laurina</i>), and lemonadeberry (<i>Rhus integrifolia</i>) ¹ .	Low. Limited amount of disturbed coastal sage scrub habitat occurs by residential development on the northern edge of the site. However, this habitat is primarily lemonadeberry and other large shrubs surrounded by non-native grassland, and lacks California sagebrush and California buckwheat.
<i>Vireo bellii pusillus</i>	least Bell's vireo	FE/SE MSCP Covered	Riparian areas with dense ground cover and stratified canopy, prefers willows. May occur in tamarisk scrub if preferred habitat lacking.	Not Expected. Suitable habitat does not occur.
Mammals				
<i>Choeronycteris mexicana</i>	Mexican long-tongued bat	--/SSC	Found in southern California from Ventura County south to San Diego County. Occurs in arid habitats below 7,900 feet. Suitable habitats include grasslands, scrub, mixed forest, and canyons in mountain ranges rising from the desert. Primarily found in urban and suburban areas in San Diego County. Roosts in in caves and mines, and artificial structures such as garages, office buildings, under porches, and warehouses.	Low. Highly sensitive to disturbance and unlikely to roost in structures on-site. May use the site for foraging.
<i>Eumops perotis californicus</i>	western mastiff bat	--/-- SSC	Rocky areas, cliff faces, known to roost in buildings. Found in a variety of habitats, from desert scrub to chaparral to oak woodland and into the ponderosa pine belt.	Low. Prefers rocky outcrops and unlikely to roost in structures on-site. May use the site for foraging.

¹ The Natural History Museum. 2024. San Diego County Bird Atlas. Pages 430 - 433. Available online at <https://sdplantatlas.org/birdatlas/pdf/California%20Gnatcatcher.pdf>.

Species Name ¹	Common Name	Status ²	Habit, Ecology and Life History	Potential to Occur ³
<i>Lasiurus frantzii</i> [<i>blossevillii</i>]	western red bat	--/-- SSC	Day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. Possible association with intact riparian habitat (particularly willows, cottonwoods, oaks, walnuts, and sycamores).	Low. May roost in trees and shrubs adjacent to grassland, but the site lacks riparian habitat. Site occurs within a population record from 1933, which approximated the location to an 8-kilometer circle.

- ¹ Analysis includes sensitive species reported within a 3-mile radius of the project site, and all City MSCP Narrow Endemic species. Crotch's bumble bee was included upon request.
- ² Listing is as follows: F = Federal; S = State of California; E = Endangered; T = Threatened; BCC USFWS Birds of Conservation Concern; FP = Fully Protected; SCE = State Candidate Endangered; SSC = State Species of Special Concern; WL = CDFW Watch List; MSCP = City Multiple Species Conservation Program Subarea Plan. CRPR = California Rare Plant Rank: 1A – presumed extinct; 1B – rare, threatened, or endangered in California and elsewhere; 2A – rare, threatened, or endangered in California and elsewhere; 2B – rare, threatened, or endangered in California but more common elsewhere; 3 – more information needed; 4 – watch list for species of limited distribution. Extension codes: .1 – seriously endangered; .2 – moderately endangered; .3 – not very endangered.
- ³ Potential to Occur is assessed as follows. **None:** Species is either sessile (e.g. plants) or so limited to a particular habitat that it cannot disperse across unsuitable habitat (e.g. aquatic organisms), and habitat suitable for its survival does not occur on the project site; **Not Expected:** Species moves freely and might disperse through or across the project site, but suitable habitat for residence or breeding does not occur on the project site (includes species recorded during surveys but only as transients); **Low:** Suitable habitat is present on the project site but of low quality or small extent and no sign of the species was observed during surveys, however the species cannot be excluded with certainty; **High:** Suitable habitat of sufficient extent for residence or breeding is present on the project site and the species has been recorded recently on or near the project site, but was not observed during surveys for the current project. However, focused/protocol surveys are not required or have not been completed; **Presumed Present:** The species was observed during biological surveys for the current project and is assumed to occupy the project site; **Presumed Absent:** Suitable habitat is present on the project site but focused/protocol surveys for the species were negative.

Appendix D

Landbankers Mitigation Site Letter
and Habitat Mitigation Memo



POWAY UNIFIED SCHOOL DISTRICT

Phone: (858) 679-2570

August 30, 2024

RE: East Elliott Mitigation Property

To Whom it May Concern,

The Poway Unified School District ("District") is fee title owner to two properties located in East Elliott with a total acreage of 94.31 ("APN's 366-080-23 & 366-080-32). The District's files reflect that the purpose of the acquisition of these properties was to satisfy the District's environmental mitigation requirements for certain off-site preservation established by the District's Final Mitigated Negative Declaration (FMND) and Mitigation Monitoring and Reporting Program for the Westview High School project ("Project"). The District subsequently completed all of its environmental obligations from the FMND necessary to complete the construction of the Project.

For these reasons, the District's position remains that all of its off-site mitigation requirements for the Project have been completed which only required 69.81 acres of the 94.31 acres the District owns. Accordingly, there are approximately 24.50 acres of APN 366-040-32-00 that are not subject to any environmental mitigation requirements associated with the Project. Thus, this acreage remains within the District's discretion to convey/transfer as the fee title owner to such property.

If you have any questions or would like to discuss this further, please contact me at 858.679.2570 or by email at ralschbach@powayusd.com.

Respectfully,

Rheia Alschbach
Director of Capital Planning

Appendix E

Poway Unified School District Letter
Regarding Mitigation Site



POWAY UNIFIED SCHOOL DISTRICT

Phone: (858) 679-2570

August 30, 2024

RE: East Elliott Mitigation Property

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For these reasons, the District's position remains that all of its off-site mitigation requirements for the Project have been completed which only required 69.81 acres of the 94.31 acres the District owns. Accordingly, there are approximately 24.50 acres of APN 366-040-32-00 that are not subject to any environmental mitigation requirements associated with the Project. Thus, this acreage remains within the District's discretion to convey/transfer as the fee title owner to such property.

If you have any questions or would like to discuss this further, please contact me at 858.679.2570 or by email at ralschbach@powayusd.com.

Respectfully,

Rheia Alschbach
Director of Capital Planning

Appendix F

City Letter Regarding Poway Unified
School District's Mitigation Site

RECORDING REQUESTED BY:

CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT
REVIEW

AND WHEN RECORDED, MAIL TO:

CITY CLERK'S OFFICE
202 "C" STREET, MS 2A
SAN DIEGO, CA 92101

For the Benefit of the City

Space Above Line for Recorder's Use Only

CONSERVATION DEED

THIS CONSERVATION DEED is made this 6th day of December, 1999, by Poway Unified School District (herein, "Grantor"), in favor of the CITY OF SAN DIEGO (herein, "Grantee") with reference to the following facts:

RECITALS

A. Grantor is the sole owner in fee simple of certain real property in the County of San Diego, State of California, and more particularly described in Exhibit "A" attached hereto and incorporated by this reference (the "Property").

B. The Property possesses wildlife and habitat values important to Grantee as well as the State of California, and the United States;

C. Grantor has applied to the CITY OF SAN DIEGO and has been granted the right to develop Westview High School in conformance with the following discretionary land use entitlements issued by the CITY OF SAN DIEGO: Resource Protection Ordinance (MMRP) Permit No. 99-0312 - Westview High School (the "Project");

D. In connection with development of the Project, Grantor desires to obtain benefits associated with utilizing permits issued to the CITY OF SAN DIEGO by the United States Fish and Wildlife Service and the California Department of Fish and Game in connection with the Multiple Species Conservation Plan (MSCP) and therefore has agreed to design and implement the Project in conformance with the MSCP;

E. Development of the Project requires mitigation for impacts to sensitive habitats as further described in environmental document Mitigated Negative Declaration SCH 98 111019 ("MND"). The MND required a total offsite mitigation of 69.81 acres. The lands contained within the Property as set forth in the attached Legal Descriptions, which total 69.81 acres, provide for compensatory mitigation for these impacts;

F. This Deed shall impart notice to all persons to the extent afforded by the recording laws of the State of California regarding the restrictions affecting use of the environmentally sensitive lands preserved by this Deed;

G. When the Property contains sensitive biological resources, this Conservation Deed shall be enforceable by the City, or jointly and severally by the City of San Diego, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

COVENANTS, TERMS, CONDITIONS AND RESTRICTIONS

In consideration of the above recitals and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to California law, including Government Code Section 65870, *et seq.*, Grantor hereby voluntarily grants, conveys and transfers to Grantee fee simple title to the Property.

1. Purpose. The purpose of this conveyance is to provide for the offsite mitigation as called out in the Project and the MND and to ensure the Property will be retained forever in a natural condition and to prevent any development of the Property that is deemed to be environmentally sensitive lands or contain sensitive biological resources. Grantor intends that this Conservation Deed will restrict the use of the Property to such activities, including without limitation, those involving the preservation of environmentally sensitive lands in a manner consistent with the purpose of this Conservation Deed.

2. Grantee's Rights. To accomplish the purposes of this Deed, Grantee shall assure the following:

(a) The preservation and protection of the environmentally sensitive lands and/or sensitive biological resources of the Property;

(b) Utilization of the Property for scientific research and interpretive purposes by Grantee or its designees;

(c) The prevention of any activity on or use of the Property that is inconsistent with the purposes of this Deed and the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use that is inconsistent with the purposes of this Deed;

(d) Utilization of all mineral, air and water rights necessary to protect and to sustain the environmentally sensitive nature and sensitive biological resources of the Property; and

(e) The control of all present and future development rights.

3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purposes of this Deed is prohibited.

4. Costs and Liabilities. Grantee retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property. Grantee shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Conservation Deed.

5. General Provisions.

(a) Controlling Law. The interpretation and performance of this Deed shall be governed by the laws of the State of California.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Deed shall be liberally construed in favor of the Deed to effect the purpose of this Conservation Deed and the policy and purpose Government Code Section 65870, *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Deed that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If a court of competent jurisdiction voids or invalidates on its face any provision of this Deed, such action shall not affect the remainder of this Deed. If a court of competent jurisdiction voids or invalidates the application of any provision of this Conservation Deed to a person or circumstance, such action shall not affect the application of the provision to other persons or circumstances.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Deed and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Deed.

(e) Successors. The covenants, terms, conditions, and restrictions of this Conservation Deed shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

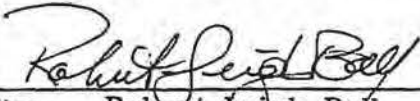
IN WITNESS WHEREOF Grantor and Grantee have entered into this Conservation Deed the day and year first above written.

GRANTOR:

GRANTEE:

POWAY UNIFIED SCHOOL DISTRICT

CITY OF SAN DIEGO

By: 
Its: Robert Leigh Ball
Assistant Superintendent

By: _____
Its: _____

5519\001\Conservation Deed - City

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Conservation Deed by Poway Unified School District, dated _____, _____, to the City of San Diego, Grantee, acting by and through its _____, is hereby accepted by the undersigned officer on behalf of the _____, pursuant to authority conferred by _____ on _____.

GRANTEE:

CITY OF SAN DIEGO

By: _____
Title: _____
Its Authorized Representative

EXHIBIT "A"

LEGAL DESCRIPTION

POWAY UNIFIED SCHOOL DISTRICT

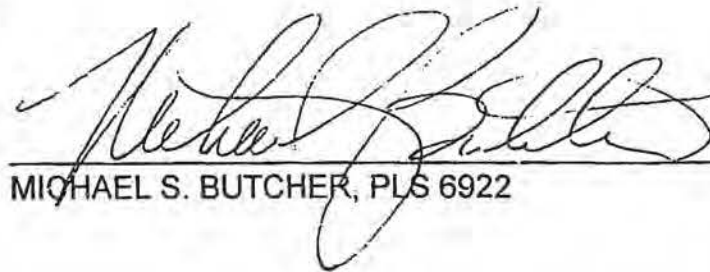
ALL THAT PORTION OF LOT 9 OF THE RE-SUBDIVISION OF A PART OF FANITA RANCHO, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA ON FEBRUARY 28, 1918, AND A PORTION OF LOT 73, RANCHO MISSION OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF IN SUPERIOR COURT CASE NO. 348, AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AS MAP NO. 330, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "E" ON THE CENTERLINE OF EASEMENT NO. 1 AS SHOWN ON CITY ENGINEER'S DRAWING NO. 11844-D-3 SHEETS - FILED IN THE OFFICE OF THE CITY ENGINEER, CITY OF SAN DIEGO, CALIFORNIA, SAID POINT BEING ON A 2000.00 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS SOUTH 10°26'00" WEST;
THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND ALSO ALONG THE CENTERLINE OF SAID EASEMENT NO. 1 THROUGH A CENTRAL ANGLE OF 11°22'56", AN ARC DISTANCE OF 397.31 FEET; (397.32 FEET RECORD);
THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 89°03'04" WEST, 318.47 FEET;
THENCE LEAVING SAID CENTERLINE NORTH 3°22'21" EAST, 30.08 FEET TO THE NORTHERLY BOUNDARY OF SAID EASEMENT, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF PARCEL NO. B 11-25 AS DESCRIBED IN THE QUITCLAIM FROM THE UNITED STATES OF AMERICA TO ELLIOTT PROPERTIES, A CO-PARTNERSHIP AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY IN FILE NO. 584, JANUARY 4, 1965, SAN DIEGO COUNTY, CALIFORNIA;
THENCE CONTINUING ALONG THE EASTERLY BOUNDARY OF SAID PARCEL B 11-25 NORTH 3°22'21" EAST, 425.73 FEET TO AN ANGLE POINT THERE IN;
THENCE CONTINUING ALONG SAID BOUNDARY NORTH 3°27'27" EAST, 774.48 FEET TO THE SOUTHERLY LINE OF SECTION 7, TOWNSHIP 15 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN;
THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 7;
SOUTH 89°08'54" EAST, 1168.46 FEET;
THENCE SOUTH 00°51'06" WEST, 1404.20 FEET TO THE CENTERLINE OF SAID EASEMENT NO. 1, SAID POINT BEING ON THE AFOREMENTIONED 2000.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 25°46'03" WEST;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING ALONG SAID EASEMENT NO. 1 CENTERLINE, THROUGH A CENTRAL ANGLE OF 15°20'03" WEST, AN ARC DISTANCE OF 535.26 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 34.666 ACRES, MORE OR LESS.

THIS PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.


MICHAEL S. BUTCHER, PLS 6922

12/3/99
DATE



EXHIBIT "A" (Continued)

LEGAL DESCRIPTION

APN 366-080-23


POWAY UNIFIED SCHOOL DISTRICT

ALL THAT PORTION OF LOT 4 OF THE RE-SUBDIVISION OF A PART OF FANITA RANCHO ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT POINT "I" ON THE CENTERLINE OF EASEMENT NO. 2 AS SHOWN ON CITY ENGINEER'S DRAWING NO. 11844-D (3 SHEETS), FILED IN THE OFFICE OF THE CITY ENGINEER, CITY OF SAN DIEGO, CALIFORNIA;
THENCE ALONG SAID CENTERLINE OF EASEMENT NO. 2
NORTH 29°59'38" WEST, 1524.02 FEET TO THE BEGINNING OF AN 800.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY;
THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE CENTERLINE OF SAID EASEMENT NO. 2, THROUGH A CENTRAL ANGLE OF 21°36'50", AN ARC DISTANCE OF 301.79 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LAND;
THENCE CONTINUING ALONG SAID CENTERLINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 120°38'31", AN ARC DISTANCE OF 1684.47 FEET;
THENCE CONTINUING ALONG THE SAID CENTERLINE SOUTH 67°44'17" EAST, 405.00 FEET;
THENCE LEAVING SAID CENTERLINE OF EASEMENT NO. 2
SOUTH 3°39'26" WEST, 391.65 FEET;
THENCE SOUTH 45°36'42" EAST, 366.14 FEET;
THENCE SOUTH 52°02'21" WEST, 1015.10 FEET;
THENCE NORTH 36°43'47" WEST, 654.41 FEET;
THENCE NORTH 85°10'43" WEST, 516.14 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 35.144 ACRES MORE OR LESS.

THIS PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.


MICHAEL S. BUTCHER, PLS 6922

12/6/99
DATE



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

} ss.

On December 6, 1999, before me, Susan K. Kirchner, a notary public

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared ROBERT LEIGH BALL

Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Susan K. Kirchner
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: CONSERVATION DEED

Document Date: December 6, 1999 Number of Pages: 9 (incl. this page)

Signer(s) Other Than Named Above: representative of City of San Diego

Capacity(ies) Claimed by Signer

Signer's Name: Robert Leigh Ball

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: Assistant Superintendent

Signer Is Representing: Poway Unified School District

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Appendix G

Conservation Deed for Poway Unified School District's Mitigation Site



THE CITY OF SAN DIEGO

MAILED
9/29/99

August 31, 1999

James B. Carter
Environmental Land Solutions
7722 Farol Place
Carlsbad, CA 92009

Subject: Biological Resource Mitigation Site for the Poway Unified High School District's
Westview High School (LDR No. 0098-17)

Dear Mr. Carter:

Use of the acreage described as County Assessor's Parcel Numbers 366-080-23 (approximately 35 acres) and 366-040-32 (approximately 59 acres) is conditionally approved as a mitigation site for the referenced project. These parcels are located outside of Torrey Hills Subarea 4 but inside the MHPA. The Mitigated Negative Declaration prepared by the school district addressed this scenario and requires the preservation/dedication of 18.32 acres of Tier II habitat and 51.49 acres of Tier IIA/B habitat (a total of 69.81 acres).

The following must be provided to the Land Development Review Division prior to disturbance of the Westview High School site:

1. A preliminary title report(s) indicating that the mitigation sites are not presently encumbered by open space, non-building or conservation easements or similar limitations.
2. Signed and notarized deeds for each parcel or portion thereof conveying to the City acceptable open space or conservation easements to a total of 69.81 acres of land within the parcels. If a legal description is required, it must be prepared, signed and sealed by a licensed land surveyor. A metes and bounds description of the property to be conveyed is acceptable to the City.

The two parcels contain acreage in excess of that required for mitigation of the Westview High School project. Please be advised that the excess acreage retained may or may not be acceptable to fulfill mitigation requirements of any other project(s). Arrangements regarding the potential use of the excess acreage as mitigation for another project in the future should be coordinated with the City's MSCP staff.



Development Services

Development Services Center • 1222 First Avenue, MS 501 • San Diego, CA 92101-4155

Tel (619) 236-6460

I hope this letter provides you with the assurances that you need. If you have any questions, please don't hesitate to call me at 236-5900. Also, if you have any questions specifically about the conveyance procedure, please call Lee Hennes at 236-6242.

Sincerely,

Chris Zirkle

Chris Zirkle
SENIOR PLANNER

cc: Mary Ladiana, MSCP →
Lee Hennes, Land Development Review
File

236-6545 →

Beirne Turgin
MSCP Mt Process 533-6300

Bob El. H. recommended

Process required grading plans
make sure app data provided to City

Grant Deed → mitigation
Linn Mackenzie 236-6186

Bob El. H. H.
236-6186

DEC 09 1999

PETERSON & PRICE
A PROFESSIONAL CORPORATION

EDWARD F. WHITTIER
MARSHAL A. SCARR
MATTHEW A. PETERSON
LARRY N. MURNANE
LOUIS A. GALUPPO
KELLY A. GRALEWSKI
TAMARA L. GLASER

OF COUNSEL
PAUL A. PETERSON

LAWYERS

Union Bank of California Building
530 "B" Street, Suite 1700
San Diego, California 92101-4454
Telephone (619) 234-0361
Fax (619) 234-4786

Carlsbad Office
701 Palomar Airport Road
Suite 170
Carlsbad, California 92009-1026
Telephone (760) 431-4575
Fax (760) 431-4579

File No.

5519.001

Via messenger

December 8, 1999

Mr. Gary W. Halbert, Deputy Director
Land Development Review Division
The City Of San Diego
1222 First Ave, MS 501
San Diego, CA 92101-3869

For Immediate Action

Re: Resource Protection Ordinance (MMRP Permit No. 99-0312)
Westview High School, Poway Unified School District

Dear Gary:

As a follow up to my telephone call to you this morning, attached please find a copy of a letter addressed to Robert Gentles from Poway Unified School District as well as an original and a copy of the Conservation Deed (the "Deed") which serves to mitigate the impacts of the above-referenced School and satisfy Conditions No. 9 and 10 (the offsite mitigation requirements of the MMRP).

Our client is attempting to pull its Improvement and Mass Grading Plans and Permits (Work Order No. 98-0728, Drawing No. 29508-1-D through 29508-1-3-D).

It is our understanding that the Project Manager did not want to accept or process the Deed and our client was not able to find anyone who would accept it. Therefore, would you please do whatever is necessary to process and record the

Mr. Gary W. Halbert, Deputy Director
Land Development Review Division
December 8, 1999
Page 2

Deed? We would also request that the above-referenced Improvement and Mass
Grading Permits be issued as soon as possible.

Thank you for your courtesy.

Sincerely,

Peterson & Price
A Professional Corporation

A handwritten signature in black ink, appearing to read 'Matt Peterson', written over a horizontal line.

Matthew A. Peterson

Enclosure

cc: Sam Safino, Principal, Safino Butcher & Ormonde, Inc.
Rich Eardensohn, Associate Project Engineer, Safino Butcher & Ormonde, Inc.
Alicia Kroese, Director of Planning, Poway Unified School District

DEC 08 1999 12:06
BOARD OF EDUCATION
JEFF MANGUM
STEVE MCILLAN
ANDREW PATAPOW
PENNY RANFLE
LINDA VANDERVEEN

POWAY UNIFIED SCHOOL DISTRICT

13628 TWIN PEAKS ROAD • POWAY, CALIFORNIA 92084-3098
TELEPHONE: (858) 748-0010 • (858) 586-7500 • FAX (858) 748-1342
WEB SITE: <http://powayusd.sdcoe.k12.ca.us>

619 513 0967 P.01/01
DR. ROBERT L. REEVES
SUPERINTENDENT OF SCHOOLS

"...serving the communities of Poway, Rancho Bernardo, Rancho De Los Penasquitos, Sabre Springs, and Carmel Mountain Ranch"

PLANNING
Alicia Kroese, Director
(858) 679-2570 • FAX (858) 513-0967
e-mail: akroese@sdcoe.k12.ca.us

December 8, 1999

Mr. Robert Gentles, Project Manager
City of San Diego
Planning and Review Department
1222 First Ave., MS 302
San Diego, CA 92101

Re: Westview High School - Poway Unified School District
Resource Protection Ordinance (MMRP) Permit No. 99-0312
Improvement and Mass Grading Plan (Nos. 29508-1-D through
29508-13-D) Work Order No. 980728

Dear Mr. Gentles:

Attached please find an executed and notarized Conservation Deed in satisfaction of Condition Nos. 9 and 10 of the above-referenced Permit. This Conservation Deed is presented to the City to fulfill the requirements of the MMRP. We would request that the City immediately approve the above referenced Improvement and Mass Grading Plans so that we can commence construction of the School.

Please contact the Engineering Division and let them know that we have satisfied this requirement and that the Grading Permit can be issued.

Thank you for your courtesy.

Sincerely,

Poway Unified School District
Planning Department



Alicia Kroese, Director of Planning

Enclosure

cc: Sam Safino, Principal, Safino Butcher & Ormonde, Inc.
Rich Eardensohn, Associate Project Engineer, Safino Butcher & Ormonde, Inc.
Matthew A. Peterson, Peterson & Price, APC