RECON

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July 1, 2021

Mr. Lalit Dhir
11649 Thistle Hill Place
San Diego, CA 92130

Reference: Biological Resources Letter Report Update for the Dhir Residence Project
(RECON Number 9827)

Dear Mr. Dhir:

This letter report is provided to address biological resources for the Dhir Residence Project (project) and to verify findings from the Revised Biology Technical Report for Villa Costa Monte at Via Del Mar prepared for the City of San Diego (City) by RECON Environmental, Inc. (RECON; 2003; Attachment 1). It includes minor updates to the mapping of vegetation based on current biological conditions within the project site and revised impact analysis based on the current project design. The 2003 biological report was prepared prior to the adoption of the City's current Biology Guidelines (City of San Diego 2018); therefore, the current report discusses biological impacts and mitigation in compliance with these guidelines.

Project Location and Description

The project site totals 1.24 acres, including the approximately 1.00-acre Dhir Residence property and 0.24 acre of off-site improvements. The project site is located within the community of Carmel Valley, in the city of San Diego (Figure 1). The project is located within Township 14 South, Range 3 West on the U.S. Geological Survey (USGS) Del Mar 7.5-minute quadrangle (USGS 1994; Figure 2) and is located off Villa Del Mar. Figure 3 shows the site on the City of San Diego 800-scale map. The project includes construction of a single-family residence in the center of the 1.00-acre property, with a pool on the west side and a casita east of the house. The project would also include a driveway and 0.24 acre of minor off-site road improvements to Via Del Mar.

Survey Methods

Baseline biological data for this letter is from field work conducted by RECON in 2002 (RECON 2003). RECON biologist Alex Fromer conducted a supplemental site visit to verify the existing biological conditions within the project site on December 8, 2020. The survey was conducted between 10:15 a.m. and 12:45 p.m. The air temperature ranged from 72 to 73 degrees Fahrenheit, and wind speed ranged from 0 to 1 mile per hour. Cloud cover at the beginning of the survey was above 90 percent and dropped to approximately 40 percent by the end of the survey.

Mr. Fromer surveyed the entire project site on foot. Vegetation communities were mapped in the field on a 1-inch-equals-100-feet aerial photograph flown in June 2020. Plant and animal species observed or detected within the survey area were noted.

Existing Conditions

Vegetation Communities

Figure 5 illustrates the existing conditions as updated per the December 8, 2020 survey. Table 1 provides a breakdown of the vegetation communities and land cover types within the project site.

Table 1
Existing Vegetation Communities and Land Cover Types (acres)

Vegetation Communities and Land Cover Types	MSCP Tier	Dhir Residence Property	Off-Site Improvement Area	Total Surveyed
Southern maritime chapparal	I	0.85	0.14	0.99
Disturbed land	IV	0.15	0.01	0.16
TOTAL		**1.00**	**0.15**	**1.15**

Two vegetation communities and land cover types occur on-site: southern maritime chaparral and disturbed land (see Figure 5 and Table 1). The updated vegetation mapping and species composition are largely the same as those from the 2003 report, with only minor revisions to reflect current site conditions.

The southern maritime chaparral was dominated by chamise (*Adenostoma fasciculata*), sugar bush (*Malosma laurina*), mission manzanita (*Xilococcus bicolor*), and lemonadeberry (*Rhus integrifolia*). Shrub cover within this vegetation type was typically open with the occasional Hottentot fig (*Carpobrotus edulis*) and moderate to high cover by pine needles. Compared with the 2003 findings, the canopy cover of the previously planted ornamental Torrey pines (*Pinus torreyana*) appears to have increased somewhat throughout the southern maritime chapparal.

The disturbed land primarily consisted of existing roadways, as well as largely bare areas within the Dhir Residence property. Within the property, the disturbed land contains a moderately open understory with occasional shrub cover and a canopy dominated by Torrey pine and several gum trees (*Eucalyptus* sp.). Ground cover within the disturbed land primarily consisted of Hottentot fig and pine needles, with some remnants of an abandoned structure present as well. Canopy cover of the planted Torrey pines within the disturbed land appears to have increased since the 2003 study.

Sensitive Plant Species

One sensitive plant species was detected on-site: wart-stemmed ceanothus (*Ceanothus verrucosus*), a Multiple Species Conservation Program (MSCP) covered species. A total of 20 wart-stemmed ceanothus occur within the project site. The 2020 survey confirmed the same locations and number of plants as noted in the 2003 report.

The December 8, 2020 survey confirmed a total of 16 Torrey pines on-site. As noted above and in the 2003 report, the Torrey pines on-site were planted as landscaping by a previous owner. Torrey pines planted as landscaped trees are not generally considered sensitive and would not require mitigation if impacted. No additional sensitive plant species to those found in the initial studies were observed. In addition, no changes in the potential for sensitive plant species to occur on-site from the 2003 report were noted.

Sensitive Wildlife Species

No sensitive wildlife species were detected during either the 2002 (RECON 2003) or the December 8, 2020 biological surveys and no changes in the potential for sensitive wildlife species to occur on-site from the 2003 report were noted. As discussed in the 2003 report, seven sensitive wildlife species have potential to occur on-site: Blainville's horned lizard (*Phrynosoma blainvillii*), Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), Cooper's hawk (*Accipiter cooperii*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego desert woodrat (*Neotoma lepida intermedia*), and southern mule deer (*Odocoileus hemionus fuliginata*). Each of these is discussed below. The current analysis also concurs with the determination in the 2003 report, that Quino checkerspot butterfly (*Euphydryas editha quino*) does not have potential to occur on-site.

Blainville's horned lizard and Belding's orange-throated whiptail are both California Department of Fish and Wildlife (CDFW) species of special concern and MSCP covered species. They have moderate to high potential to occur within the southern maritime chaparral on-site.

Cooper's hawk is a CDFW watchlist and MSCP covered species. It has moderate potential to nest in the Torrey pines present within the project site.

San Diego black-tailed jackrabbit, northwestern San Diego pocket mouse, and San Diego desert woodrat, all CDFW species of special concern, have a moderate potential to occur within the southern maritime chaparral habitat within the project site. None of these species are covered by the MSCP.

Southern mule deer is not state or federally listed but is an MSCP covered species. It has a moderate potential to occur within the project site.

Habitat suitability for the coastal California gnatcatcher (*Polioptila californica californica*), a federally threatened species, CDFW species of special concern, and MSCP covered species, and rufous-crowned sparrow (*Aimophila ruficeps canescens*), a CDFW watchlist species and MSCP covered species, remains low on-site. The southern maritime chapparal present contains primarily moderate to large, scattered shrubs with moderate tree cover. No suitable habitat for Pacific pocket mouse (*Perognathus longimembris pacificus*), a federally endangered species and CDFW species of special concern, occurs within the project site. It is not expected to occur on-site.

Regulatory Compliance

The project is expected to comply with all the following state, federal, and local regulations, as discussed below.

State Regulations

Under Section 3503 of the California Fish and Game Code, 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. Section 3503.5 of the California Fish and Game Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (raptors) or Strigiformes (owls), or of their nests and eggs.

To comply with the California Fish and Game Code, avoidance measures would be required to prevent impacts to nesting birds. If vegetation removal is scheduled to occur during the avian breeding season (February 15 to September 15) a pre-construction survey would be conducted within 10 days of the start of work to determine the presence or absence of nesting birds. If nesting birds are detected, appropriate avoidance measures would be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided Potential measures include, but are not limited to, follow-up surveys, construction monitoring, avoidance areas, and noise barriers.

Federal Regulations

The federal Migratory Bird Treaty Act (MBTA) was established to provide protection to the breeding activities of migratory birds throughout the U.S. The MBTA protects migratory birds and their breeding activities from take and harassment. To comply with the MBTA, the avoidance measures described above in the State Regulations section would be required to prevent impacts to nesting migratory birds.

City of San Diego Regulations

One of the primary objectives of the City's Multiple Species Conservation Program (MSCP) Subarea Plan is to identify and maintain a preserve system, which allows for animals and plants to exist at both the local and regional levels. The MSCP has identified large blocks of native habitat having the ability to support a

diversity of plant and animal life known as "core biological resource areas." "Linkages" between these core areas provide for wildlife movement. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. Input from responsible agencies and other interested participants resulted in creation of the City's MHPA. The Multi-Habitat Planning Area (MHPA) is the area within which the permanent MSCP preserve would be assembled and managed for its biological resources.

The City Biology Guidelines (2018) aid in implementation and interpretation of the Environmentally Sensitive Lands Regulations (ESL), San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101. Section III of the Guidelines (Biological Impact Analysis and Mitigation Procedures) also serve as standards for the determination of impacts and mitigation under CEQA. The ESL defines sensitive biological resources as those lands included within the MHPA as identified in the City's MSCP Subarea Plan (City of San Diego 1997), and other lands outside of the MHPA that contain wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species.

MSCP Compliance

The project is located entirely outside, but adjacent to the MHPA requiring the implementation of the MHPA Land Use Adjacency Guidelines (City of San Diego 1997). The project would be required to comply with MSCP Land Use Considerations per Section 1.4 of the MSCP. These include General Planning Policies and Design Guidelines (Section 1.4.2), Land Use Adjacency Guidelines (Section 1.4.3), and General Management Directives (Section 1.5.2). Section 1.5.8 of the MSCP provides specific management policies and directives; however, none of these measures applies to the project site.

General Planning Policies and Design Guidelines

Section 1.4.2 of the MSCP provides general measures that shall be applied for development projects within or adjacent to the MHPA. Specific policies and guidelines that apply to the project are detailed below.

Roads and Utilities - Construction and Maintenance Policies:

1. All proposed utility lines (e.g., sewer, water, etc.) should be designed to avoid or minimize intrusion into the MHPA. These facilities should be routed through developed or developing areas rather than the MHPA, where possible. If no other routing is feasible, then the lines should follow previously existing roads, easements, rights-of-way and disturbed areas, minimizing habitat fragmentation.

Sewer and water laterals would only be installed within existing or proposed developed areas and would not result in intrusion into the MHPA.

2. All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located and constructed to minimize environmental impacts. All such activities must avoid disturbing the habitat of MSCP covered species, and wetlands. If avoidance is infeasible, mitigation will be required.

The project would not include any utilities or facilities within the MHPA.

3. Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable. All such activities must occur on existing agricultural lands or in other disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion will be required.

All access roads and staging areas would be sited within existing or proposed developed areas and would not result in intrusion into the MHPA.

4. Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage. Environmental documents and mitigation monitoring and reporting programs covering such development must clearly specify how this will be achieved, and construction plans must contain all the pertinent information and be readily available to crews in the field. Training of construction crews and field workers must be conducted to ensure that all conditions are met. A responsible party must be specified.

The project site is not located within a wildlife corridor, although the relatively low density of development and proximity of MHPA lands provides value for wildlife use. The avoidance measures described below and required as conditions of approval identify measures to prevent or minimize direct and indirect impacts to sensitive vegetation communities and species during construction. A Qualified Biologist would be identified and would attend pre-construction meetings, educate construction personnel, monitor construction, and provide required documentation to the City.

5. Roads in the MHPA will be limited to those identified in Community Plan Circulation Elements, collector streets essential for area circulation, and necessary maintenance/emergency access roads. Local streets should not cross the MHPA except where needed to access isolated development areas.

The project does not include any roads within the MHPA.

6. Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the MHPA is not feasible, then the road must be designed to cross the shortest length possible of the MHPA in order to minimize impacts and fragmentation of sensitive species and habitat. If roads cross the MHPA, they should provide for fully-functional wildlife movement capability. Bridges are the preferred method of providing for movement, although culverts in selected locations may be acceptable. Fencing, grading and plant cover should be provided where needed to protect and shield animals, and guide them away from roads to appropriate crossings.

The project does not include any roads within the MHPA or canyon bottoms.

7. Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible.

The project does not include any roads within the MHPA.

8. For the most part, existing roads and utility lines are considered a compatible use within the MHPA and therefore will be maintained. Exceptions may occur where underutilized or duplicative road systems are determined not to be necessary as identified in the Framework Management Section 1.5.

The project does not include any roads within the MHPA.

Fencing, Lighting, and Signage

1. Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the MHPA. For example, use chain link or cattle wire to direct wildlife to appropriate corridor crossings, natural rocks/boulders or split rail fencing to direct public access to appropriate locations, and chain link to provide added protection of certain sensitive species or habitats (e.g., vernal pools).

As the project is a single-family home in an area with a low density and intensity of development and the site is not easily accessible to the general public, fencing or other barriers would not be necessary to preclude unauthorized human intrusion into the adjacent MHPA or other surrounding habitat areas. In addition, fencing could serve to reduce movement of medium to large wildlife species within the immediate area; thus, fencing would not provide a notable benefit for conservation.

2. Lighting shall be designed to avoid intrusion into the MHPA and effects on wildlife. Lighting in areas of wildlife crossings should be of low sodium or similar lighting. Signage will be limited to access and litter control and educational purposes.

Construction would occur during the daytime, so no nighttime lighting is expected to be necessary for construction. Following construction, lighting around the home would be installed per City standards, with low-intensity lighting and fixtures directed away from the nearby MHPA.

Materials Storage

Prohibit storage of materials (e.g., hazardous or toxic, chemicals, equipment, etc.) within the MHPA and ensure appropriate storage per applicable regulations in any areas that may impact the MHPA, especially due to potential leakage.

The project does not include any materials storage within the MHPA.

Mining, Extraction, and Processing Facilities

1. Mining operations include mineral extraction, processing and other related mining activities (e.g., asphaltic processing). Currently permitted mining operations that have approved restoration plans may continue operating in the MHPA. New or expanded mining operations on lands conserved as part of the MHPA are incompatible with MSCP preserve goals for covered species and their habitats unless otherwise agreed to by the wildlife agencies at the time the parcel is conserved. New operations are permitted in the MHPA if: 1) impacts have been assessed and conditions incorporated to mitigate biological impacts and restore mined areas; 2) adverse impacts to covered species in the MHPA have been mitigated consistent with the Subarea Plan; and 3) requirements of other City land use policies and regulations (e.g., Adjacency Guidelines, Conditional Use Permit) have been satisfied. Existing and any newly permitted operations adjacent to or within the MHPA shall meet noise, air quality and water quality regulation requirements, as identified in the conditions of any existing or new permit, in order to adequately protect adjacent preserved areas and covered species. Such facilities shall also be appropriately restored upon cessation of mining activities.

The project does not include any mining or mineral extraction.

2. All mining and other related activities must be consistent with the objectives, guidelines, and recommendations in the MSCP plan, the City of San Diego's Environmentally Sensitive Lands Ordinance, all relevant long-range plans, as well as with the State Surface Mining and Reclamation Act (SMARA) of 1975.

The project does not include any mining or related activities.

3. Any sand removal activities should be monitored for noise impacts to surrounding sensitive habitats, and all new sediment removal or mining operations proposed in proximity to the MHPA, or changes in existing operations, must include noise reduction methods that take into consideration the breeding and nesting seasons of sensitive bird species.

The project does not include any sand removal activities.

4. All existing and future mined lands adjacent to or within the MHPA shall be reclaimed pursuant to SMARA. Ponds are considered compatible uses where they provide native wildlife and wetland habitats and do not conflict with conservation goals of the MSCP and Subarea Plan.

The project does not include any mining or mineral extraction.

5. Any permitted mining activity including reclamation of sand must consider changes and impacts to water quality, water table level, fluvial hydrology, flooding, and wetlands and habitats upstream and downstream, and provide adequate mitigation.

The project does not include any mining or mineral extraction.

Flood Control

1. Flood control should generally be limited to existing agreements with resource agencies unless demonstrated to be needed based on a cost benefit analysis and pursuant to a restoration plan. Floodplains within the MHPA, and upstream from the MHPA if feasible, should remain in a natural condition and configuration in order to allow for the ecological, geological, hydrological, and other natural processes to remain or be restored.

The project does not propose any new flood control measures.

2. No berming, channelization, or man-made constraints or barriers to creek, tributary, or river flows should be allowed in any floodplain within the MHPA unless reviewed by all appropriate agencies, and adequately mitigated. Review must include impacts to upstream and downstream habitats, flood flow volumes, velocities and configurations, water availability, and changes to the water table level.

The project is not located on a river, creek, tributary, or channel and does not propose any new berms, channels, or man-made barriers to flows.

3. No riprap, concrete, or other unnatural material shall be used to stabilize river, creek, tributary, and channel banks within the MHPA. River, stream, and channel banks shall be natural, and stabilized where necessary with willows and other appropriate native plantings. Rock gabions may be used where necessary to dissipate flows and should incorporate design features to ensure wildlife movement.

The project is not located on a river, creek, tributary, or channel and does not propose any riprap, concrete, or other materials to stabilize such flows.

MHPA Land Use Adjacency Guidelines

Section 1.4.3 of the MSCP provides Land Use Adjacency Guidelines that apply to land uses within or adjacent to the MHPA (City of San Diego 1997). These guidelines will be incorporated as project conditions of approval, which will preclude indirect impacts to the adjacent MHPA as a result of the project. Each guideline is presented below with a discussion of how the project complies with it.

Drainage

All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales, or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

All drainage from the project site, including from irrigation, would drain toward the street, away from the MHPA.

Toxics

Land uses, such as recreation and agriculture, which use chemicals or generate by-products such as manure that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality, need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.

The project would not release toxic materials into the adjacent MHPA. All runoff would drain toward the street, away from the MHPA.

Lighting

Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Construction would occur during the daytime, so no nighttime lighting is expected to be necessary for construction. Following construction, lighting around the home would be installed per City standards, with low-intensity lighting and fixtures directed away from the nearby MHPA.

Barriers

New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

As the project is a single-family home in an area with a low density and intensity of development and the site is not easily accessible to the general public, fencing or other barriers are not expected to be necessary to preclude unauthorized human intrusion into the adjacent MHPA or other surrounding habitat areas.

Invasives

No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

The landscaping plans prepared by Smithgall Johnston Associates, Inc. (SJA) do not include any plant species identified on the California Invasive Plant Council “moderate” or “high” lists. Project landscaping would be required to follow standard landscape guidelines and are not expected to include any non-native invasive plant species.

Brush Management

New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 will be increased by 30 feet, except in areas with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones will not be greater in size that is currently required by the City’s regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the

brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party.

Proposed brush management zones are shown on Figure 6. Zone 1 brush management is included in the direct impacts in Table 2 and would require mitigation, while Zone 2 brush management is considered impact neutral. There will be no Zone 1 or Zone 2 brush management within the MHPA.

Table 2
Impacts to Vegetation Communities and Land Cover Types
(acres)

Vegetation Communities and Land Cover Types	MSCP Tier	On-site Improvements	Off-Site Improvements	Total Impacts	Avoided On-Site
Southern maritime chapparal	I	0.74	0.14	0.88	0.11
Disturbed land	IV	0.15	0.01	0.16	0.00
TOTAL		**0.89**	**0.15**	**1.04**	**0.11**

Noise

Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Construction noise is not anticipated to affect other species that may occur in the adjacent MHPA, as no listed or sensitive species known to be susceptible to noise are expected to occur. As a single-family residence, following construction noise would not be different from the current condition and would therefore not cause any new impacts on wildlife in the MHPA.

Grading/Land Development

Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

All proposed grading and manufactured slopes are contained within the project footprint and are located outside the MHPA boundary.

General Management Directives

Section 1.5.2 of the MSCP includes general directives that apply to all land within the City. These directives are discussed below.

Mitigation

Mitigation, when required as part of project approvals, shall be performed in accordance with the City of San Diego Environmentally Sensitive Lands Ordinance and Biology Guidelines.

All mitigation measures have been proposed in compliance with the City's ESL and Biology Guidelines (City of San Diego 2018).

Restoration

Restoration or revegetation undertaken in the MHPA shall be performed in a manner acceptable to the City. Where covered species status identifies the need for reintroduction and/or increasing the population, the covered species will be included in restoration/revegetation plans, as appropriate. Restoration or

revegetation proposals will be required to prepare a plan that includes elements addressing financial responsibility, site preparation, planting specifications, maintenance, monitoring and success criteria, and remediation and contingency measures. Wetland restoration/revegetation proposals are subject to permit authorization by federal and state agencies.

A revegetation plan has been prepared by SJA (SJA 2021) to describe the on-site planting of wart-stemmed ceanothus, an MSCP covered species. The revegetation plan is included as Attachment 2.

Public Access, Trails, and Recreation

Priority 1:

1. Provide sufficient signage to clearly identify public access to the MHPA. Barriers such as vegetation, rocks/boulders or fencing may be necessary to protect highly sensitive areas. Use appropriate type of barrier based on location, setting and use. For example, use chain link or cattle wire to direct wildlife movement, and natural rocks/boulders or split rail fencing to direct public access away from sensitive areas. Lands acquired through mitigation may preclude public access in order to satisfy mitigation requirements.

2. Locate trails, view overlooks, and staging areas in the least sensitive areas of the MHPA. Locate trails along the edges of urban land uses adjacent to the MHPA, or the seam between land uses (e.g., agriculture/habitat), and follow existing dirt roads as much as possible rather than entering habitat or wildlife movement areas. Avoid locating trails between two different habitat types (ecotones) for longer than necessary due to the typically heightened resource sensitivity in those locations.

3. In general, avoid paving trails unless management and monitoring evidence shows otherwise. Clearly demarcate and monitor trails for degradation and off-trail access and use. Provide trail repair/maintenance as needed. Undertake measures to counter the effects of trail erosion including the use of stone or wood crossjoints, edge plantings of native grasses, and mulching of the trail.

4. Minimize trail widths to reduce impacts to critical resources. For the most part, do not locate trails wider than four feet in core areas or wildlife corridors. Exceptions are in the San Pasqual Valley where other agreements have been made, in Mission Trails Regional Park, where appropriate, and in other areas where necessary to safely accommodate multiple uses or disabled access. Provide trail fences or other barriers at strategic locations when protection of sensitive resources is required.

5. Limit the extent and location of equestrian trails to the less sensitive areas of the MHPA. Locate staging areas for equestrian uses at a sufficient distance (e.g., 300-500 feet) from areas with riparian and coastal sage scrub habitats to ensure that the biological values are not impaired.

6. Off-road or cross-country vehicle activity is an incompatible use in the MHPA, except for law enforcement, preserve management or emergency purposes. Restore disturbed areas to native habitat where possible or critical or allow to regenerate.

7. Limit recreational uses to passive uses such as birdwatching, photography and trail use. Locate developed picnic areas near MHPA edges or specific areas within the MHPA, in order to minimize littering, feeding of wildlife, and attracting or increasing populations of exotic or nuisance wildlife (opossums, raccoons, skunks). Where permitted, restrain pets on leashes.

8. Remove homeless and itinerant worker camps in habitat areas as soon as found pursuant to existing enforcement procedures.

9. Maintain equestrian trails on a regular basis to remove manure (and other pet feces) from the trails and preserve system in order to control cowbird invasion and predation. Design and maintain trails where

possible to drain into a gravel bottom or vegetated (e.g., grass-lined) swale or basin to detain runoff and remove pollutants.

> The project site does not include any pedestrian, equestrian, or vehicular trails. As the project is a single-family home in an area with a low density and intensity of development, fencing or other barriers are not expected to be necessary to preclude unauthorized access into the adjacent MHPA or other surrounding habitat areas.

Litter/Trash and Materials Storage

Priority 1:

1. Remove litter and trash on a regular basis. Post signage to prevent and report littering in trail and road access areas. Provide and maintain trash cans and bins at trail access points.

2. Impose penalties for littering and dumping. Fines should be sufficient to prevent recurrence and also cover reimbursement of costs to remove and dispose of debris, restore the area if needed, and to pay for enforcement staff time.

3. Prohibit permanent storage of materials (e.g., hazardous and toxic chemicals, equipment, etc.) within the MHPA and ensure appropriate storage per applicable regulations in any areas that may impact the MHPA, due to potential leakage.

4. Keep wildlife corridor undercrossings free of debris, trash, homeless encampments, and all other obstructions to wildlife movement.

Priority 2:

1. Evaluate areas where dumping recurs for the need for barriers. Provide additional monitoring as needed (possibly by local and recreational groups on a "Neighborhood Watch" type program), and/or enforcement.

> The project a private residence and is not located in an area with recreational use, so litter or trash from public access is not anticipated to be an issue. During construction, the Qualified Biologist would work with construction crews to ensure trash and debris is contained and secured within the development area and disposed of legally off site.

Adjacency Management Issues

The following management directives are in addition to those outlined in Section 1.4.3 and refer more specifically to management and monitoring requirements.

Priority 1:

1. Enforce, prevent and remove illegal intrusions into the MHPA (e.g., orchards, decks, etc.) on an annual basis, in addition to complaint basis.

2. Disseminate educational information to residents adjacent to and inside the MHPA to heighten environmental awareness, and inform residents of access, appropriate plantings, construction or disturbance within MHPA boundaries, pet intrusion, fire management, and other adjacency issues.

3. Install barriers (fencing, rocks/boulders, vegetation) and/or signage where necessary to direct public access to appropriate locations.

As noted above, unauthorized intrusion from the project site into the MHPA is not anticipated to be an issue. No additional barriers, fencing, or signage is anticipated to be necessary to prevent public access into the MHPA. The project has been designed to constrain all development and landscaping within the impact footprint, outside the MHPA.

Invasive Exotics Control and Removal

Priority 1:

1. Do not introduce invasive non-native species into the MHPA. Provide information on invasive plants and animals harmful to the MHPA, and prevention methods, to visitors and adjacent residents. Encourage residents to voluntarily remove invasive exotics from their landscaping.

The landscaping plans (SJA 2021) do not include any plant species identified on the California Invasive Plant Council "moderate" or "high" lists. Project landscaping would be required to follow standard landscape guidelines and are not expected to include any non-native invasive plant species.

2. Remove giant reed, tamarisk, pampas grass, castor bean, artichoke thistle, and other exotic invasive species from creek and river systems, canyons and slopes, and elsewhere within the MHPA as funding or other assistance becomes available. If possible, it is recommended that removal begin upstream and/or upwind and move downstream/downwind to control reinvasion. Priorities for removal should be based on invasive species' biology (time of flowering, reproductive capacity, etc.), the immediate need of a specific area, and where removal could increase the habitat available for use by covered species such as the least Bell's vireo. Avoid removal activities during the reproductive seasons of sensitive species and avoid/ minimize impacts to sensitive species or native habitats. Monitor the areas and provide additional removal and apply herbicides if necessary. If herbicides are necessary, all safety and environmental regulations must be observed. The use of heavy equipment, and any other potentially harmful or impact-causing methodologies, to remove the plants may require some level of environmental or biological review and/or supervision to ensure against impacts to sensitive species.

There are no streams, creeks, or rivers are present in the project area, and giant reed, tamarisk, pampas grass, castor bean, artichoke thistle or other exotic invasive species are not included in the project landscaping. In addition, these species are not present within the project site and were not observed during the December 8, 2020 biological survey. Any individuals of these species detected during landscaping or revegetation would be removed.

Priority 2:

1. If funding permits, initiate a baseline survey with regular follow-up monitoring to assess invasion or re-invasion by exotics, and to schedule removal. Utilize trained volunteers to monitor and remove exotic species as part of a neighborhood, community, school, or other organization's activities program (such as Friends of Peñasquitos Preserve has done). If done on a volunteer basis, prepare and provide information on methods and timing of removal to staff and the public if requested. For giant reed removal, the Riverside County multi-jurisdictional management effort and experience should be investigated, and relevant techniques used. Similarly, tamarisk removal should use the Nature Conservancy's experience in the Southern California desert regions, while artichoke thistle removal should reference the Nature Conservancy's experience in Irvine. Other relevant knowledge and experience is available from the California Exotic Pest Plant Council and the Friends of Los Peñasquitos Canyon Preserve.

This item relates to City-funded or coordinated studies and programs and are not applicable to the project.

2. Conduct an assessment of the need for cowbird trapping in each area of the MHPA where cattle, horses, or other animals are kept, as recommended by the habitat management technical committee in coordination with the wildlife agencies.

No cattle, horses, or other animals associated with cowbirds would be kept on the project site.

3. If eucalyptus trees die or are removed from the MHPA area, replace with appropriate native species. Ensure that eucalyptus trees do not spread into new areas, nor increase substantially in numbers over the years. Eventual replacement by native species is preferred.

No eucalyptus trees are present on site or would be included in project landscaping and the project site occurs outside the MHPA.

4. On a case by case basis some limited trapping of non-native predators may be necessary at strategic locations, and where determined feasible to protect ground and shrub-nesting birds, lizards, and other sensitive species from excessive predation. This management directive may be considered a Priority 1 if necessary to meet the conditions for species coverage. If implemented, the program would only be on a temporary basis and where a significant problem has been identified and therefore needed to maintain balance of wildlife in the MHPA. The program would be operated in a humane manner, providing adequate shade and water, and checking all traps twice daily. A domestic animals release component would be incorporated into the program. Provide signage at access points and noticing of adjacent residents to inform people that trapping occurs, and how to retrieve and contain their pets.

No non-native predators are anticipated to occur or be introduced by the proposed project.

Flood Control

The following management directives are in addition to the general planning policies and guidelines outlined in Section 1.4.2.

Priority 1:

1. Perform standard maintenance, such as clearing and dredging of existing flood channels, during the non-breeding or nesting season of sensitive bird or wildlife species utilizing the riparian habitat. For the least Bell's vireo, the non-breeding season generally includes mid-September through mid-March.

There are no flood control channels existing or proposed within or adjacent to the project site.

Priority 2:

1. Review existing flood control channels within the MHPA periodically (every five to ten years) to determine the need for their retention and maintenance, and to assess alternatives, such as restoration of natural rivers and floodplains.

There are no flood control channels existing or proposed within or adjacent to the project site.

MSCP Covered Species

This section addresses project compliance with conditions for coverage of MSCP covered species. Five MSCP covered species, wart-stemmed ceanothus, Blainville's horned lizard, Belding's orange-throated whiptail, Cooper's hawk, and southern mule deer, have moderate potential to occur within or adjacent to the project site.

Wart-stemmed ceanothus. The MSCP conditions of coverage for wart-stemmed ceanothus require that revegetation efforts within appropriate habitats must include restoration of this species. Area specific management directives for the protected populations must include specific measures to increase populations. Area specific management directives must include specific management measures to address the autecology and natural history of the species and to reduce the risk of catastrophic fire. Management measures to accomplish this may include prescribed fire. Any newly found populations should be evaluated for inclusion in the preserve strategy through acquisition, like exchange, etc. require that revegetation efforts within appropriate habitats include restoration of this species.

The project includes a revegetation plan (see Attachment 2; SJA 2021), which describes planting of 24 wart-stemmed ceanothus plants. Planting will occur outside the development footprint in the western and northern portions of the project site. Specific measures for installation and maintenance of these plants are provided in the revegetation plan.

Blainville's horned lizard. The MSCP conditions of coverage for Blainville's horned lizard require measures to maintain native ant species, discourage the Argentine ant, and protect against detrimental edge effects to this species.

The proposed project is located outside the MHPA in an area of low-density residential development. It is not expected to substantially increase edge effects or result in an increased encroachment of Argentine ants into the MHPA. No native ant species were observed during surveys, so the project is not anticipated to result in a decrease in native ant populations. While development in the area is relatively low-density, there are several residences in the immediate vicinity. As such, the project is unlikely to significantly increase the presence of Argentine ants in the area. Implementation of construction best management practices and compliance with the MSCP Subarea Plan Land Use Adjacency Guidelines will protect against detrimental edge effects.

Belding's orange-throated whiptail. The MSCP conditions of coverage for Belding's orange-throated whiptail require projects to address edge effects.

The proposed project is located outside the MHPA in an area of relatively low-density residential development, although there are several residences in the immediate vicinity. Implementation of construction best management practices and compliance with the MSCP Subarea Plan Land Use Adjacency Guidelines will protect against detrimental edge effects.

Cooper's hawk. The MSCP conditions of coverage for Cooper's hawk require that projects include 300-foot impact avoidance areas around the active nests, and minimization of disturbance in oak woodlands and oak riparian forests.

This species was not observed during the biological surveys but has moderate potential to nest within Torrey pines planted on and nearby the site. Due to the potential for indirect impacts, compliance with the conditions of coverage for this species are addressed as mitigation in the Mitigation Measures section of this report. The MSCP conditions of coverage for Cooper's hawk would be required as conditions of approval for the project and included in the Site Development Permit.

Southern mule deer. The MSCP does not include conditions for coverage for southern mule deer, as at least 105,000 acres of its habitat were protected in establishment of the MHPA and County of San Diego habitat preserves.

Avoidance Measures

In order to prevent or minimize direct and indirect impacts to sensitive vegetation communities and special status species, the following City standard resource protection measures should be implemented.

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 (2012), 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. Preconstruction Meeting – The Qualified Biologist shall attend the preconstruction 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 (2018), Multiple Species Conservation Program Subarea Plan (MSCP; 1997), Environmentally Sensitive Lands Ordinance (ESL; 2018), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

D. Biological Construction Monitoring Exhibit – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, 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. Avian Protection Requirements – To avoid any direct impacts to any species identified as a listed, candidate, sensitive, or special status species in the MSCP–including Cooper's hawk–removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If 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 on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City Development Services Department for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report in conformance with the City's Biology Guidelines (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 for review and approval and implemented to the satisfaction of the City. The City's MMC and Qualified Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

F. Resource Delineation – Prior to 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 Cooper's hawk) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

G. **Education** – Prior to 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 and wetland 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 e-mailed 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 for Cooper's hawk, rufous-crowned sparrow, and coastal California gnatcatcher, 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, CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

Impact Analysis

This section describes impacts to vegetation communities and sensitive species based on the updated site plans. While the 2003 report assumed the entire project site would be impacted, the current project design assumes 0.11 acre on site would be avoided. All required clearing for brush management zone 1 would occur within the project site.

Vegetation Communities

As shown in Table 2 and Figure 6, the project would impact 0.88 acres of southern maritime chaparral and to 0.16 acre of disturbed land. Impacts are shown on Figure 6. A total of 0.11 acre on site will not be impacted by the project.

Sensitive Plant Species

The project would impact 19 wart-stemmed ceanothus plants on-site. The MSCP conditions for coverage of wart-stemmed ceanothus require area specific management directives for protected populations of this species to include specific measures to increase populations and to reduce the risk of catastrophic fire.

Impacts to wart-stemmed ceanothus would be considered significant and would require mitigation per the MSCP and Biology Guidelines (City of San Diego 1997 and 2018, respectively).

Sensitive Wildlife Species

As discussed above, seven sensitive wildlife species have potential to occur on-site: Blainville's horned lizard, Belding's orange-throated whiptail, Cooper's hawk, San Diego black-tailed jackrabbit, northwestern San Diego pocket mouse, San Diego desert woodrat, and southern mule deer. Potential impacts to each of these is discussed below.

Cooper's hawk has the potential to nest on-site and within 300 feet of the project area. As noted above, the MSCP conditions for coverage for this species require a minimum 300-foot impact avoidance of impacts around active nests. Because this species has moderate potential to occur on site, indirect impacts may occur, and mitigation measures will be required. These measures are presented in the mitigation discussion below.

Blainville's horned lizard has moderate to high potential to occur within the project area. Direct impacts to the species, including the loss of habitat associated with the proposed project, would be minimal and are not expected to reduce populations of this species below self-sustaining levels. As noted in the MSCP Compliance discussion above, the project would comply with the MSCP conditions of coverage for Blainville's horned lizard and impacts would be considered less than significant.

Belding's orange-throated whiptail has moderate to high potential to occur within the project area. Direct impacts to the species, including the loss of habitat associated with the proposed project, would minimal and are not expected to reduce populations of this species below self-sustaining levels. As noted in the MSCP Compliance discussion above, the project would comply with the MSCP conditions of coverage for Belding's orange-throated whiptail and impacts would be considered less than significant.

San Diego black-tailed jackrabbit has moderate potential to occur within the project area. Due to this species high mobility, impacts to this species are not expected to occur. The loss of habitat associated with the proposed project is minimal and these impacts are not expected to reduce populations of this species below self-sustaining levels or interfere with this species' ability to move throughout the area and are considered less than significant.

Southern mule deer has moderate potential to occur within the project area. Due to this species high mobility, impacts to this species is not expected to occur. The loss of habitat associated with the proposed project is minimal and these impacts are not expected to reduce populations of this species below self-sustaining levels or interfere with these species ability to move throughout the area and are considered less than significant.

Northwestern San Diego pocket mouse and San Diego desert woodrat have moderate potential to occur within the project area. Direct impacts to these species, including the loss of habitat associated with the proposed project, is minimal and these impacts are not expected to reduce populations of this species below self-sustaining levels and are considered less than significant.

Mitigation Measures

Impacts to 0.88 acres of Tier I southern maritime chaparral would be considered significant and would require mitigation at a 1:1 ratio (0.88 acre) in accordance with the City's Biology Guidelines (City of San Diego 2018). As the project site is located outside the MHPA, there are no limits to encroachment into sensitive biological resources, provided such impacts are properly assessed and mitigation is provided. The majority of the site is included in the development footprint, and there is not enough habitat remaining to provide on-site mitigation for vegetation impacts. Thus, the project proposes to mitigate impacts off site through purchase of a conservation easement per Section 143.0152 of the City Land Development Code. The

applicant is working with J. Whelan Associates, Inc. to provide a covenant of easement over 1.04 acres within the MHPA on Assessor's Parcel Number 366-021-09-00, located on Lot 73 of the Rancho Mission San Diego Land Grant (Attachment 3). The area to be conserved is situated approximately one mile north of Interstate 15 and 1.1 miles west of the Sycamore Landfill. This easement would ensure conservation of 1.04 acre of Tier I native grassland supporting sensitive species including San Diego goldenstar (*Bloomeria clevelandii*), variegated dudleya (*Dudleya variegata*), and San Diego barrel cactus (*Ferocactus viridescens*). This conservation exceeds the 0.88-acre mitigation requirement for the project.

Impacts to 19 wart-stemmed ceanothus would be considered significant and would require mitigation. Mitigation would occur through replacement of the impacted wart-stemmed ceanothus plants at a minimum 1:1 ratio as described in the project's revegetation plan (Attachment 2; SJA 2021). The revegetation plan describes installation of a minimum 24 wart-stemmed ceanothus container plants in the northern and western portions of the project site, outside the final development footprint. The installed plants would be irrigated and maintained a minimum of 25 months. The plan shows the general planting configuration although final locations would be field-fit and documented in an as-built submittal following installation.

Cooper's hawk was determined to have moderate potential to nest on-site. Impacts to nesting individuals would be considered significant and require mitigation. Vegetation removal should occur outside of the Cooper's hawk breeding season (February 1 to August 31). If vegetation removal must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting Cooper's hawks within 300 feet of the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City Development Services Department for review and approval prior to initiating any construction activities. If nesting Cooper's hawks are detected, a letter report in conformance with the City's Biology Guidelines and applicable state and federal law (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 for review and approval and implemented to the satisfaction of the City. The City's MMC and Qualified Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

If you have any questions or require further information, please contact Brian Parker at (619) 308-9333 ext. 109 or bparker@reconenvironmental.com, or Alex Fromer at (619) 308-9333 ext. 193 or afromer@reconenvironmental.com.

Sincerely,

Brian Parker
Biologist/Project Manager

Alex Fromer
Biologist

BDP/APF:sh

Attachments

References Cited

RECON Environmental, Inc. (RECON)
2003 Revised Biology Technical Report for Villa Costa Monte at Via Del Mar. October.

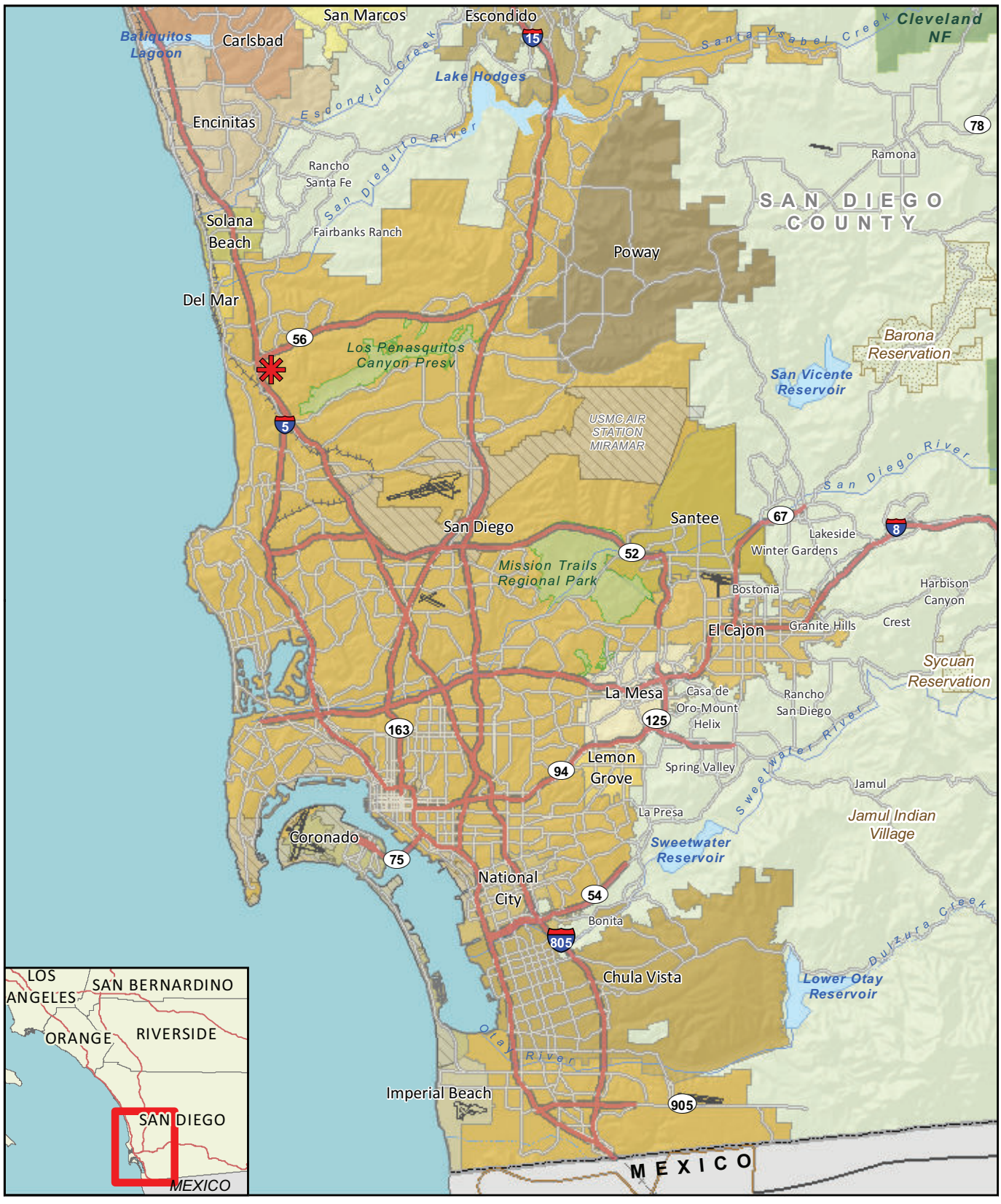
San Diego, City of
1997 City of San Diego Multiple Species Conservation Plan (MSCP) Subarea Plan. March.

2012 Guidelines for Conducting Biological Surveys. June.

2018 Land Development Manual – Biology Guidelines. February.

Smithgall Johnston Associates, Inc. (SJA)
2021 Dhir Residence Revegetation Plan (Sheet L-2)

U.S. Geological Survey (USGS)
1994 7.5-Minute Topographic Map, Del Mar Quadrangle.



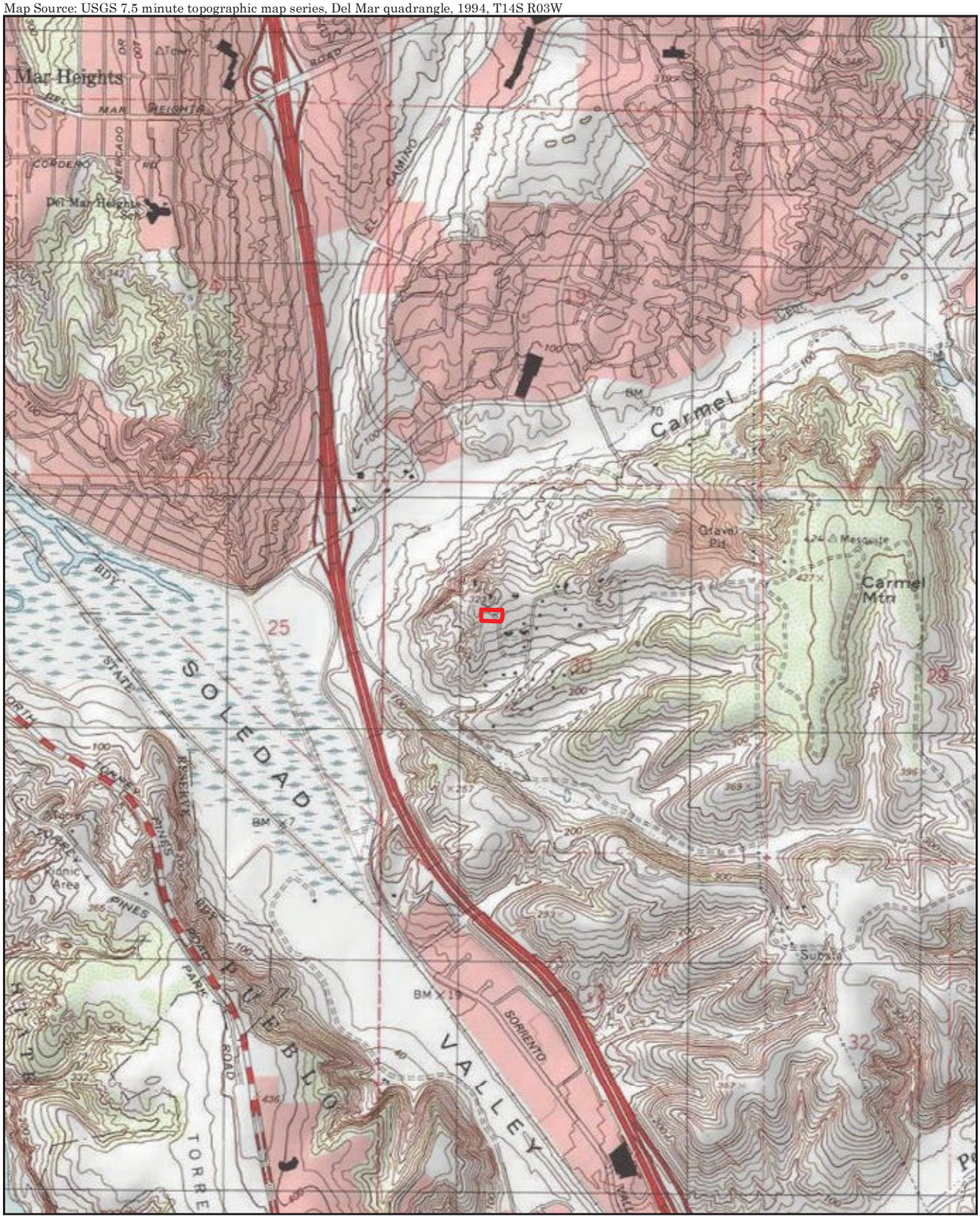
Project Location

RECON

M:\JOBS5\9827\common_gis\fig1.mxd 12/15/2020 fmm

FIGURE 1
Regional Location

Map Source: USGS 7.5 minute topographic map series, Del Mar quadrangle, 1994, T14S R03W



Project Site

RECON

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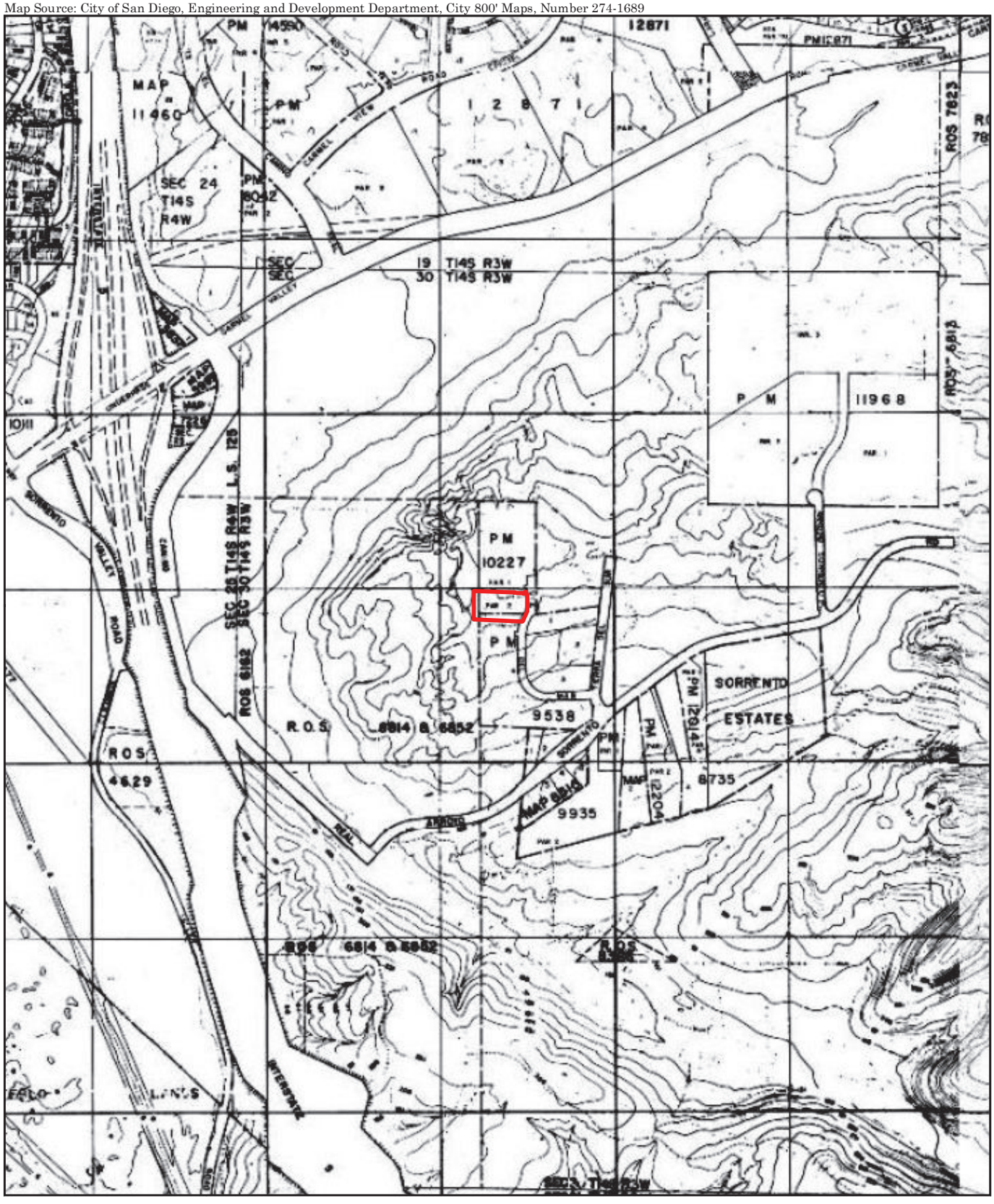
FIGURE 2
Project Location on USGS Map

Map Source: City of San Diego, Engineering and Development Department, City 800' Maps, Number 274-1689



Project Site

FIGURE 3

Project Location on City 800' Map

RECON

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Image Source: NearMap (flown April 2021)

RECON

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FIGURE 4

Project Location on Aerial Photograph

Image Source: NearMap (flown April 2021)

Project Site

Dhir Residence Property

Off-site Survey Area

City of San Diego MHPA

Sensitive Plants

Torrey Pine
(*Pinus torreyana* ssp. *torreyana*)

Wart-stemmed Ceanothus
(*Ceanothus verrucosus*)

Vegetation Communities

Southern Maritime Chaparral (MSCP Tier I)

Disturbed Land (No MSCP Tier)

0 Feet 50

RECON

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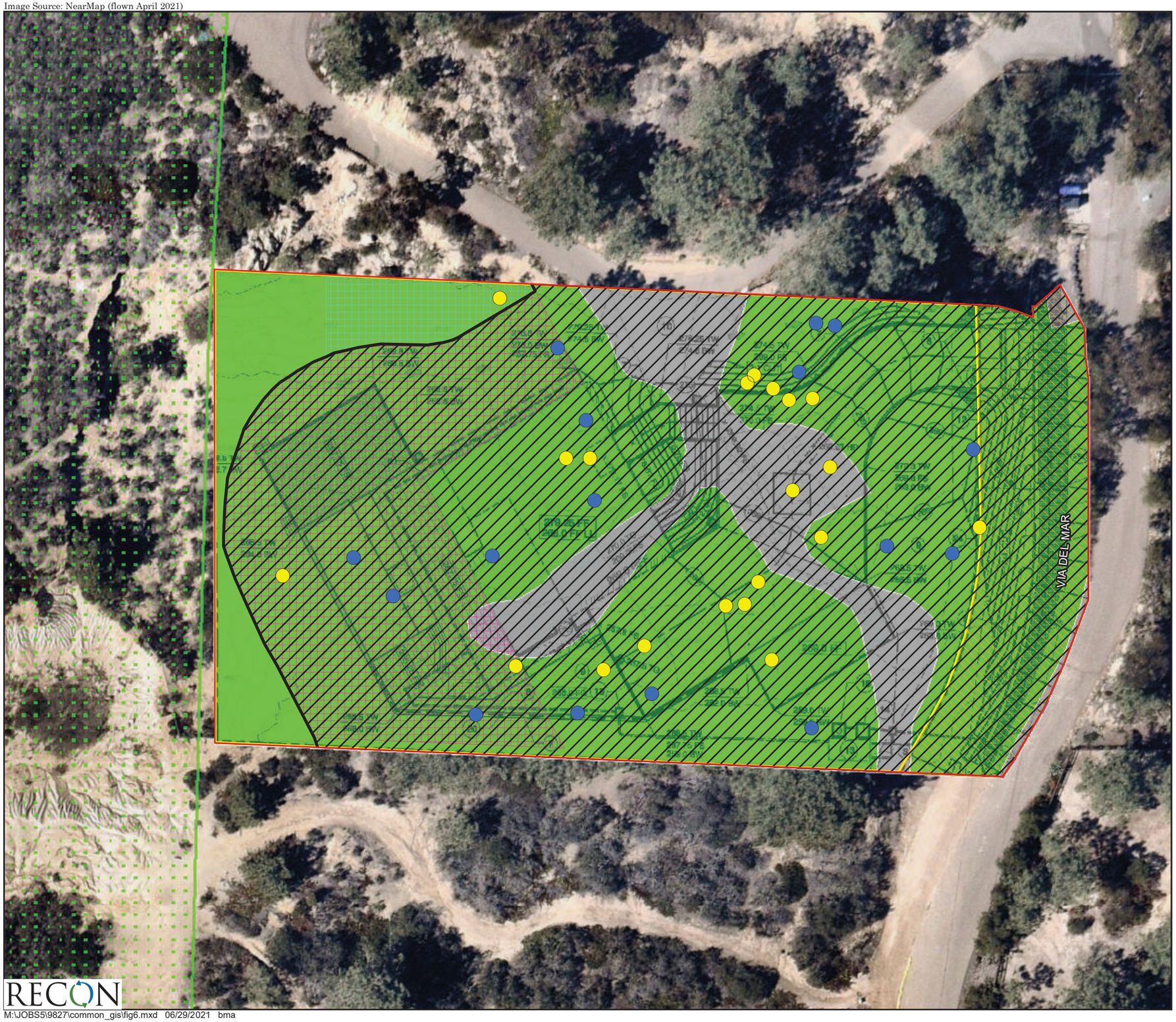
FIGURE 5
Existing Biological Resources

Image Source: NearMap (flown April 2021)



- Project Site
- Project Impact Area
- Brush Management Zone 1 (Permanent Impact)
- Brush Management Zone 2 (Impact Neutral)
- Dhir Residence Property
- Off-site Survey Area
- City of San Diego MHPA

Sensitive Plants

- Torrey Pine (*Pinus torreyana* ssp. *torreyana*)
- Wart-stemmed Ceanothus (*Ceanothus verrucosus*)

Vegetation Communities

- Southern Maritime Chaparral (MSCP Tier I)
- Disturbed Land (No MSCP Tier)

0 Feet 35

RECON

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FIGURE 6
Impacts to Biological Resources

ATTACHMENTS

ATTACHMENT 1

Revised Biology Technical Report for Villa Costa Monte
at Via Del Mar, San Diego, California

REVISED
BIOLOGY TECHNICAL REPORT
FOR VILLA COSTA MONTE
AT VIA DEL MAR
SAN DIEGO, CALIFORNIA
LDR NUMBER 42-0283

Prepared for

MR. JOHN VERTULLO
3765 ARROYO SORRENTO ROAD
SAN DIEGO, CALIFORNIA 92130

Prepared by

AMY E. CLARK
BIOLOGIST

RECON NUMBER 3631B
OCTOBER 8, 2003

1927 Fifth Avenue
San Diego, CA 92101-2358
P 619.308.9333 F 619.308.9334

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Summary of Findings

The Villa Costa Monte site survey area comprises 1.30 acres in the Carmel Valley community of the city of San Diego. The site includes the 1.0-acre Villa Costa Monte property, a 0.20-acre easement for Via Del Mar, a 0.06-acre off-site portion of Via Del Mar under which a sewer line will be added, and a 0.04-acre off-site area that will be developed as a fire department turn-around. The proposed project will impact 1.04 acres of sensitive vegetation. Project impacts include 1.04 acres of southern maritime chaparral, with 1.0 acre on-site and 0.04 acre off-site. The mitigation requirements for impacts to 1.04 acres of southern maritime chaparral located outside a Multi-Habitat Planning Area (MHPA) can be fulfilled through the off-site acquisition of 1.04 acres of land with equal or greater habitat value within an MHPA, the purchase of mitigation credits, or payment of monies into the City's Habitat Acquisition Fund.

One Multiple Species Conservation Plan (MSCP) covered plant species, wart-stemmed ceanothus, will be significantly impacted by the proposed project. Acceptable mitigation for impacts to this plant include transplantation or incorporation into the revegetation plan proposed for the site.

No coastal California gnatcatchers were detected on-site or in the adjacent open space during focused surveys. Impacts to this species are not expected to occur.

Several sensitive species have potential to occur on the Villa Costa Monte site, including Belding's orangethroat whiptail, San Diego horned lizard, southern California rufous-crowned sparrow, Cooper's hawk and other nesting raptors, northwestern San Diego pocket mouse, and San Diego desert woodrat. Each of these species, with the exception of the northwestern San Diego pocket mouse and the San Diego desert woodrat, is covered under the MSCP. Impacts to these MSCP covered species are considered less than significant. Impacts to northwestern San Diego pocket mouse and San Diego desert woodrat, species not covered by the MSCP, would be considered less than significant due to the small amount of habitat impacted by the project.

Impacts to nesting raptors would be considered significant. In order to avoid and minimize impacts to nesting raptors, a pre-construction survey is recommended if work activities in areas of suitable nesting habitat are to occur during the raptor nesting season (February 1 to August 30). If active nests are present, a construction setback of a minimum of 300 feet would be required until the young are completely independent of the nest.

The Villa Costa Monte site is not within an MHPA, but the western site boundary is directly adjacent to an MHPA.

Introduction

The 1.30-acre Villa Costa Monte site is located in the Carmel Valley community of the city of San Diego (Figure 1), in the northwest quarter of Section 30 in Township 14 South, Range 3 West of the U.S. Geographical Survey 7.5 Minute Topographic Map Del Mar Quadrangle (Figure 2). Figure 3 shows the site on the City of San Diego 800' map. The site includes the 1.00-acre property, the 0.20-acre easement for Via Del Mar, a 0.06-acre portion of Via Del Mar under which a sewer line will be constructed, and a 0.04-acre off-site area that will be developed as a fire department turn-around.

The proposed project includes constructing a single-family residence in the center of the property, with a pool on the west side and a sports court east of the house. Additional project construction includes a fire department turn-around north of the site and sewer line improvements under the existing Via Del Mar.

This report provides biological data and background information required for environmental analysis by the City of San Diego. The City will use this information to conduct their Coastal Zone analysis and Environmentally Sensitive Lands analysis.

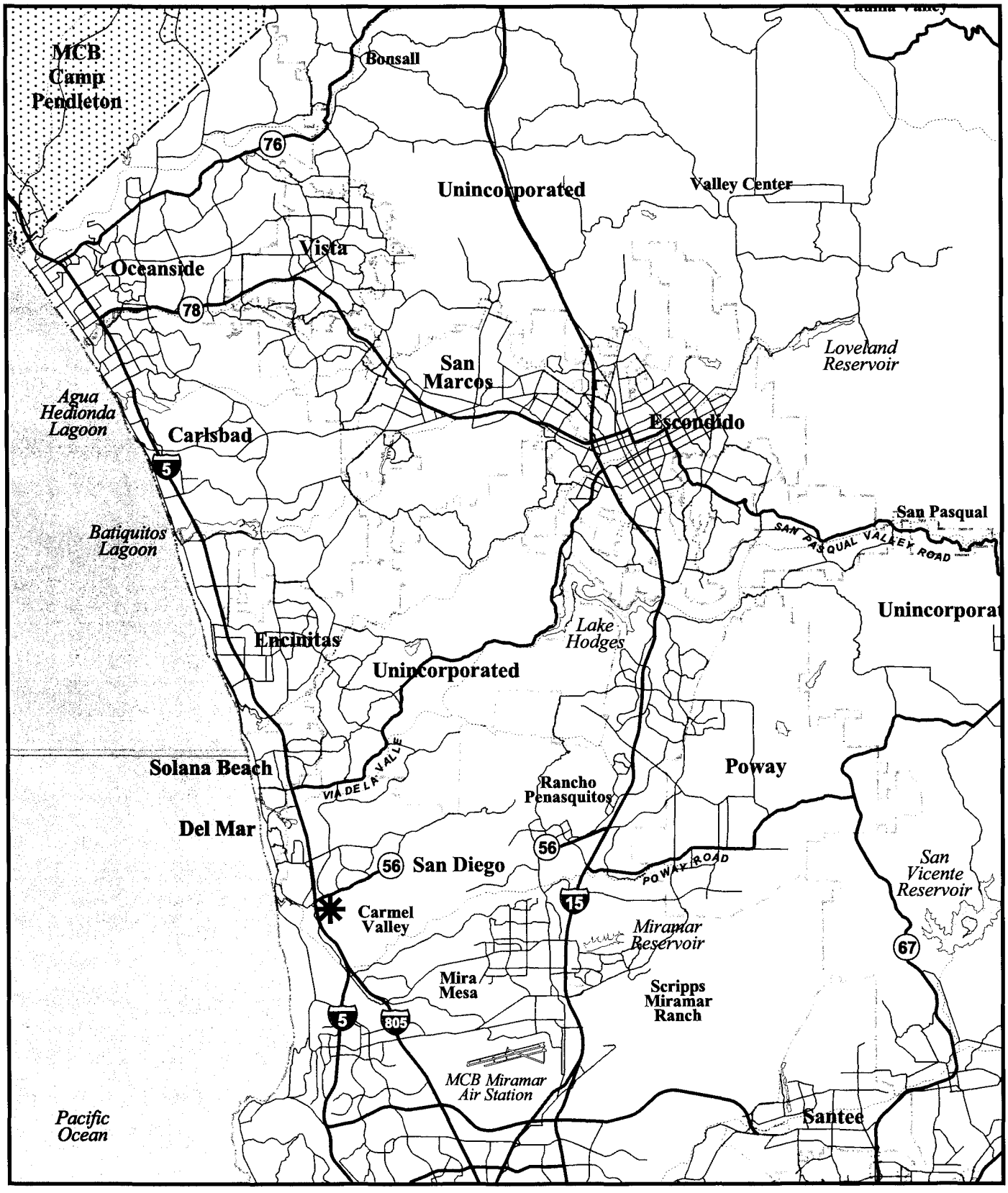
Survey Methods

RECON biologists Amy Clark, Angelique Hamel, and Brant Primrose conducted general biological surveys on January 30, February 6, and February 14, 2002. Table 1 lists survey dates, times, and conditions. Animal species were either observed directly, with the aid of binoculars, or detected from calls, tracks, scat, or other sign. Vegetation communities were mapped on a one inch equals 100 feet aerial photograph of the site and transferred to a geographical information system using ArcView 3.1 software.

The wildlife surveys included focused surveys for coastal California gnatcatchers (*Polioptila californica californica*). Amy Clark (Permit TE 797665) conducted these surveys according to the U.S. Fish and Wildlife Service (USFWS) coastal California gnatcatcher survey guidelines (USFWS 1997).

Limitations to the compilation of a comprehensive fauna checklist were imposed by seasonal factors. Migratory bird species that may arrive in the area during summer would not have been present during the surveys. Since surveys were performed during the day, nocturnal animals were detected by sign.

RECON biologist Brant Primrose conducted focused surveys for narrow endemic and other sensitive plant species on April 24 and May 24, 2002. Sensitive plant species were mapped using a Trimble global positioning system unit with sub-meter accuracy. Plant



✱ Project location

0 Miles 4

FIGURE 1
Regional Location

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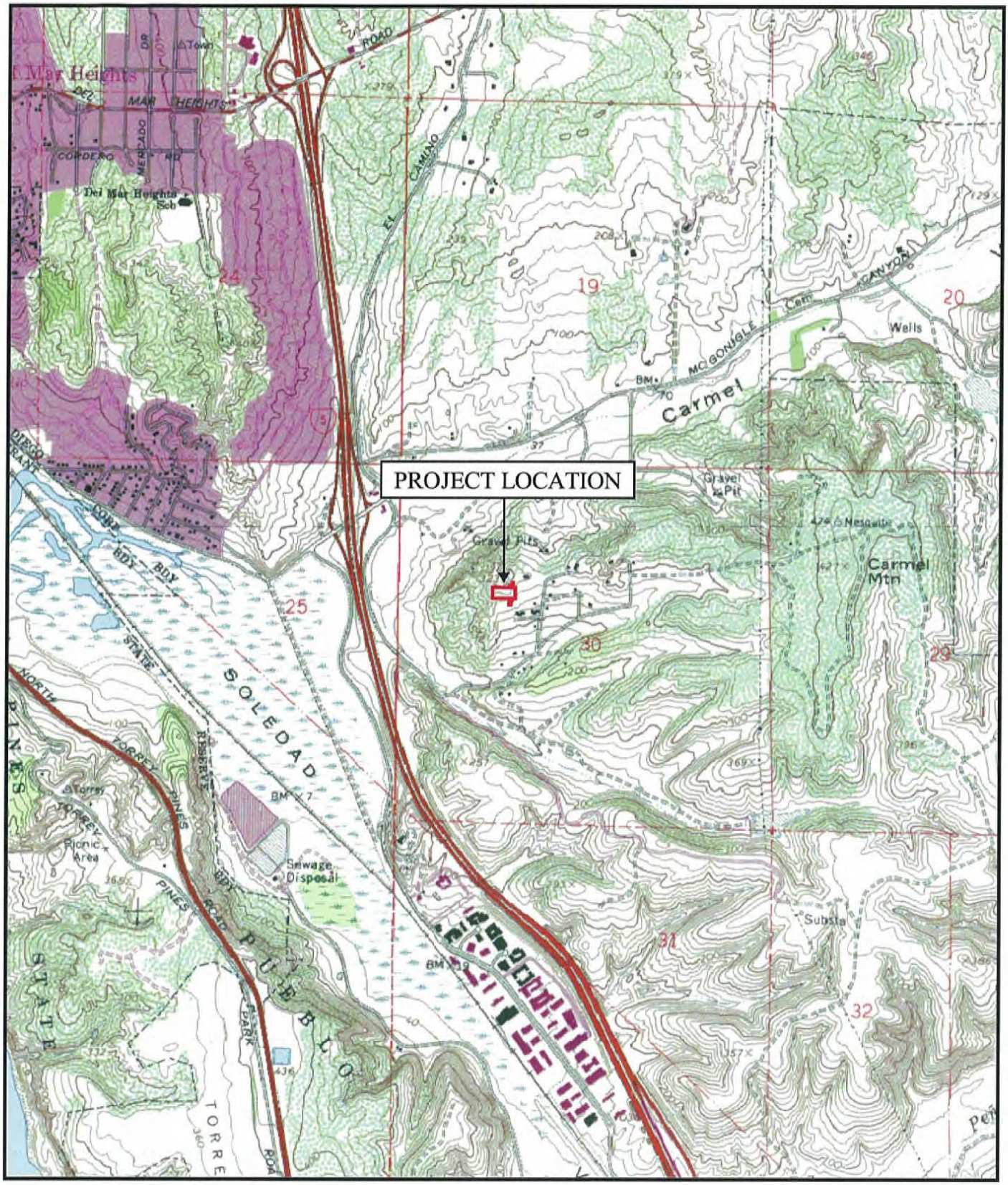

Map Source: USGS 7.5 minute topographic map series,
Del Mar quadrangle

1:24,000

0 Feet 2000

FIGURE 2

Project Location on USGS Map

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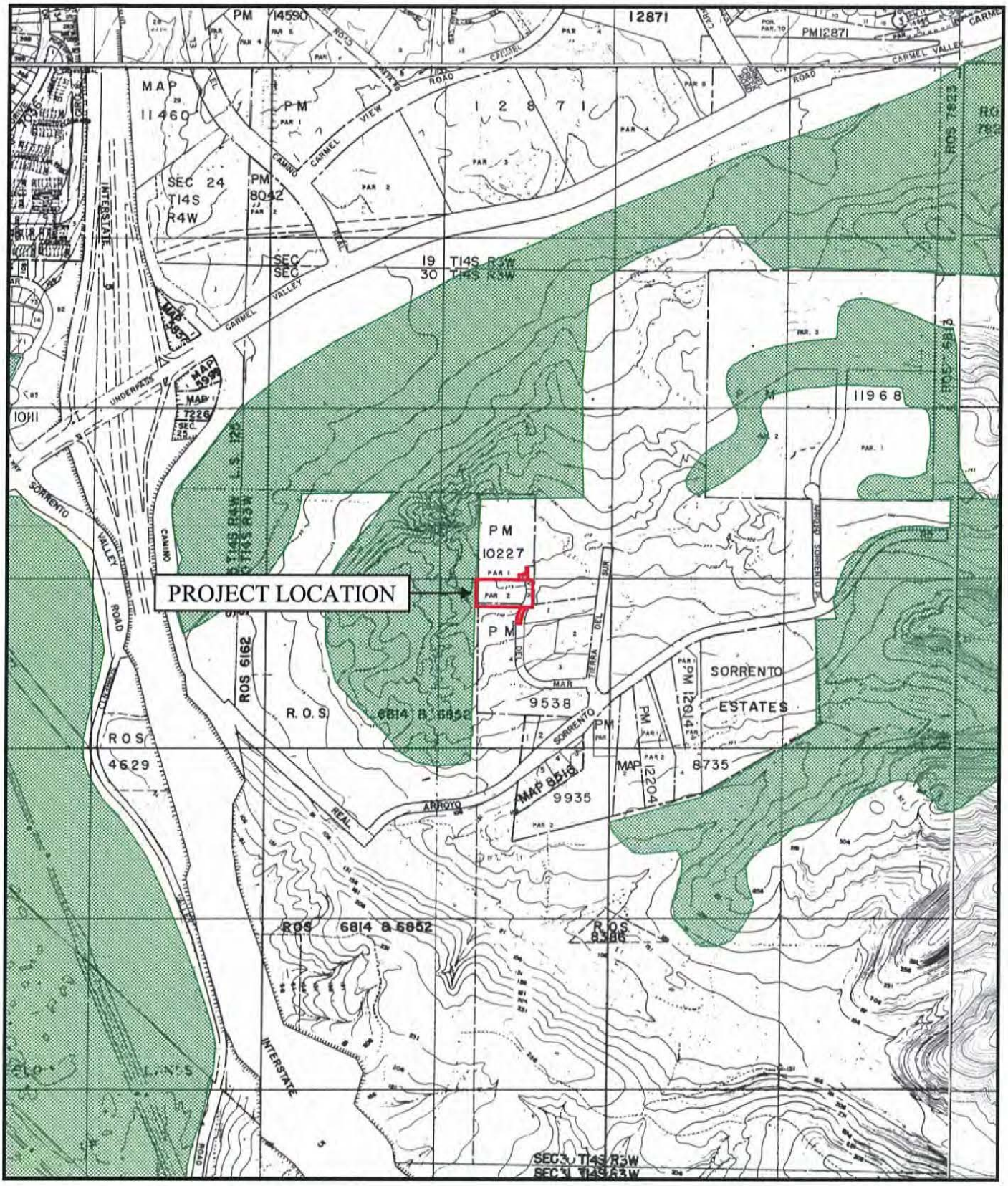

FIGURE 3

Project Location Shown on City 800' Scale Map, Numbers 282-1689, 282-1701, 274-1689, and 274-1701

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TABLE 1
SURVEY DATES, TIMES, AND CONDITIONS

Date	Survey	Personnel	Beginning Conditions	Ending Conditions
January 30, 2002	CAGN 1; general site assessment	A. Clark A. Hamel	8:45 A.M.; 53° F; wind 0-2 mph; skies clear	9:30 A.M.; 51° F; wind 0-2 mph; skies clear
February 6, 2002	CAGN 2	A. Clark	8:30 A.M.; 57° F; wind 0-2 mph; skies clear	9:00 A.M.; 64° F; wind 0-2 mph; skies clear
February 6, 2002	General plant survey	B. Primrose	8:30 A.M.; 57° F; wind 0-2 mph; skies clear	9:00 A.M.; 64° F; wind 0-2 mph; skies clear
February 14, 2002	CAGN 3	A. Clark	7:15 A.M.; 64° F; wind 0-2 mph; cloud cover 60%	7:45 A.M.; 64° F; wind 3-5 mph; cloud cover 60%
April 24, 2002	Rare plant survey	B. Primrose	N/A	N/A
May 24, 2002	Rare plant survey	B. Primrose	N/A	N/A

CAGN = coastal California gnatcatcher
° F = degrees Fahrenheit
mph = miles per hour
% = percent
N/A = not applicable

species that could not be identified in the field were brought back to the office for closer inspection and positive identification.

Limitations to the compilation of a comprehensive floral checklist were imposed by the unseasonably dry conditions that could have limited the germination and growth of annual plants. Some spring annuals were detected based on their distinctive seed and vegetational characteristics.

Floral nomenclature for common plants follows Hickman (1993), and for sensitive plants follows the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Plants of California* (2001). Vegetation community classifications follow Holland (1986). Zoological nomenclature for birds is in accordance with the American Ornithologists' Union Checklist (1998) and Unitt (1984); for mammals, Jones et al. (1997); for butterflies, Mattoni (1990) and Opler and Wright (1999); and for amphibians and reptiles, Crother (2001). Assessments of the sensitivity of species and habitats are based primarily on City of San Diego (1997), CNPS (2001), State of California (2002a, 2002b, 2002c), U.S. Fish and Wildlife Service (2002a), and Holland (1986).

Existing Conditions

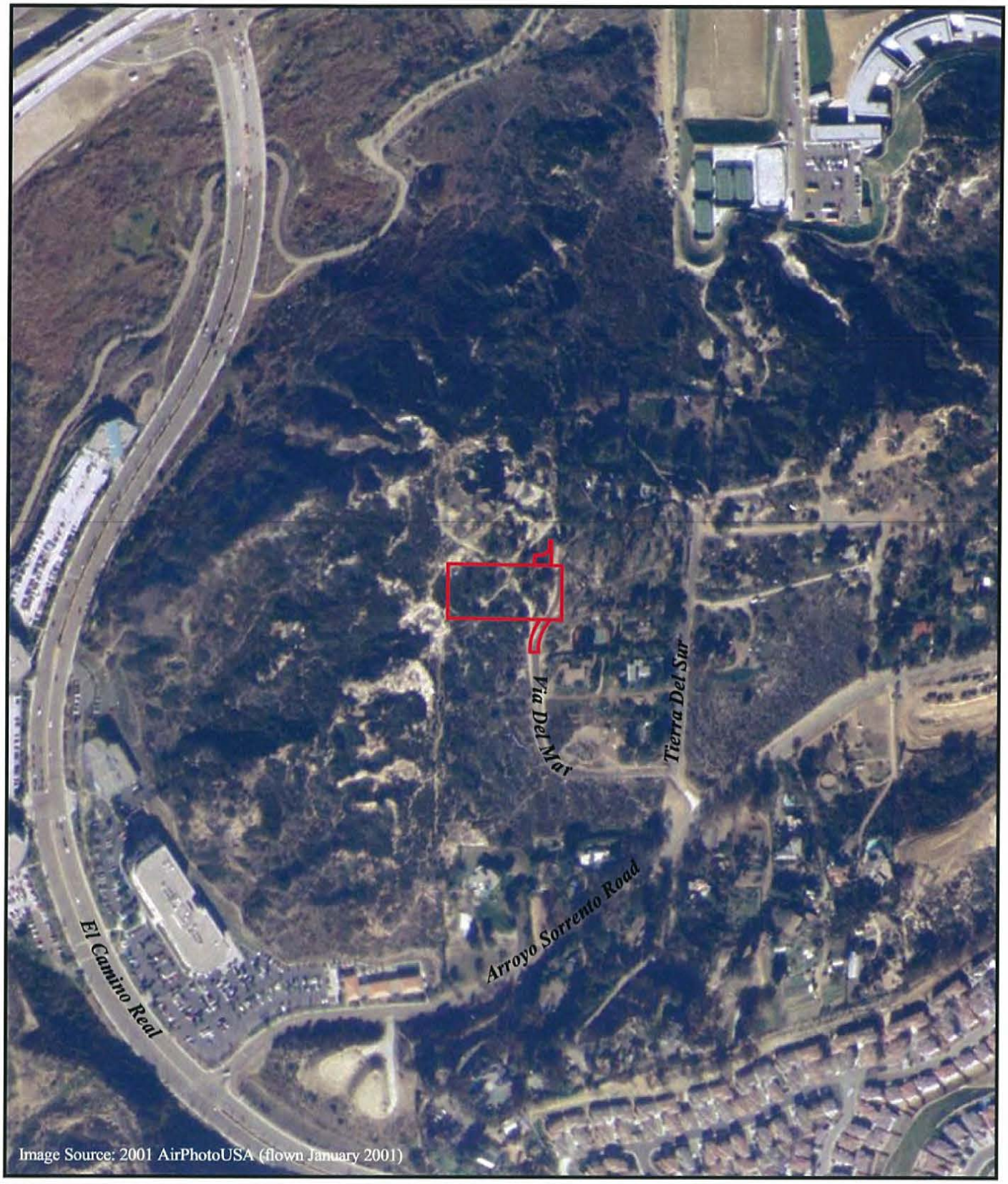
A. Topography and Soils

An aerial photograph of the site is presented in Figure 4. Elevation on-site ranges from approximately 250 feet above mean sea level (MSL) on the southeast corner of the site to 280 feet above MSL on the northern boundary. The site is crossed by Via Del Mar on the eastern side and has a dirt road crossing diagonally from the east side of the southern boundary to the central northern boundary. The remainder of the site is predominantly covered with native vegetation. A five-foot eleven-inch chain-link fence surrounds the property.

Soils on the site consist entirely of terrace escarpments. This soil type is derived from marine sandstone, shale, or gravelly sediments (U.S. Department of Agriculture 1973).

B. Botany

One vegetation community, southern maritime chaparral, is present on-site. There are also disturbed areas that are comprised of the roads that traverse the site and areas lacking vegetation due to disturbance. Table 2 lists the acreage of each vegetation community and the disturbed lands. Figure 5 illustrates the locations of the vegetation communities on-site. A total of 26 plant species was identified on the site during the general biological



Project location

0 Feet 400

FIGURE 4

Aerial Photograph of the Project and Vicinity

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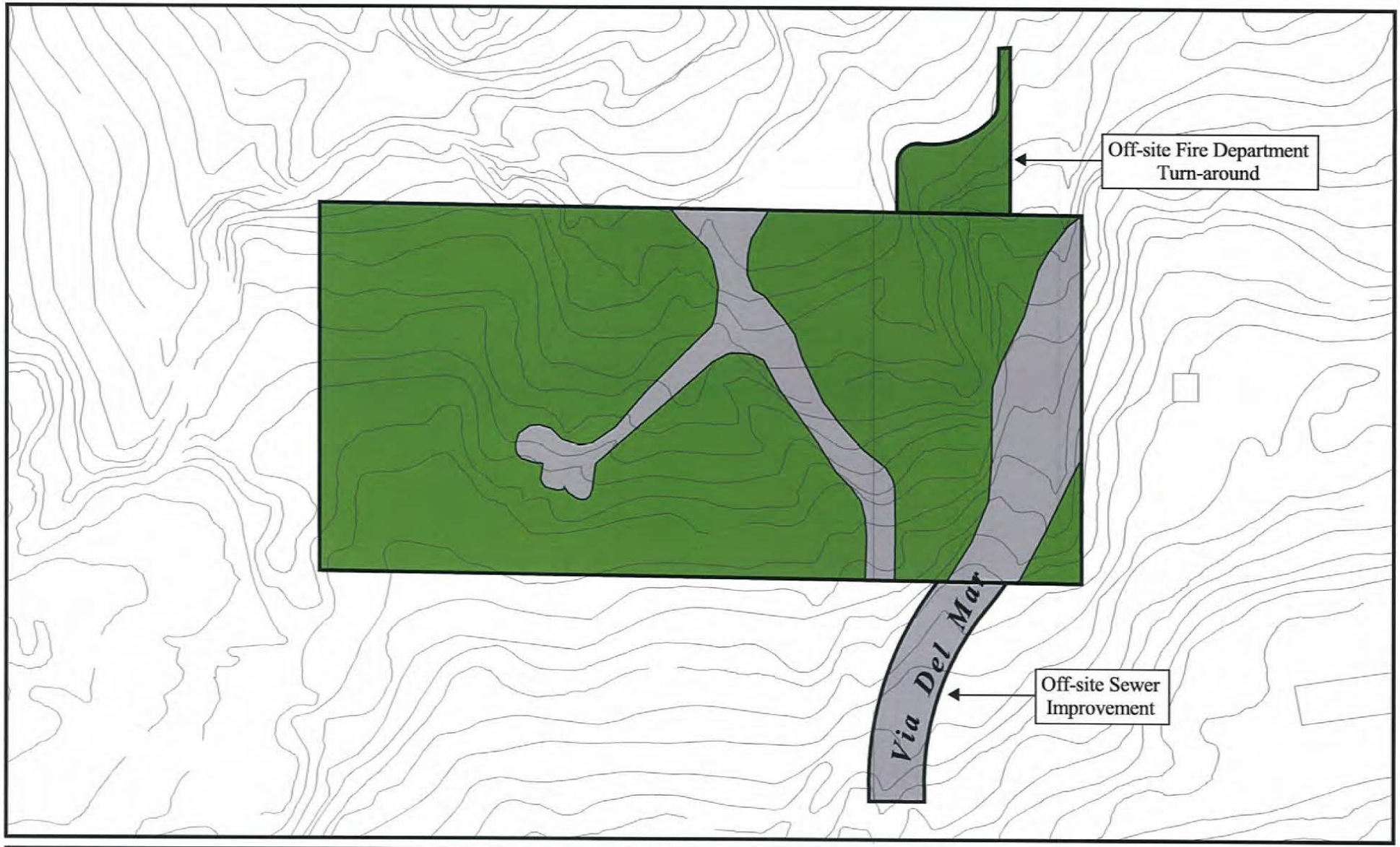

Project location

Vegetation Communities
Southern maritime chaparral
Disturbed

0 Feet 60

FIGURE 5
Vegetation Communities

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survey and rare plant surveys (Attachment 1). Of this total, 21 (81 percent) are species native to southern California and five (19 percent) are introduced species.

TABLE 2
VEGETATION COMMUNITIES

Vegetation Community	Acreage On-site	Acreage Off-site	Total
Southern maritime chaparral	1.00	0.04	1.04
Disturbed and developed	0.20	0.06	0.26
TOTAL	1.20	0.10	1.30

1. Southern Maritime Chaparral

Southern maritime chaparral is a vegetation community that is comprised of low-growing shrubs, with plant density ranging from fairly open to dense. The plant species composition of southern maritime chaparral is similar to southern mixed chaparral. Southern maritime chaparral is restricted to sandy soils within the coastal fog belt in south Orange County and in San Diego County from Carlsbad to Point Loma (Hogan et al. 1996). This community is considered sensitive by resource agencies.

A total of 1.04 acre of southern maritime chaparral occurs on the project site, including 0.04 acre off-site. The quality of southern maritime chaparral on-site varies from low to moderate based on the level of disturbance and invasion by non-native species. The vegetation in this community on the western portion of the site has been trimmed from the bases of the shrubs to a height of approximately three to four feet, leaving shrubs that appear to be short trees (Photograph 1). Some of the shrubs on-site have been completely removed, with only the stump remaining. The dominant species in this community are mission manzanita (*Xylococcus bicolor*), black sage (*Salvia mellifera*), bush monkeyflower (*Mimulus aurantiacus*), and lemonadeberry (*Rhus integrifolia*). Other species present include Torrey pine (*Pinus torreyana*) and wart-stemmed ceanothus (*Ceanothus verrucosus*), both sensitive species. The vegetation east of Via Del Mar has been disturbed by the invasion of non-native plant species such as hottentot fig (*Carpobrotus edulis*) and foxtail chess (*Bromus madritensis* ssp. *rubens*) (Photograph 2).

2. Disturbed

There is a total of 0.26 acre of disturbed land on the project site, including 0.06 acre off-site. The disturbed areas include the roads and areas dominated by hottentot fig and

PHOTOGRAPH 1
Trimmed Shrubs within Southern Maritime Chaparral

PHOTOGRAPH 2
Southern Maritime Chaparral

RECON

pampas grass (*Cortaderia selloana*). Several eucalyptus (*Eucalyptus* spp.) trees are located in the west-central portion of the site.

C. Zoology

The wildlife species observed on-site are typical of southern maritime chaparral in coastal San Diego County. A complete list of the species detected is provided in Attachment 2. Sensitive species observed or potentially occurring are discussed in the following section.

1. Amphibians

Amphibians require moisture for at least a portion of their life cycle, with many requiring a permanent water source for habitat and reproduction. Terrestrial amphibians have adapted to more arid conditions and are not completely dependent on a perennial or standing source of water. These species avoid desiccation by burrowing beneath the soil or leaf litter during the day and during the dry season.

No amphibians were observed on the site during the surveys, and no amphibians are expected to breed due to lack of suitable breeding habitat.

2. Reptiles

The diversity and abundance of reptile species vary with habitat type. Many reptiles are restricted to certain vegetation communities and soil types, although some of these species will also forage in adjacent communities. Other species are more ubiquitous, using a variety of vegetation types for foraging and shelter.

No reptile species were observed during surveys due to the timing of the surveys. Surveys were conducted during winter mornings when conditions were too cold to provide for reptile activity. However, side-blotched lizard (*Uta stansburiana*), San Diego horned lizard (*Phrynosoma coronatum blainvillii*), Belding's orangethroat whiptail (*Cnemidophorus hyperythrus beldingi*), and western fence lizard (*Sceloporus occidentalis*) have potential to occur on-site. Suitable habitat is present for several species of snakes including San Diego gopher snake (*Pituophis melanoleucus*) and western diamond rattlesnake (*Crotalus viridis helleri*).

3. Birds

The diversity of bird species varies with respect to the character, quality, and diversity of vegetation communities present. High-quality chaparral communities typically support a moderate variety of bird species. Disturbed areas are used by bird species adapted to urban settings.

Eight bird species were either detected or observed during the surveys. The common birds on-site include Anna's hummingbird (*Calypte anna*), wrentit (*Chamaea fasciata*), northern mockingbird (*Mimus polyglottos*), and western scrub-jay (*Aphelocoma californica*). Raptors expected to occur on this site include red-tailed hawk (*Buteo jamaicensis*) and Cooper's hawk (*Accipiter cooperii*).

4. Mammals

Naturally vegetated areas provide cover and foraging opportunities for a variety of mammal species. Disturbed areas provide limited opportunities for mammals. Most mammal species are nocturnal and are detected through sign during daytime surveys.

Cottontail rabbits (*Sylvilagus audubonii*) were observed on the site and southern mule deer (*Odocoileus hemionus fuliginata*) were detected by track. Coyote (*Canis latrans*) have potential to occur on-site.

D. Sensitive Biological Resources

1. Multiple Species Conservation Program

The MSCP is designed to identify lands that would conserve habitat for federal and state endangered, threatened, or sensitive species, including the coastal California gnatcatcher. The MSCP is a plan and a process for the local issuance of permits under the federal and state Endangered Species Acts for impacts to threatened and endangered species. Also included in the MSCP are implementation strategies, preserve design, and management guidelines. The City of San Diego prepared a subarea preserve plan to guide implementation of the MSCP within its corporate boundaries. The City of San Diego adopted the MSCP in March 1997.

The assessment of the sensitivity of vegetation communities and species follows the guidelines presented in the MSCP. The MHPA lands are those that have been included within the City's MSCP Subarea Plan for habitat conservation. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. MHPA lands are considered by the City to be a sensitive biological resource.

A total of 85 sensitive plant and wildlife species are considered to be adequately protected within MHPA lands. These sensitive species are MSCP covered species and are included in the Incidental Take Authorization issued to the City by federal and state governments as part of the City's MSCP Subarea Plan.

There are 14 plants that are considered to be "narrow endemic species" based on their limited distributions in the region. These narrow endemics are sensitive biological resources. All 14 narrow endemic plants are also MSCP covered species and some are state or federally listed as threatened or endangered species.

2. Lists of Rare, Threatened, or Endangered Species

All species listed by state or federal agencies as rare, threatened, endangered, or proposed for listing are considered to be sensitive biological resources. The habitat that supports a listed species is also a sensitive biological resource.

Assessments for the potential occurrence of sensitive species are based upon known ranges, habitat preferences for the species, species occurrence records from the California Natural Diversity Data Base, and species occurrence records from other sites in the vicinity of the survey area.

Species that are not MSCP covered species, but are on CNPS List 1B (considered endangered throughout its range) or List 2 (considered endangered in California but more common elsewhere) California Native Plant Society's *Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2001), California fully protected species, and California species of special concern are also considered sensitive. Noteworthy plant species are considered to be those that are on List 3 (more information about the plant's distribution and rarity needed) and List 4 (plants of limited distribution) of the CNPS *Inventory.*

3. Sensitive Vegetation Communities

Southern maritime chaparral occurs on-site and is considered sensitive by the City of San Diego because it is restricted in range and being lost throughout the region. Figure 5 illustrates the locations of this sensitive vegetation community on-site.

Southern Maritime Chaparral

Southern maritime chaparral is a Tier I vegetation community restricted to the coastal fog belt in south Orange County and in San Diego County from Carlsbad to Point Loma with sandstone derived substrates (Hogan et al. 1996). Development of the Del Mar area has resulted in cumulative losses of this habitat, with the remaining areas largely confined to steep coastal slopes. Southern maritime chaparral supports sensitive plant species, many of which are endemic to this vegetation community. This vegetation community is considered sensitive by the California Department of Fish and Game (CDFG) and the City of San Diego.

4. Sensitive Plant Species

a. Observed

Two sensitive plant species were observed on-site and are discussed below. Attachment 3 summarizes the sensitive plants observed on-site or with the potential to occur, with explanation of sensitivity codes shown in Attachment 4. Figure 6 shows the locations of sensitive plant species occurring on-site.

Wart-stemmed ceanothus (*Ceanothus verrucosus*). Wart-stemmed ceanothus is an MSCP covered species and a CNPS List 2 species. Wart-stemmed ceanothus is in the buckthorn, or Rhamnaceae family. This species produces clusters of small, white, lilac-like flowers that appear between January and April. The small, thick leaves and corky "warts" on the stem are characteristic of the species (Munz 1974). This large evergreen shrub occurs along coastal San Diego County and northern Baja California, Mexico (Reiser 2001). Wart-stemmed ceanothus is typically found on north-facing slopes as a component of southern mixed chaparral or southern maritime chaparral vegetation communities (Holland 1986). This plant is threatened by loss of habitat to development (CNPS 2001).

Twenty wart-stemmed ceanothus shrubs occur throughout the site (Photograph 3).

Torrey pine (*Pinus torreyana* ssp. *torreyana*). Torrey pine is a CNPS List 1B species and an MSCP covered species for naturally occurring individuals within Torrey Pines State Reserve. This species is a member of the pine family, Pinaceae. Torrey pine is a tall, five-needled evergreen pine tree that is restricted to the foggy coastal region around Del Mar and Torrey Pines State Park in San Diego County. Another subspecies of Torrey pine (*Pinus tarrying* var. *insularis*) is restricted to Santa Rosa Island. Torrey pines grow on sandstone bluffs in the chaparral and pine forest (Reiser 2001).

Sixteen Torrey pines were identified on-site (see Figure 6; Photograph 4). A previous property owner planted these trees.

b. Potentially Occurring

Attachment 3 summarizes the status, habitats, and likelihood of occurrence for other sensitive species that have the potential to occur on-site. A number of these species, such as shrubs or large cactus, would have been easily observed on the site during sensitive plant surveys. Other species are considered to have a low potential for occurrence because the site lacks the appropriate substrate, such as clay soils.

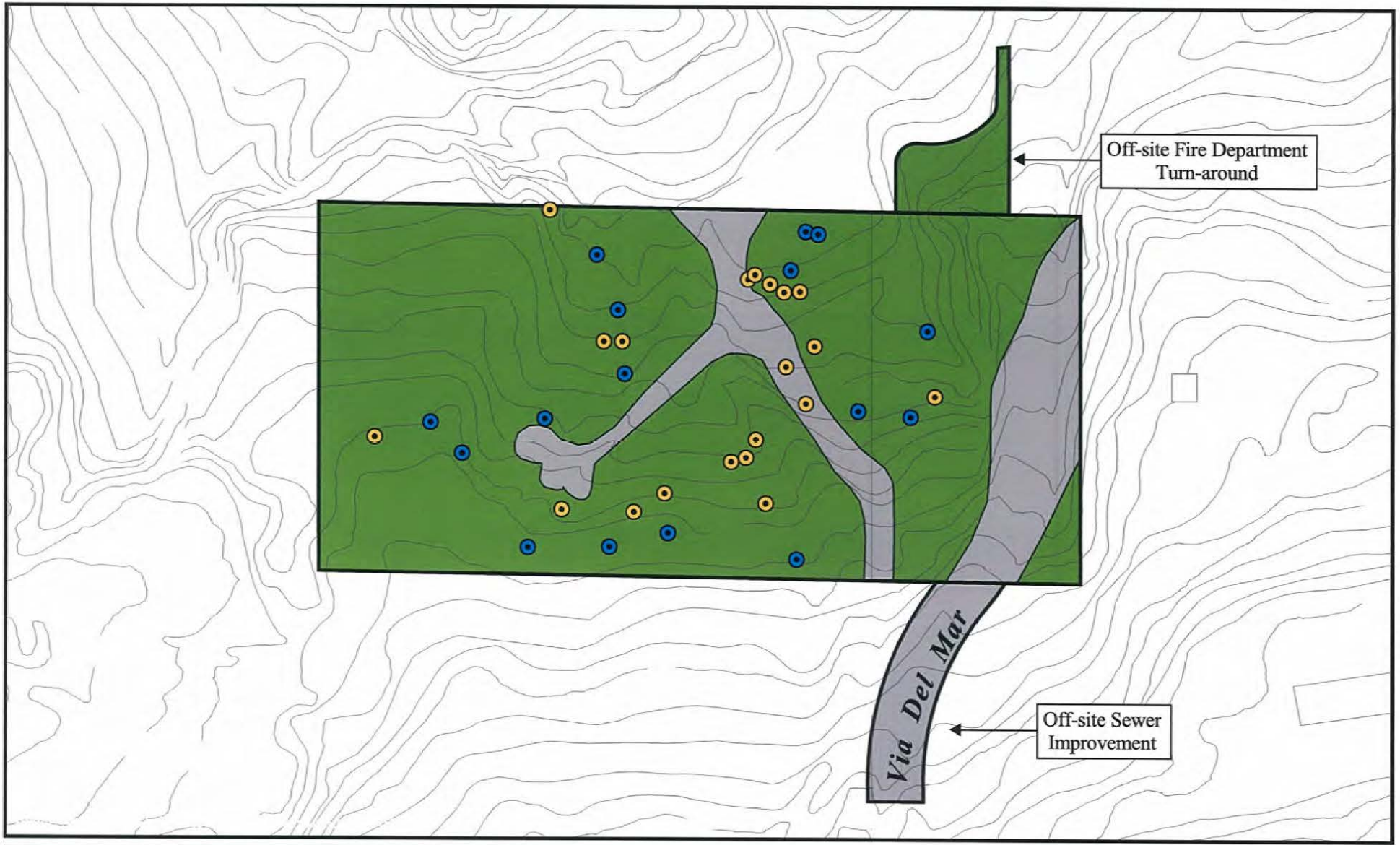

FIGURE 6
Sensitive Species

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PHOTOGRAPH 3
Wart-Stemmed Ceanothus

PHOTOGRAPH 4
Torrey Pine

RECON

5. Sensitive Wildlife

One sensitive wildlife species was detected during on-site surveys: southern mule deer. Suitable habitat is present on-site for several wildlife species considered sensitive by resource agencies. Several potentially occurring sensitive species are discussed below. A list of sensitive species potentially occurring on-site can be found in Attachment 5.

a. Observed

Southern mule deer (*Odocoileus hemionus fuliginata*). The southern mule deer is a MSCP covered species that ranges from western Canada south through the western United States. This species prefers habitats consisting of a mosaic of various-aged vegetation that provides woody cover, meadow and shrubby openings, and a water source. Mule deer primarily graze upon herbaceous plants, but will also browse on various shrubs and trees and dig out subterranean mushrooms. This species is threatened by loss or fragmentation of habitat, resource competition with range and wild animals, and overpopulation due to habitat loss and loss of natural predators (Zeiner et al. 1990).

Southern mule deer tracks were observed on the disturbed roads that cross the project site.

b. Not observed

Quino checkerspot butterfly (*Euphydryas editha quino*). The USFWS listed the quino checkerspot butterfly as an endangered species in 1997. The quino checkerspot butterfly's historic range includes the coastal plain and inland valleys of southern California from the Santa Monica Mountains to northern Baja California. Currently, the species is known from areas in San Diego and Riverside Counties. Quino checkerspot butterflies have recently been found in areas such as Otay Mesa and Jacumba in San Diego, and near Murrieta and Temecula and eastward to Hemet and Anza in Riverside.

The distribution of quino checkerspots is primarily defined by the distribution of its principal host plant, dot-seed plantain (*Plantago erecta*). Dot-seed plantain is found in coastal sage scrub, grassland, and chaparral, and is usually most abundant in areas that have natural cryptogamic soil crusts. Neither living plants nor the desiccated remnants of this plant were found on-site during general surveys or rare plant surveys. This plant is not expected to occur on-site.

Surveys for the quino checkerspot butterfly were conducted on the nearby San Diego Jewish Academy property during the flight season of this species in 1999. No quino checkerspot butterflies were observed on that property (RECON 1999a). The Villa Costa Monte site is outside of the survey area for the USFWS year 2002 survey protocol (USFWS 2002b). Due to the lack of historical presence and the absence of the principal host plant, quino checkerspot butterflies are not expected to occur on-site.

Belding's orangethroat whiptail (*Cnemidophorus hyperythrus beldingi*). Belding's orangethroat whiptail is a CDFG species of special concern. It occurs from southwestern San Bernardino County south into lower Baja California in areas of open coastal sage scrub and chaparral with loose sandy soils. Orangethroat whiptails feed primarily on termites (*Reticulitermes* sp.). The decline of this species is attributed to the loss of coastal sage scrub in southern California.

This species was found on the nearby San Diego Jewish Academy site (RECON 1999b). The orangethroat whiptail has potential to occur on-site.

San Diego horned lizard (*Phrynosoma coronatum blainvillii*). The San Diego horned lizard is an MSCP covered species and a CDFG species of special concern. This lizard ranges from coastal southern California to the desert foothills and into Baja California. In San Diego County it has a wide range but spotty distribution. It is often associated with coastal sage scrub, especially areas of level to gently sloping ground with well-drained loose or sandy soil (Mills 1991). This animal usually avoids dense vegetation, preferring 20 to 40 percent bare ground in its habitat. Populations along the coast and inland have been severely reduced by loss of habitat. Where it can be found, the San Diego horned lizard can be locally abundant, with densities near 20 adults per acre. They are largely dependent upon harvester ants for food. Adults are active from late March to late August; young are active from August to November or December.

This species was observed on the nearby San Diego Jewish Academy site (RECON 1999b). There is moderate potential for the San Diego horned lizard to occur on-site.

Coastal California gnatcatcher (*Polioptila californica californica*). The coastal California gnatcatcher is federally listed as threatened, is a CDFG species of special concern, and is also considered sensitive by the City of San Diego. This resident bird occurs below the 2,000-foot elevation level in the coastal slopes of southern California from Ventura County south to Baja California, Mexico (Atwood 1980, Jones and Ramirez 1995). The coastal California gnatcatcher is strongly associated with coastal sage scrub, but occasionally will use chaparral. California gnatcatchers prefer coastal sage scrub dominated by coastal sagebrush (RECON 1987), with other important plant species being California buckwheat (*Eriogonum fasciculatum*), laurel sumac (*Malosma laurina*), and lemonadeberry. California gnatcatcher territories range from 2 to 40 acres, depending on habitat quality and location, with birds near the coast requiring smaller territories acres (USFWS 1993).

The coastal California gnatcatcher population in southern California has been significantly reduced through loss of habitat to urbanization and agriculture. Development pressures led USFWS to list the California gnatcatcher as threatened in 1993. Other threats to this species include predation by western scrub-jays, snakes, and

mammals (Atwood 1990). Brown-headed cowbirds (*Molothrus ater*) also parasitize the nests of coastal California gnatcatchers (Atwood 1980; Unitt 1984).

This species was not detected on-site or in the adjacent open space during the focused surveys. The quality of habitat for the coastal California gnatcatcher is marginal on-site due to the current state of the trimmed shrubs. There is potential for this species to forage on-site; however, the potential for the coastal California gnatcatcher to nest on-site is low. This species was observed on the nearby San Diego Jewish Academy site (RECON 1999b).

Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*). This species is a CDFG species of special concern. The southern California rufous-crowned sparrow is a resident species that inhabits coastal sage scrub and chaparral and prefers vegetation with a grassy understory. This subspecies is found in coastal areas from Santa Barbara County south through San Diego County and into Baja California. Although considered sensitive, this species can be abundant in areas that contain suitable habitat. Development pressure is the main threat to this species.

This species has been recorded during surveys on nearby properties; however, low quality habitat exists for the southern California rufous-crowned sparrow on-site. This species has a low potential to occur on-site.

Cooper's hawk (*Accipiter cooperii*). The Cooper's hawk is an MSCP covered species and CDFG species of special concern. The Cooper's hawk is a medium-sized raptor that ranges throughout most of the United States. It is considered an uncommon resident during the breeding season in southern California, with numbers increasing in winter (Garrett and Dunn 1981). This hawk mainly breeds in oak and willow riparian woodlands but will also use eucalyptus trees (Unitt 1984). This hawk forages primarily on songbirds but is also known to eat small mammals. The decline of this species has been caused by urbanization and loss of habitat.

There is potential for Cooper's hawks to hunt and nest in the tall Torrey pines and eucalyptus trees on-site.

Raptor species. Raptor species, such as American kestrel (*Falco sparverius*), red-shouldered hawk (*Buteo lineatus elegans*), and red-tailed hawk have potential to forage on-site. Active raptor nests are protected under the California Fish and Game Code Section 3503.5 (CDFG 1991).

Pacific pocket mouse (*Perognathus longimembris pacificus*). The Pacific pocket mouse was emergency-listed as an endangered species on February 3, 1994 in response to its rediscovery after over 20 years without a recorded observation. On September 29, 1994,

USFWS made the final determination of the endangered status for the Pacific pocket (USFWS 1994). Critical habitat for the Pacific pocket mouse has not been designated.

Pacific pocket mouse has been found exclusively in sandy soils derived from marine terraces near the Pacific Ocean. The most common habitat type today is open coastal sage scrub, but it had also been found in coastal strand, coastal dunes, and river alluvium. The largest known population, in Dana Point headlands, Orange County, inhabits vegetation dominated by California buckwheat and California sagebrush (USFWS 1994).

SJM Biological Consultants (1997) trapped for small mammals on the nearby San Diego Jewish Academy site to search for the endangered Pacific pocket mouse. No Pacific pocket mice were detected during the site survey. Based on this survey and surveys conducted on adjacent sites, SJM Biological Consultants concluded that Pacific pocket mouse is absent or unlikely to occur on all the lands surrounding the Jewish Academy site. The Pacific pocket mouse is unlikely to occur on-site.

Northwestern San Diego pocket mouse (*Chaetodipus [=Perognathus] fallax fallax*). The northwestern San Diego pocket mouse, a California species of special concern, ranges from Los Angeles County and extreme southern San Bernardino County southward into west-central Baja California, Mexico (Hall 1981). In San Diego County it is known from Del Mar, Dulzura, Jacumba, Lake Hodges, Pala, San Diego, and San Marcos (Bond 1977). Habitat for this species is most often sparse or disturbed coastal sage scrub or grasslands with sandy soils.

The northwestern San Diego pocket mouse was identified on the San Diego Jewish Academy site during trapping for small mammals in 1997 (SJM Biological Consultants 1997). There is potential for the northwestern San Diego pocket mouse to occur on the Villa Costa Monte site.

San Diego desert woodrat (*Neotoma lepida intermedia*). This species is a CDFG species of special concern. The San Diego desert woodrat's range extends through coastal areas from San Luis Obispo well into Baja California, inland to San Bernardino Mountains and Julian (Hall 1981). There is a disjunct population in the area of Porterville, California. The woodrat occurs west of the mountains in San Diego County within chaparral areas (Bond 1977). There are two similar species of woodrat found in San Diego County, and close examination of woodrats on the site is required to differentiate the two species.

The San Diego desert woodrat was identified on the Jewish Academy site during a small-mammal trapping effort in 1997 (SJM Biological Consultants 1997). The occurrence of this species in the vicinity indicates the potential for the San Diego desert woodrat to occur on the Villa Costa Monte site; however, woodrat nests were not detected during surveys.

6. Wildlife Movement Corridors

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. Wildlife movement corridors are considered sensitive by the City of San Diego and resource and conservation agencies.

The site is bordered by natural vegetation on the west edge, with development adjacent to the remaining edges of the site. This area is not a designated wildlife corridor, but does have low to moderate potential as a corridor for small mammals and birds.

7. Multi-Habitat Planning Area

A regional view of the project site in relation to the MHPA is shown in Figure 7. The Villa Costa Monte site is not within an MHPA. However, an MHPA abuts the western site boundary.

Project Impacts

The proposed project includes the construction of one single-family residence in the center of the property, a pool on the west side, a sports court east of the house, and associated brush management (Figure 8). A turn-around for fire department equipment will be constructed to the north of the site. A sewer line will be constructed under the existing Via Del Mar. The proposed project will impact the entire 1.0-acre property, the 0.20-acre road easement, and an additional 0.10 acre of land off-site. The biological impacts of the project were assessed according to guidelines set forth by the MSCP (City of San Diego 1997). Mitigation is required for impacts that are considered significant under these guidelines.

A. Vegetation Community Impacts

The project will impact 1.04 acres of southern maritime chaparral, including 1.0 acre of on-site impacts and 0.04 acre of off-site impacts. This vegetation community is considered biologically sensitive; impacts to southern maritime chaparral are considered significant. Total project impacts are summarized in Table 3.

Project location

MHPA boundary

0 Mile .5

FIGURE 7

Project Location and MHPA

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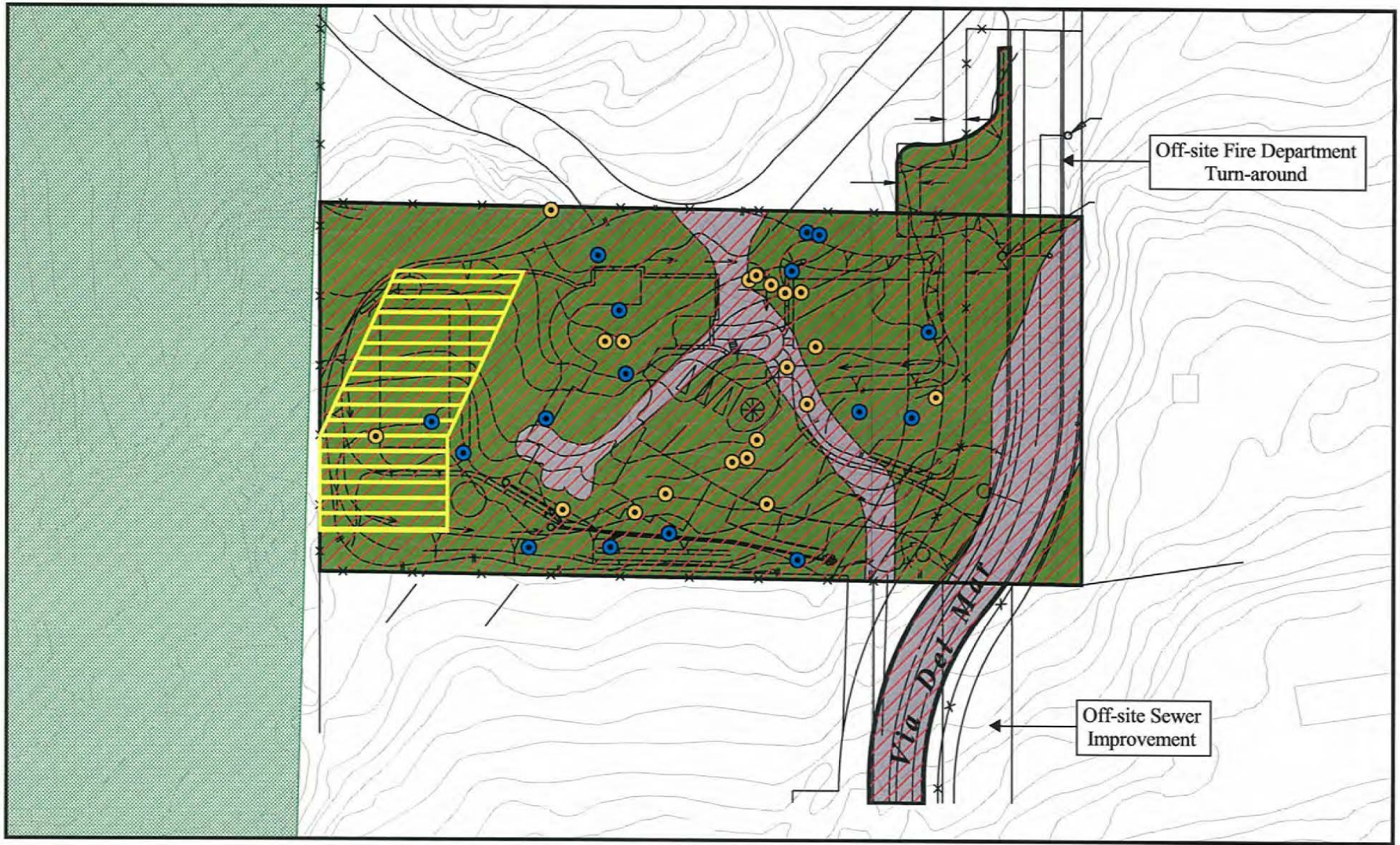

FIGURE 8
Project Impacts

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TABLE 3
VEGETATION COMMUNITY IMPACTS
(acres)

Vegetation Community	Tier	Existing Acres	To Remain Undisturbed	Total Impact*
On-Site Impacts				
Southern maritime chaparral	I	1.00	0	1.00
Disturbed	IV	0.20	0	0.20
Total On-Site Impacts		1.20	0	1.20
Off-Site Impacts				
Southern maritime chaparral	I	0.04	0	0.04
Disturbed	IV	0.06	0	0.06
Total Off-Site Impacts		0.10	0	0.10
TOTAL		1.30	0	1.30

*Includes Brush Management Zone I impacts.

The project will impact a total of 0.26 acre of disturbed land. Disturbed areas are not considered biologically sensitive; these impacts are considered less than significant. Total project impacts are summarized in Table 3.

Brush management zones are mandatory to assist in protecting structures and vegetation from fire. Gradually reducing the readily flammable fuel adjacent to structures creates a transition that is broken down into two brush management zones. Zone I consists of the plantings, typically irrigated ornamental plants, adjacent to structures. Zone II can consist of native plants thinned in a way that preserves the natural appearance of the area while reducing the fuel load (City of San Diego 2000). Brush Management Zone II areas are considered impact neutral; these areas are not considered an impact and they are not considered acceptable as mitigation (City of San Diego 2000). The minimum Zone I width is 35 feet beyond the structure. The minimum Zone II width is 40 feet beyond Zone I. The minimum Zone II width may be decreased by two feet for every one foot of Zone I width increase over the minimum (City of San Diego 2000).

The proposed Zone I width on the Villa Costa Monte site is 55 feet, exceeding the minimum Zone I requirement by twenty feet and fulfilling the 40-foot Zone II requirement. Thus, Zone II is not required. Brush Management Zone I is shown in Figure 8.

B. Wildlife Impacts

A few animals such as small mammals, amphibians, and reptiles with low mobility may be inadvertently killed during grading of the site. Impacts on general wildlife are considered less than significant.

Indirect impacts associated with project implementation include an increase in noise due to an increase in vehicular traffic, an increase of human intrusion into wildlife habitat, an increase in predation by feral and domestic pets, an increase in litter and pollutants into wildlife habitat, and an increase in night lighting. Because these impacts are not expected to reduce the wildlife populations of the area below self-sustaining levels, these impacts are considered less than significant.

C. Sensitive Biological Resources Impacts

1. Sensitive Vegetation Communities

The proposed project will impact 1.04 acres of southern maritime chaparral, a Tier I community. This impact is considered significant and requires mitigation.

2. Sensitive Plants

A total of 14 Torrey pines will be impacted by the proposed project. Because the Torrey pine is covered by the MSCP only when occurring naturally and within Torrey Pines State Reserve, impacts to this species are considered less than significant and do not require mitigation.

Twenty wart-stemmed ceanothus will be impacted by the proposed project. This species is an MSCP covered plant species; however, certain conditions have been imposed upon impacts to this plant. Impacts to this species are considered significant and require mitigation.

3. Sensitive Wildlife

No coastal California gnatcatchers were detected on-site or in the open space directly adjacent to the site during focused surveys. Impacts to this species are not expected to occur.

Southern mule deer tracks were observed on-site. Due to its mobility, impacts to this species are not expected due to the proposed project. The project is unlikely to interfere with this species' ability to move throughout the area.

Several sensitive species were known to occur on the nearby San Diego Jewish Academy property (RECON 1999b) and have potential to occur on the Villa Costa Monte site. These species include Belding's orangethroat whiptail, San Diego horned lizard, southern California rufous-crowned sparrow, Cooper's hawk and other nesting raptors, northwestern San Diego pocket mouse, and San Diego desert woodrat.

Impacts to Belding's orangethroat whiptail, San Diego horned lizard, southern California rufous-crowned sparrow, and Cooper's hawk are covered under the MSCP and are not considered significant. Impacts that occur outside the MHPA to MSCP covered species are considered less than significant.

Impacts to northwestern San Diego pocket mouse and San Diego desert woodrat, species not covered by the MSCP, would be considered less than significant due to the small amount of habitat impacted by the project.

Impacts to nesting raptors, if present, would be considered significant.

4. Wildlife Movement Corridor

The site does not currently provide a high quality corridor for wildlife movement. The project will not block any MSCP designated wildlife movement corridors.

5. Multi-Habitat Planning Area

A regional view of the project site in relation to the MHPA is shown in Figure 7. The Villa Costa Monte site is not within an MHPA, but the western site boundary is directly adjacent to an MHPA. No impacts to an MHPA are expected to occur.

6. Cumulative Impacts

This project conforms to the MSCP; therefore, no cumulative impacts are associated with the proposed project.

Mitigation Measures

Mitigation is required for impacts that are considered significant under MSCP guidelines or CEQA. This includes impacts to listed species, sensitive vegetation communities and habitats, and wetlands. Mitigation is intended to reduce significant impacts to a level of less than significant.

There are several general mitigation options for impacts to sensitive plant communities in the city of San Diego: avoidance of the native habitats, restoration of habitat, dedication or acquisition of land at the appropriate mitigation ratios, or payment into the City of San Diego's Habitat Acquisition Fund (Fund #10571). Payment into the fund is an available option when total impacts are less than five acres.

A. Sensitive Vegetation Communities

Southern maritime chaparral. Mitigation for impacts to a Tier I vegetation community located outside an MHPA and mitigated inside an MHPA is at a ratio of 1:1 (City of San Diego 2001). The mitigation requirements for impacts to 1.04 acres of southern maritime chaparral located outside an MHPA can be fulfilled through payment of monies into the City's Habitat Acquisition Fund, off-site acquisition of 1.04 acres of land with equal or greater habitat value within an MHPA, or the purchase of mitigation credits.

B. Sensitive Plant Species

Wart-stemmed ceanothus. Mitigation is required for impacts to wart-stemmed ceanothus. According to the City's Land Development Code, Biology Guidelines (City of San Diego 2000), the wart-stemmed ceanothus is considered adequately covered under the MSCP only if translocation/restoration of the species is provided. Wart-stemmed ceanothus can be mitigated by translocation and/or restoration of this species. For every wart-stemmed ceanothus that is translocated, an additional one-gallon wart-stemmed ceanothus plant will be planted. For every wart-stemmed ceanothus that is removed, two

one-gallon wart-stemmed ceanothus plants will be planted. The translocated and/or restored plants should be planted into a protected area in the vicinity of the project site. All newly planted wart-stemmed ceanothus should be from locally collected stock. A mitigation plan may be needed to address wart-stemmed ceanothus mitigation.

C. Sensitive Wildlife Species

Active raptor nests. All active raptor nests are protected under the Fish and Game Code Section 3503.5 (CDFG 1991). The large trees on and adjacent to the survey area may provide nesting habitat for raptors and should be avoided to the maximum extent possible. Raptor nests affected by removal of an active nest or active nests that are abandoned due to construction activity are considered significant impacts. Nesting season occurs from February 1 to August 30. In order to avoid and minimize impacts to breeding birds and raptors, a pre-construction survey is recommended if work activities in areas of suitable nesting habitat are to occur during the raptor nesting season. If nests are present, appropriate construction setbacks, a minimum of 300 feet, would be required until the young are completely independent of the nest.

D. Multi-Habitat Planning Area Land Use Adjacency

In order to avoid impacts to the MHPA, the following MHPA land use adjacency guidelines will be implemented:

- Runoff from parking areas and other hardscape will drain away from the MHPA.
- Any energy dissipation structures, such as riprap placed at drainage outlets, must conform to City standards.
- Toxic materials will not be applied in or allowed to drain into an MHPA.
- All lighting on the site will be directed away from an MHPA or will be adequately shielded.
- Landscaping in areas adjacent to an MHPA will not contain invasive exotic plant species. A qualified biologist will review landscape plans.
- Uses adjacent to an MHPA should be designed to minimize noise impacts.
- Barriers or signs restricting encroachment will be installed to prevent public access into an MHPA.

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ATTACHMENTS

ATTACHMENT 1

ATTACHMENT 1
PLANT SPECIES OBSERVED

Scientific Name	Common Name	Habitat	Origin
Adenostoma fasciculatum Hook. & Arn.	Chamise	SMC	N
Baccharis pilularis DC.	Coyote bush	SMC	N
Baccharis sarothroides A. Gray	Broom baccharis	SMC	N
Bromus madritensis L. ssp. *rubens* (L.) Husnot	Foxtail chess	DIS	I
Carpobrotus edulis (L.) Bolus.	Hottentot fig	DIS	I
Ceanothus verrucosus Nutt.	Wart-stemmed ceanothus	SMC	N
Cortaderia selloana (Schultes) Asch. & Graebner	Pampas grass	DIS	I
Croton californicus Muell. Arg.	California croton	SMC	N
Eriophyllum confertiflorum (DC.) A. Gray var. *confertiflorum*	Golden-yarrow	SMC	N
Eucalyptus spp.	Eucalyptus	DIS	I
Gnaphalium bicolor Bioletti	Bicolored cudweed	SMC	N
Heterotheca grandiflora Nutt.	Telegraph weed	DIS	N
Lomatium lucidum (Torrey & A. Gray) Jepson	Shiny lomatium	SMC	N
Lotus scoparius (Nutt. in Torrey & A. Gray) Ottley var. *scoparius*	California broom	SMC	N
Malosma laurina (Nutt.) Abrams	Laurel sumac	SMC	N
Marah macrocarpus (E. Greene) E. Greene	Wild cucumber	SMC	N
Mimulus aurantiacus Curtis	Bush monkeyflower	SMC	N
Myoporum laetum Forster	Myoporum	DIS	I
Navarretia hamata E. Greene	Hooked navarretia	SMC	N
Opuntia littoralis (Engelm.) Cockerell	Coast prickly-pear	SMC	N
Pinus torreyana Carriere	Torrey pine	SMC	N
Rhus integrifolia (Nutt.) Brewer & Watson	Lemonadeberry	SMC	N
Salvia mellifera E. Greene	Black sage	SMC	N
Stephanomeria virgata Benth. ssp. *Virgata*	Slender stephanomeria	SMC	N
Xylococcus bicolor Nutt.	Mission manzanita	SMC	N
Yucca schidigera K.E. Ortgies	Mohave yucca	SMC	N

HABITATS

SMC=Southern maritime chaparral/
disturbed southern maritime chaparral
DIS=Disturbed/developed

OTHER TERMS

N=Native to locality
I=Introduced species from outside locality

ATTACHMENT 2

ATTACHMENT 2
WILDLIFE SPECIES OBSERVED OR DETECTED

Common Name	Scientific Name	Occupied Habitat	Status	Evidence of Occurrence
Invertebrates (Nomenclature from Mattoni 1990 and Opler and Wright 1999)				
Anise swallowtail	*Papilio zelicaon zelicaon*	SMC		O
Birds (Nomenclature from American Ornithologists' Union 1998, 7th ed. and Unitt 1984)				
Mourning dove	*Zenaida macroura marginella*	SMC,DIS		O,V
Anna's hummingbird	*Calypte anna*	SMC		O,V
Nuttall's woodpecker	*Picoides nuttallii*	SMC		O,V
Western scrub-jay	*Aphelocoma californica*	SMC		O,V
Bewick's wren	*Thyromanes bewickii*	SMC		O,V
Northern mockingbird	*Mimus polyglottos*	SMC		O,V
Wrentit	*Chamaea fasciata henshawi*	SMC		O,V
House finch	*Carpodacus mexicanus frontalis*	SMC		O,V
Mammals (Nomenclature from Jones et al. 1997)				
Cottontail rabbit	*Sylvilagus audubonii*	SMC		S
Southern mule deer	*Odocoileus hemionus fuliginata*	SMC	MSCP	T

Habitats

SMC = Southern maritime chaparral
DIS = Disturbed/developed

Status

MSCP = Multiple Species Conservation Program covered species

Evidence of Occurrence

V = Vocalization
O = Observed
S = Scat
T = Track

ATTACHMENT 3

ATTACHMENT 3
SENSITIVE PLANT SPECIES
OBSERVED (†) OR WITH THE POTENTIAL TO OCCUR

Species	State/Federal Status	CNPS List/Code	City of San Diego Status	Typical Habitat/Comments
Acanthomintha ilicifolia San Diego thornmint	CE/FT	1B/2-3-2	NE,MSCP	Chaparral, coastal sage scrub, valley and foothill grassland/ clay soils. Suitable substrate not present; not expected to occur.
Adolphia californica California adolphia	–/–	2/1-3-1	–	Chaparral, clay soil. Lack of suitable substrate, not expected to occur.
Agave shawii Shaw's agave	–/–	2/3-3-1	NE,MSCP	Coastal sage scrub. Not observed on-site, not expected to occur.
Ambrosia pumila San Diego ambrosia	–/–	1B/3-3-2	NE,MSCP	Coastal sage scrub, valley and foothill grassland. No suitable habitat, not expected to occur.
Aphanisma blitoides Aphanisma	–/–	1B/2-2-2	NE,MSCP	Coastal bluff scrub, coastal sage scrub, alkaline areas. No suitable habitat, not expected to occur.
Arctostaphylos glandulosa ssp. *crassifolia* Del Mar manzanita	–/FE	1B/3-3-2	MSCP	Coastal chaparral. Not observed on-site.
Artemisia palmeri San Diego sagewort	–/–	2/2-2-1	–	Coastal sage scrub, chaparral, riparian. Known from vicinity; not observed on-site.
Astragalus tener var. *titi* Coastal dunes milk vetch	CE/FE	1B/3-3-3	NE,MSCP	Coastal dunes, coastal bluff scrub. No suitable habitat, not expected to occur.
Baccharis vanessae Encinitas coyote bush	CE/FT	1B/2-3-3	NE,MSCP	Chaparral (maritime, sandstone). Not observed on-site, not expected to occur.
Bergerocactus emoryi Golden-spined cereus	–/–	2/2-2-1	–	Coastal sage scrub, chaparral, sandy soils. Not observed on-site; not expected to occur.
Ceanothus verrucosus Wart-stemmed ceanothus†	–/–	2/2-2-1	MSCP	Chaparral. Occurs on-site.

ATTACHMENT 3
SENSITIVE PLANT SPECIES
OBSERVED (†) OR WITH THE POTENTIAL TO OCCUR
(continued)

Species	State/Federal Status	CNPS List/Code	City of San Diego Status	Typical Habitat/Comments
Chorizanthe orcuttiana Orcutt's spineflower	CE/FE	1B/3-3-3	–	Coastal sage scrub; Del Mar to Point Loma, San Diego County. Low potential to occur on-site.
Chorizanthe polygonoides var. *longispina* Long-spined spineflower	–/–	1B/2-2-2	–	Chaparral, coastal scrub, meadows, often clay soils. Low potential to occur on-site.
Coreopsis maritima Sea dahlia	–/–	2/2-2-1	–	Coastal sage scrub. Known from vicinity. Potential to occur on-site, not found during sensitive plant surveys.
Dudleya blochmaniae ssp. *brevifolia* (=*Dudleya brevifolia*) Short-leaved dudleya	CE/–	1B/3-3-3	NE,MSCP	Chaparral, coastal sage scrub (Torrey sandstone). Not found during sensitive plant surveys.
Dudleya variegata Variegated dudleya	–/–	1B/2-2-2	NE,MSCP	Chaparral, coastal sage scrub. Not found during sensitive plant surveys.
Erysimum ammophilum *Coast wallflower*	–/–	1B/2-2-3	MSCP	Coastal dunes, areas of sandy soil. Known from vicinity; potential to occur.
Ferocactus viridescens Coast barrel cactus	–/–	2/1-3-1	MSCP	Chaparral, coastal sage scrub, valley and foothill grassland. Not observed on-site.
Deinandra [=*Hemizonia*] *conjugens* Otay tarplant	CE/FT	1B/3-3-2	NE,MSCP	Coastal sage scrub. Out of range, not expected to occur.
Lessingia filaginifolia var. *filaginifolia* (=*Corethrogyne filaginifolia* var. *linifolia*) Del Mar sand aster	–/–	1B/3-3-3	MSCP	Chaparral, coastal sage scrub. Potential to occur on-site.
Navarretia fossalis Spreading navarretia	–/FT	1B/2-3-2	NE,MSCP	Vernal pools. Lack of suitable habitat present, not expected to occur.
Opuntia parryi (=*Opuntia parryi* var. *serpentina*) Snake cholla	–/–	1B/3-3-2	NE,MSCP	Chaparral, coastal sage scrub. Out of range, not expected to occur on-site.

ATTACHMENT 3
SENSITIVE PLANT SPECIES
OBSERVED (†) OR WITH THE POTENTIAL TO OCCUR
(continued)

Species	State/Federal Status	CNPS List/Code	City of San Diego Status	Typical Habitat/Comments
Orcuttia californica California Orcutt grass	CE/FE	1B/3-3-2	NE,MSCP	Vernal pools. Lack of suitable habitat present, not expected to occur.
Pinus torreyana ssp. *torreyana* Torrey pine†	–/–	1B/3-2-3	MSCP	Coniferous forest, southern maritime chaparral. Occurs on-site.
Pogogyne abramsii San Diego mesa mint	CE/FE	1B/2-3-3	NE,MSCP	Vernal pools. Lack of suitable habitat present, not expected to occur.
Pogogyne nudiuscula Otay mesa mint	CE/FE	1B/3-3-2	NE,MSCP	Vernal pools. Lack of suitable habitat present, not expected to occur.
Quercus dumosa Nuttall's scrub oak	–/–	1B/2-3-2	–	Coastal chaparral. Not observed on-site.

NOTE: See Attachment 4 for explanation of sensitivity codes.

ATTACHMENT 4

ATTACHMENT 4
SENSITIVITY CODES

FEDERAL CANDIDATES AND LISTED PLANTS

FE = Federally listed, endangered
FT = Federally listed, threatened
FPE = Federally proposed endangered
FPT = Federally proposed threatened

STATE LISTED PLANTS

CE = State listed, endangered
CR = State listed, rare
CT = State listed, threatened

CITY OF SAN DIEGO

NE = Narrow endemic
MSCP = MSCP-covered species

CALIFORNIA NATIVE PLANT SOCIETY

LISTS

1A = Species presumed extinct.

1B = Species rare, threatened, or endangered in California and elsewhere. These species are eligible for state listing.

2 = Species rare, threatened, or endangered in California but that are more common elsewhere. These species are eligible for state listing.

3 = Species for which more information is needed. Distribution, endangerment, and/or taxonomic information is needed.

4 = A watch list of species of limited distribution. These species need to be monitored for changes in the status of their populations.

R-E-D CODES

R (Rarity)

1 = Rare, but found in sufficient numbers and distributed widely enough that the potential for extinction is low at this time.
2 = Occurrence confined to several populations or to one extended population.
3 = Occurrence limited to one or a few highly restricted populations, or present in such small numbers that it is seldom reported.

E (Endangerment)

1 = Not endangered
2 = Endangered in a portion of its range
3 = Endangered throughout its range

D (Distribution)

1 = More or less widespread outside California
2 = Rare outside California
3 = Endemic to California

ATTACHMENT 5

ATTACHMENT 5
SENSITIVE WILDLIFE SPECIES KNOWN OR WITH THE POTENTIAL TO OCCUR

Species	Status	Habitat	Occurrence/Comments
Reptiles (Nomenclature from Collins 1997)			
San Diego horned lizard *Phrynosoma coronatum blainvillii*	CSC, MSCP, *	Chaparral, coastal sage scrub with fine, loose soil. Partially dependent on harvester ants for forage.	Potential to occur on-site.
Belding's orangethroat whiptail *Cnemidophorus hyperythrus beldingi*	CSC, MSCP	Chaparral, coastal sage scrub with coarse sandy soils and scattered brush.	Potential to occur on-site.
Birds (Nomenclature from American Ornithologists' Union 1998, 7th ed. and Unitt 1984)			
Cooper's hawk (nesting) *Accipiter cooperi*	CSC, MSCP	Mature forest, open woodlands, wood edges, river groves. Parks and residential areas. Migrant and winter visitor.	Potential to nest in the tall trees on-site.
Coastal California gnatcatcher *Polioptila californica californica*	FT, CSC, MSCP	Coastal sage scrub, maritime succulent scrub. Resident.	Low potential to occur on-site.
Southern California rufous-crowned sparrow *Aimophila ruficeps canescens*	CSC, MSCP	Coastal sage scrub, chaparral, grassland. Resident.	Low potential to occur on-site.
Mammals (Nomenclature from Jones et al. 1997)			
San Diego black-tailed jackrabbit *Lepus californicus bennettii*	CSC	Open areas of scrub, grasslands, agricultural fields.	Potential to occur on-site.
Pacific pocket mouse *Perognathus longimembris pacificus*	FE, CSC, MSCP	Open coastal sage scrub; fine, alluvial sands near ocean.	Not expected to occur on-site.

ATTACHMENT 5
SENSITIVE WILDLIFE SPECIES KNOWN OR WITH THE POTENTIAL TO OCCUR
(continued)

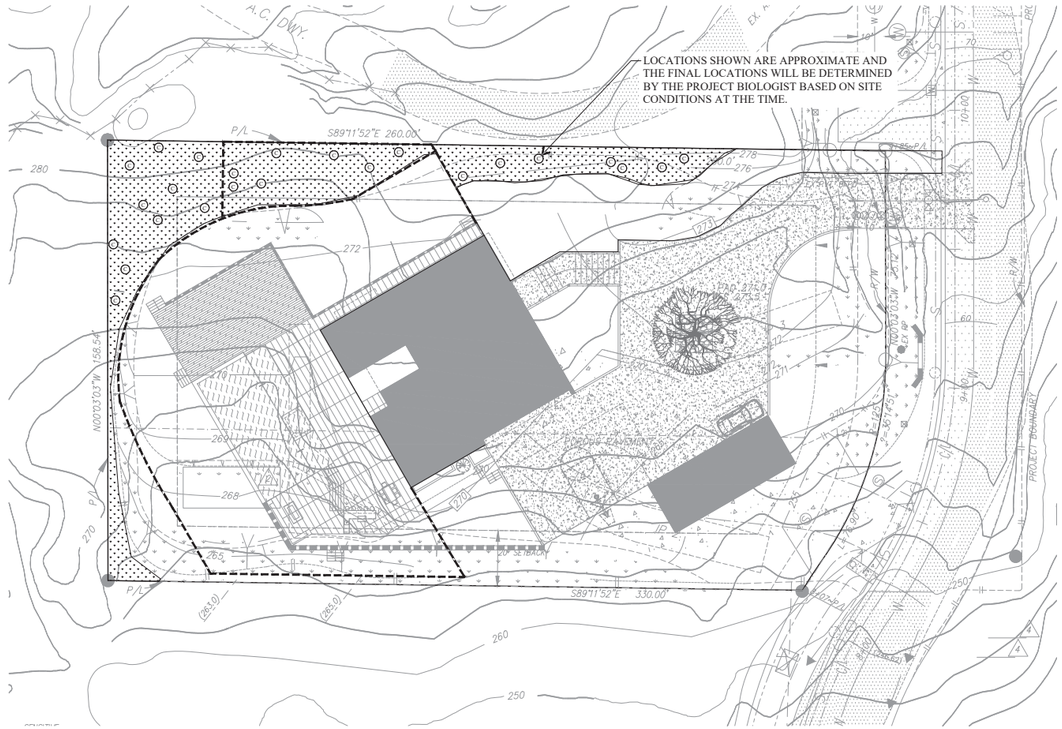
Species	Status	Habitat	Occurrence/Comments
Northwestern San Diego pocket mouse *Chaetodipus fallax fallax*	CSC, *	San Diego County west of mountains in sparse, disturbed coastal sage scrub or grasslands with sandy soils.	Potential to occur on-site.
San Diego desert woodrat *Neotoma lepida intermedia*	CSC, *	Coastal sage scrub and chaparral.	Potential to occur on-site.
Southern mule deer *Odocoileus hemionus fuliginata*	MSCP	Many habitats.	Tracks observed on-site.

STATUS CODES

FT = Listed as threatened by the federal government
CSC = California Department of Fish and Game species of special concern
MSCP = Multiple Species Conservation Program covered species
* = Taxa listed with an asterisk fall into one or more of the following categories:
- Taxa considered endangered or rare under Section 15380(d) of CEQA guidelines
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range
- Population(s) in California that may be peripheral to the major portion of a taxon's range, but which are threatened with extirpation within California
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands)

ATTACHMENT 2

Revegetation Plan



PLANT LEGEND (SUCH AS LIST)

HOME OWNER OWNER MAINTAINED

NATIVE (NON-IRRIGATED) PLANTING TO REMAIN

NATIVE PLANT REPLACEMENT (1 GALLON, TEMPORARY IRRIGATION)
CEANOTHUS VERRUCOSUS — WART STEMMED CEANOTHUS — NATIVE

TABLE 1: SUCCESS CRITERIA

MILESTONE	SUCCESS CRITERIA	REMEDIAL MEASURES
INSTALLATION	ALL CONTAINER PLANTS INSTALLED AND HEALTHY; IRRIGATION INSTALLED AND FUNCTIONAL	REPLACE DEFICIENT CONTAINER PLANTS; REPAIR OR INSTALL IRRIGATION AS NEEDED
120 DAYS (END OF PEP)	24 SURVIVING CONTAINER PLANTS; LESS THAN 10% WEED COVER; NO INVASIVE EXOTIC WEED GROWTH; IRRIGATION IN PLACE AND FUNCTIONAL	REPLACE DEAD CONTAINER PLANTS, INTENSIFY WEED CONTROL, REPAIR IRRIGATION AS NEEDED
YEAR 1 (12 MONTHS)	MINIMUM 22 SURVIVING CONTAINER PLANTS; LESS THAN 10% WEED COVER*; NO INVASIVE EXOTIC WEED SPECIES; IRRIGATION IN PLACE AND FUNCTIONAL.	REPLACE DEAD CONTAINER PLANTS, INTENSIFY WEED CONTROL, REPAIR IRRIGATION AS NEEDED
YEAR 2 (25 MONTHS)	MINIMUM 19 SURVIVING CONTAINER PLANTS; LESS THAN 10% WEED COVER*; NO INVASIVE EXOTIC WEED SPECIES; IRRIGATION IN PLACE AND FUNCTIONAL.	REPLACE DEAD CONTAINER PLANTS, INTENSIFY WEED CONTROL, REPAIR IRRIGATION AS NEEDED

*CRITERION MAY BE ADJUSTED AT PROJECT BIOLOGIST RECOMMENDATION BASED ON EROSION CONTROL NEEDS OF THE SITE.

TABLE 2: SUMMARY AND SCHEDULE FOR PROJECT MAINTENANCE, MONITORING, AND REPORTING*

PERIOD	MAINTENANCE	MONITORING	REPORTING
INSTALLATION	SHALL BE INITIATED WITHIN 30 DAYS OF CONSTRUCTION PROJECT COMPLETION	AS NEEDED	SITE OBSERVATION REPORT (SOR) WILL BE SUBMITTED FOLLOWING INSTALLATION, TO RECOMMEND APPROVAL
120-DAY PEP	MAINTENANCE VISITS SHALL OCCUR AT LEAST TWICE; IRRIGATION SHALL OCCUR PER IRRIGATION SCHEDULE	EVERY 2 WEEKS FOR FIRST 2 MONTHS, ONCE MONTHLY THEREAFTER	SOR WILL BE SUBMITTED AT THE END OF THE PEP TO RECOMMEND APPROVAL
YEAR 1 (12 MONTHS)	MAINTENANCE/WEEDING AND WEEDING SHALL OCCUR 3 TIMES OR AS DIRECTED BY THE PROJECT BIOLOGIST. IRRIGATION SHALL OCCUR PER IRRIGATION SCHEDULE OR AS DIRECTED BY THE PROJECT BIOLOGIST	ONCE EVERY 3 MONTHS.	SOR WILL BE SUBMITTED AT THE END OF YEAR 1
YEAR 2 (25 MONTHS)	MAINTENANCE/WEEDING SHALL OCCUR EVERY 6 MONTHS OR AS DIRECTED BY THE PROJECT BIOLOGIST. IRRIGATION SHALL OCCUR IN ACCORDANCE WITH A PROPOSED IRRIGATION SCHEDULE.	ONCE EVERY 3 MONTHS.	SOR WILL BE SUBMITTED AT THE END OF YEAR 2 RECOMMENDING APPROVAL OF REVEGETATION

*IF 25-MONTH SUCCESS CRITERIA ARE NOT MET, THE MAINTENANCE AND MONITORING PERIOD WILL BE EXTENDED AS REQUIRED, QUARTERLY MAINTENANCE AND MONITORING WITH YEARLY REPORTING SHALL CONTINUE AS NEEDED.

GRAPHIC SCALE
20' 0 20' 60'
SCALE: 1" = 20'

GENERAL NOTES:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
2. ALL LANDSCAPING AND PLANTING SHALL COMPLY WITH THE CITY'S BRUSH MANAGEMENT GUIDELINES.
3. THE REVEGETATION AREA SHALL ACHIEVE SUCCESS CRITERIA AS SHOWN IN TABLE 1 (OR AS APPROVED BY THE PROJECT BIOLOGIST AND CITY REPRESENTATIVE), WITHIN 25 MONTHS OF INSTALLATION.
4. THE UPPER EIGHT INCHES (4-8") OF TOPSOIL FROM THE PROJECT SITE, SHALL BE SALVAGED AND STOCKPILED ON-SITE IF FEASIBLE TO BE USED IN PLANTING OF WART-STEMMED CEANOTHUS. SILT FENCING, AND/OR AN APPROPRIATE COVER SHALL BE INSTALLED AROUND THE STOCKPILE TO PREVENT EROSION.
5. ANY MULCH USED FOR THE PLANTING SHALL BE CLEAN, FREE FROM WEEDS, NON-NATIVE SEEDS, AND DEBRIS AS CERTIFIED BY THE SUPPLIER. ANY HAY/STRAW PRODUCTS SHALL BE UNDECAYING, CLEAN AND FREE OF WEEDS, SEEDS, AND DEBRIS.
6. THE REVEGETATION PERIOD WILL INCLUDE PLANTING AND A 25-MONTH MAINTENANCE AND MONITORING PERIOD. THE FIRST 120 DAYS OF THE MAINTENANCE AND MONITORING PERIOD SHALL BE THE 120-DAY PLANT ESTABLISHMENT PERIOD (PEP). COMPLETION OF PLANTING, THE 120-DAY PEP, AND 25-MONTH MAINTENANCE AND MONITORING, AND FINAL PROJECT ACCEPTANCE, WILL BE DETERMINED BY CITY REPRESENTATIVE IN CONSULTATION WITH PROJECT BIOLOGIST.

CEANOTHUS PLANTING PROCEDURES

1. PRIOR TO PLANTING, ANY EXISTING WEEDS OR MANUFACTURED MATERIALS (E.G. CONCRETE, DEBRIS, ETC.) SHALL BE REMOVED FROM ALL REVEGETATION AREAS. ANY DISTURBED OR DEVELOPED AREAS PROPOSED TO BE PLANTED SHALL BE LEFT IN A NATURAL STATE, WITH NATIVE SOIL IN PLACE.
2. THE CONTRACTOR SHALL SUPPLY AND PLANT A MINIMUM OF 24 WART-STEMMED CONTAINER PLANTS PROCURED FROM A NURSERY QUALIFIED TO PROPAGATE AND CARE FOR NATIVE PLANT SPECIES. SOURCE CONTAINER PLANT MATERIALS SHALL ORIGINATE WITHIN 25 MILES OF THE PROJECT SITE IF POSSIBLE.
3. CEANOTHUS CONTAINER PLANTS SHALL BE A MINIMUM OF 1-GALLON SIZE AND SHALL DELIVERED BE THE PROJECT SITE ON THE DAY OF PLANTING. ALL PLANTS MUST BE IN A HEALTHY AND VIGOROUS CONDITION. ANY PLANT MATERIAL SHOWING EVIDENCE OF DISEASE, MISHANDLING, DEFECTS OR DAMAGE, OVER OR UNDER-WATERING, OR OTHER DEFICIENCY AT THE TIME OF DELIVERY SHALL BE REJECTED.
4. PLANTING PITS SHALL BE DUG PRIOR TO INSTALLATION. PITS SHALL BE 1.5 TIMES AS DEEP AND 3 TIMES AS WIDE AS THE PLANT CONTAINERS. ALL PLANTING PITS SHALL BE FILLED WITH WATER AND ALLOWED TO COMPLETELY DRAIN PRIOR TO PLANT INSTALLATION.
5. THE PIT SHALL THEN BE BACKFILLED TO THE APPROPRIATE PLANTING DEPTH. BACKFILLED SOIL MAY BE NATIVE SOIL FROM THE PLANTING PIT OR STOCKPILED SOIL FROM THE PROJECT SITE. SUPPLEMENTAL MULCH MAY BE APPLIED, BUT NO OTHER SOIL SUPPLEMENTS OR FERTILIZERS ARE RECOMMENDED.
6. CEANOTHUS CONTAINER PLANTS SHALL BE SET IN THE CENTER OF THE PIT AND THE REMAINDER OF THE PIT SHALL BE BACKFILLED.
7. FOLLOWING INSTALLATION, THE PIT SHALL BE WATERED SUFFICIENTLY TO THOROUGHLY SOAK THE SOIL.

TEMPORARY IRRIGATION

1. TEMPORARY IRRIGATION VIA IRRIGATION LINES AND APPURTENANCES (OR ALTERNATE METHOD APPROVED BY THE CITY REPRESENTATIVE AND PROJECT BIOLOGIST) SHALL BE PROVIDED FOR A PERIOD SUFFICIENT TO ESTABLISH INSTALLED CONTAINER PLANTS.
2. TEMPORARY IRRIGATION SHALL BE PROVIDED TWICE PER MONTH FOR 15 MINUTES TO SUPPORT HEALTHY DEVELOPMENT OF CEANOTHUS PLANTINGS. FREQUENCY SHALL BE REVISED AS NECESSARY BASED ON NATURAL RAINFALL AND SITE CONDITIONS.
3. IRRIGATION SHALL BE APPLIED IN A MANNER AND AT A RATE THAT AVOIDS EROSION, RUNOFF, SEEPAGE, AND OVERSPRAY ONTO ADJACENT NON-IRRIGATED AREAS. OVERWATERING AS EVIDENCED BY SOGGY SOILS, STANDING WATER, RILLS, RUNOFF, AND OTHER SIMILAR CONDITIONS SHALL BE MANAGED AND PREVENTED.
4. CEANOTHUS PLANTING AREAS SHALL BE INSPECTED QUARTERLY TO VERIFY THE HEALTH AND CONDITION OF INSTALLED PLANTS, AND IRRIGATION SCHEDULE SHALL BE REVISED AS APPROPRIATE.
5. IRRIGATION SHALL BE REMOVED FOLLOWING APPROVAL OF REVEGETATION BY THE PROJECT BIOLOGIST AND CITY REPRESENTATIVE. THIS IS PERIOD IS ASSUMED TO BE 25 MONTHS.

MAINTENANCE REQUIREMENTS:

1. THE REVEGETATION AREA SHALL BE MAINTAINED FOR A PERIOD OF NOT LESS THAN 25 MONTHS (TABLE 2) OR AS DETERMINED BY THE CITY REPRESENTATIVE AND PROJECT BIOLOGIST. ALL REVEGETATED AREAS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL FINAL APPROVAL BY THE CITY. THE MAINTENANCE PERIOD MAY BE EXTENDED AT THE DETERMINATION OF THE PROJECT BIOLOGIST AND CITY REPRESENTATIVE.
2. THE CONTRACTOR SHALL KEEP REVEGETATION AREAS FREE OF DEBRIS AND LITTER, CONTROL WEEDS, AND MAINTAIN INSTALLED PLANTS IN HEALTHY GROWING CONDITION.
3. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED. THE CONTRACTOR SHALL SUPPLY ADDITIONAL CONTAINER PLANTS, IF NECESSARY, TO ENSURE A MINIMUM OF 19 SURVIVING PLANTS AT THE END OF YEAR 2 (SEE TABLE 1).
4. PRIOR TO FINAL APPROVAL, CORRECTIVE ACTION INCLUDING BUT NOT LIMITED TO WEED ERADICATION AND REMOVAL, REPLANTING, MODIFICATION OF THE IRRIGATION SYSTEM, OR THE REPAIR OF ANY SOIL EROSION, MAY BE REQUIRED BY THE PROJECT BIOLOGIST AND/OR CITY REPRESENTATIVE.
5. MAINTENANCE, INCLUDE WEEDING OR HERBICIDE APPLICATION SHALL BE PERFORMED AS NEEDED BY THE CONTRACTOR. MAINTENANCE SHALL BE CONDUCTED AT A MINIMUM OF ONCE DURING THE 120-DAY PEP, AND A MINIMUM OF THREE TIMES PER YEAR THROUGHOUT THE 25-MONTH MAINTENANCE AND MONITORING PERIOD, OR AS DIRECTED BY THE PROJECT BIOLOGIST. WEED TREATMENT, TO REDUCE DISTURBANCE TO THE EXISTING HABITAT, MAINTENANCE ACTIVITIES SHOULD BE LIMITED TO ONLY WHAT IS NECESSARY TO MEET SUCCESS CRITERIA. ADAPTIVE WEED CONTROL MEASURES MAY BE IMPLEMENTED UPON REQUEST BY THE PROJECT BIOLOGIST AND CITY REPRESENTATIVE. WEEDS SHALL BE PROPERLY DISPOSED OF OFFSITE.
6. THE CONTRACTOR SHALL APPLY HERBICIDE/PESTICIDE PER MANUFACTURER'S RECOMMENDATION AND ANY STATE OF CALIFORNIA GUIDELINES. THE CONTRACTOR MUST POSSESS A PEST CONTROL BUSINESS LICENSE AND HAVE A QUALIFIED APPLICATOR LICENSE TO SUPERVISE HERBICIDE APPLICATIONS.
7. THE CONTRACTOR SHALL CONTROL WEEDS IDENTIFIED BY THE PROJECT BIOLOGIST BEFORE THEY SET SEED.
8. ANY WART-STEMMED CEANOTHUS PLANTS THAT ARE DAMAGED OR DEAD DURING THE 25-MONTH MAINTENANCE AND MONITORING PERIOD SHALL BE REPAIRED AND/OR REPLACED WITHIN 30 DAYS.

SJA
landscape architecture
land planning
7859 Sitio Coco
San Diego, CA 92008
TEL 949 576 6500
www.sjainc.com

DHIR
RESIDENCE
-
3821 VIA DEL MAR
SAN DIEGO, CA 92130

REVISIONS

REVISION	DATE

SCALE
DRAWN ML
DESIGNED ML
CHECKED
DATE 09-24-2020
JOB NO --
JOB TYPE RESIDENCE

REGISTERED LANDSCAPE ARCHITECT
KRIS ARNOLD
5229
SIGNATURE
11/20/20
STATE OF CALIFORNIA

SHEET TITLE
REVEGETATION PLAN

SHEET
L-2

ATTACHMENT 3

Purchase and Sale Agreement and Escrow Instructions
Conservation Easement

ARTICLE 4
TITLE REPORT

Seller shall cause a Preliminary Title Report ("Report") for the Property prepared by Chicago National Title Insurance Company to be delivered to Buyer within seven (7) business days after the opening of escrow, with a legible copy of all stated exceptions to the title. Buyer shall have a period of ten (10) business days after receipt of the Report to approve or disapprove of any matters disclosed in the Report and to give written notice to Escrow Agent and Seller of Buyer's approval or disapproval of any matters set forth in the Report. In the event that Seller, within fifteen (15) business days after receipt of notice of disapproval, resolves any matters to the satisfaction of Buyer, then this transaction shall continue in full force and effect. If Seller should fail to so resolve any such disapproval raised by Buyer, then this escrow shall be terminated and the Deposit shall be returned to Buyer. In the event that Buyer should fail to deliver a notice of approval to Escrow Agent within ten (10) business days after receipt of the Report, then Buyer shall be deemed to have disapproved the Report.

ARTICLE 5
BUYER'S DELIVERIES TO ESCROW AGENT

5.1 Closing Date Delivery. Buyer shall, prior to 12:00 p.m. on the day before the Closing Date, deliver to Escrow Agent each of the following:

5.1.1 Balance of Purchase Price. Cash representing the balance of the Purchase Price, plus any closing costs allocated to Buyer.

5.1.2 Fees and Costs. The amount required of Buyer under Article 8, entitled "Fees and Costs."

5.1.3 Other Documents. Any other documents or instruments reasonably required to close the transaction contemplated hereby.

5.2 Failure on Part of Buyer. The failure of Buyer to make any delivery described above by the date, or within the time set forth above, shall constitute a material breach hereof by Buyer, provided that the conditions to such delivery have been fulfilled or waived.

ARTICLE 6
SELLER'S DELIVERIES TO ESCROW AGENT

6.1 Seller's Obligations. Seller shall, prior to the Closing Date, deliver to Escrow Agent:

6.1.1 Conservation Easement. A Conservation Easement in the form and content attached hereto as Exhibit "B," which will be executed by Seller and the City of San Diego for the benefit of Buyer.

6.1.2 **Foreign Person Affidavit.** An affidavit duly executed by Seller in accordance with section 11.1(d) in the form and content attached hereto as Exhibit "C."

6.1.3 **Other Documents.** Any other documents or instruments reasonably required to close the transaction contemplated hereby.

6.2 **Failure on Seller's Part.** The failure of Seller to make any delivery described above by the date or within the time set forth above shall constitute a material breach hereof by Seller.

ARTICLE 7
CLOSING

7.1 **Closing.** Escrow Agent shall close the escrow for the sale of the Conservation Easement in accordance with the timing contained in section 2.2, by (i) filing for record the Conservation Easement, and such other documents as may be necessary to procure the Title Policy (as hereinafter defined); and, (ii) delivering funds and documents as set forth in Article 9, entitled "Escrow Agent's Delivery of Funds and Documents", IF AND ONLY IF each of the following conditions has been satisfied:

7.1.1 **Delivery of Funds.** All funds and instruments described in Articles 5 and 6 have been delivered to Escrow Agent.

7.1.2 **Procurement of Title Policy.** Escrow Agent has procured, or is satisfied that it can procure, (i) Title Company's CLTA Easement Owner's Policy (the "Title Policy"), with liability in the amount of the Purchase Price, insuring that the Conservation Easement vests in the City of San Diego subject only to (a) all printed exclusions contained in a standard form CLTA Easement Owners policy of title insurance; (b) non-delinquent County general and special taxes for the applicable fiscal year in which the Closing occurs; (c) the lien of supplemental taxes, if any, (d) all matters shown on Schedule B to the Report.

ARTICLE 8
FEES AND COSTS

8.1 **Taxes.** Taxes should not be prorated.

8.3 **Seller's Costs**. Seller will pay (i) any County Transfer Tax, in the amount Escrow Agent determines to be required by law; (ii) the CLTA Title Policy premium; (iii) one-half (1/2) of Escrow Agent's fee; and (iv) usual Seller's document-drafting and recording charges.

8.4 **Buyer's Costs**. Buyer will pay all other costs incurred in connection with the escrow, including without limitation, (i) one-half of Escrow Agent's fee; (ii) usual Buyer's document-drafting and recording charges; and (iii) the survey and any policy premium increase for a CLTA Policy, if elected by Buyer.

ARTICLE 9
ESCROW AGENT'S DELIVERY OF FUNDS AND DOCUMENTS

9.1 Recordation of Documents. Escrow Agent will cause the County Recorder of San Diego County to mail the Conservation Easement (and each other document which is herein expressed to be, or by general usage is, recorded) after recordation, to the Buyer.

9.2 Delivery of Documents. Escrow Agent will, at the close of the escrow, deliver by United States mail (or will hold for personal pickup, if requested) each non-recorded document received hereunder by Escrow Agent to the person (i) acquiring rights under said document, or (ii) for whose benefit said document was acquired.

9.3 Delivery of Funds. Escrow Agent will, at the close of the escrow, personally deliver (or will hold for personal pickup, if requested) by Escrow Agent's Check (i) to Seller, or order, the Payment to which Seller will be entitled, and (ii) to Buyer or order, any excess funds theretofore delivered to Escrow Agent by Buyer.

9.4 Conformed Copies. Escrow Agent will, at the close of the escrow, deliver to Seller and Buyer a copy (conformed to show recording data) of the Conservation Easement and each other document (if any) recorded to place title in the condition required by this Purchase and Sale Agreement.

9.5 Deposits. All sums deposited into escrow by Buyer shall not be deposited into interest-bearing accounts.

9.6 Disbursements. All disbursements from this escrow shall be made by the check of Escrow Holder.

9.7 Document Recordation. Recordation of any instruments delivered through this escrow, if necessary or proper for the issuance of the policy of title insurance called for herein, is hereby authorized.

ARTICLE 10
WARRANTIES OF EACH PARTY

Each of the parties represents and warrants that it has the authority and power to enter into this Agreement, and that entering into this Agreement and consummation of this Agreement shall not violate any obligations by the parties hereto to any third parties. Seller shall cooperate with Buyer to secure any recordable subordination and/or non-disturbance agreements in the event that such agreements are required in order to convey the Conservation Easement to the City of San Diego.

Seller warrants that to the best of Seller's knowledge, there is no legal action, lawsuit, encumbrance, claim or other proceeding threatened or pending that could have a material adverse effect on the Conservation Easement, or the ability of the Buyer to purchase the Conservation Easement.

Seller agrees to disclose to Buyer accurate and complete information, regarding the vesting of the Property and the Conservation Easement, and to facilitate curative measures to be undertaken by Buyer to ensure that title to the Conservation Easement is insurable.

Seller warrants that to the best of Seller's knowledge, there are no existing or pending violations of federal, state or local law, ordinance or regulation relating to the generation, manufacture, production, use, storage, release, discharge, disposal, transportation or presence of any hazardous substance under or near the Property and/or the Conservation Easement.

ARTICLE 11
MISCELLANEOUS PROVISIONS

11.1 Assignment. Buyer may assign or transfer Buyer's interest in this Agreement only with the written consent of Seller which will not unreasonably be withheld. Any transfer or assignment by Buyer shall not relieve Buyer of any of Buyer's duties, obligations, liabilities, or agreements to indemnify hereunder, all of which shall survive the close of escrow. Any consent to transfer or assignment shall not be construed as a consent to any subsequent transfer or assignment. Any assignment to the City of San Diego shall not require Sellers' consent.

11.2 Attorneys' Fees. In the event that any controversy, claim or dispute between the parties hereto arising out of or relating to this Agreement or the breach thereof, is resolved by litigation or binding arbitration, the prevailing party shall be entitled to recover their reasonable costs and attorneys' fees incurred in any such litigation or arbitration with a cap of $6,000 at risk. Furthermore, the Parties agree that indirect costs and/or consequential damages shall not be coverable through litigation or arbitration.

11.3 Notices. Any notice required or permitted to be given by either party to the other pursuant to this Agreement or deemed desirable by either party may be effective and be

11.3 **Notices.** Any notice required or permitted to be given by either party to the other pursuant to this Agreement or deemed desirable by either party may be effective and be deemed delivered to the other party upon personal delivery to the other party's address as set forth herein, or when transmitted by facsimile to the facsimile number set forth herein, provided that the sender's fax machine prints a confirmation concurrent with the transmission of the fax, or by mail sent to the address as set forth herein, sent by Certified Mail, return receipt requested, which shall be effective two (2) business days after the deposit of such notice in the United States Mail, postage prepaid at the addresses set forth below, which may be changed by written notice to the other party as herein provided.

Seller:

Kimberlee Stephens
2105 Thorley Road
Palos Verdes Estates, CA 90274
as trustee of
The Frances Elaine Johnston Family Trust
dated May 22, 2008
Kimberlee Stephens
Telephone:(310) 528-4455
Facsmile:

Buyer:

John Vertullo
2026 W California St
San Diego, CA 92103

11.4 **Gender and Number.** As used in this Agreement, the masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others whenever the context so indicates.

11.5 **Survival of Indemnification.** The obligations of each of the parties hereto to indemnify the other as provided in this Agreement shall survive the lapse, expiration or termination of this Agreement to the extent the conduct indemnified against occurred during the term of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above in the County of San Diego, State of California.

SELLER:	BUYER:
THE FRANCES ELAINE JOHNSTON FAMILY TRUST DATED MAY 22, 2008	John Vertullo a California limited liability company
By: _____ Kimberlee Stephens	By: _____ John Vertullo

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above in the County of San Diego, State of California.

SELLER:	BUYER:
THE FRANCES ELAINE JOHNSTON FAMILY TRUST DATED MAY 22, 2008	John Vertullo a California limited liability company
By: Kimberlee A Stephens Kimberlee Stephens Trustee	By: _____ John Vertullo

CONSENT OF ESCROW AGENT

The undersigned Escrow Agent hereby agrees to (i) accept the foregoing Agreement and Instructions, (ii) be escrow agent under said Agreement and Instructions, and (iii) be bound by said Agreement and Instructions in the performance of its duties as escrow agent; provided, however, the undersigned shall have no obligations, liability or responsibility under (i) this Consent or otherwise, unless and until said Agreement and Instructions, fully signed by the parties, has been delivered to the undersigned, or (ii) any amendment to said Agreement and Instructions unless and until the same shall be accepted by the undersigned in writing.

Dated: _____, 2018

By:_____
ESCROW OFFICER

EXHIBIT A
To Purchase and Sale Agreement
Legal Description
Attached

EXHIBIT "A" (LEGAL DESCRIPTION)

Lot 239

That portion of Lot 73 Rancho Mission of San Diego according to the Partition Map thereof No. 330 made in the action entitled "Juan M. Luco, et al vs. The Commercial Bank of San Diego, et al", in Superior Court Case #: 348 of San Diego County, filed in the office of the County Recorder of San Diego County, State of California, described as follows:

Beginning at the Northwesterly corner of that parcel of land shown on City Engineer's Drawing No. 14758-D (3 sheets) filed in the office of the City Engineer of the City of San Diego, County of San Diego, State of California; thence along the Westerly line of said parcel of land South 0° 51' 28" West 1930.00 feet; thence North 77° 00' 05" East 513.33 feet to a point on the Northwesterly sideline of road easement No. 30 shown on said City Engineer's Drawing No. 14758-D (3 sheets), said point being the beginning of 1030.00 foot radius curve whose center bears South 42° 04' 42" East; thence radially South 42° 04' 42" East 30.00 feet to the Southeasterly sideline of said road easement No. 30 being the TRUE POINT OF BEGINNING; thence continuing South 42° 04' 42" East 30.00 feet to the Southeasterly sideline of said road easement No. 30; thence North 75° 49' 00" West 500.00 feet; thence South 06° 57' 48" West 700.00 feet; thence North 81° 00' 00" West 757.35 feet to the Easterly sideline of said road easement No. 30 being the beginning of a 970.00 foot radius curve whose center bears South 89° 08' 32" East; thence radially North 89°08' 32" West 30.00 feet to the centerline of said road easement No. 30 being the beginning of a 1000.00 foot radius concentric curve; thence Northeasterly along the arc of said curve being also along said centerline through a central angle of 47° 03' 50" a distance of 821.41 feet to the TRUE POINT OF BEGINNING. Containing 12 acres, more or less.

Granting temporarily the right to use with others road easements shown on City Engineer's Drawing No. 14758-D (3 sheets) filed in the office of the City Engineer, City of San Diego, State of California, said right to use said easements being revoked at such time that a dedicated road is provided to any portion of the above described parcel.

Subject to easements shown on said City Engineer's Drawing No. 14758-D (3 sheets) and also subject to 50.00 foot slope rights lying within the above described parcel, adjacent to road easements.

Reserving for a five year period the right to offer to dedicate and to dedicate for public use to the City or County of San Diego easements shown on said Drawing No. 14758-D (3 sheets) and reserving for a five year period the right to grant slope rights to the City or County of San Diego, said slope rights being limited to 2 to 1 slopes on fills and 1 to 1 slopes on cuts and extending a maximum of fifty (50.00) feet from the sidelines of said easements into this parcel.

Also granting a temporary 60.00 foot easement in a portion of Lot 73 Rancho Mission according to Map No. 330 filed in the office of the County Recorder, County of San Diego, State of California, that may be used for road purposes until a dedicated road will provide access to the above described parcel, said temporary 60.00 foot easement lying Southerly and Easterly, parallel, adjacent and contiguous to the following described line:

Beginning at the Northerly terminus of the centerline of Jackson Drive as shown on Drawing No. 10600-5-D filed in the office of the City Engineer, City of San Diego; thence South 89° 05' 54" East 4923.19 feet along a line as shown in the City Engineer's Drawing, said line being described in the U. S . Naval Retraining Command Camp Elliott, San Diego, California, description of proposed area to be transferred to the U. S. Army dated March 28, 1961; thence North 05° 51' 06" East 1609.64 feet to the center line of Soledad Freeway as shown on the City Engineer's Drawing, the right to use this temporary easement being revoked upon dedication of a public road to any portion of the above described parcel. The sidelines of said 60.00 foot road easement shall be lengthened or shortened to terminate in the centerlines of Jackson Drive and Soledad Freeway.

The basis of bearings is the California Coordinate Grid Zone 6 between Points P and Q, i.e., South 00° 28' 13" West as shown on the City Engineer's Drawing No. 11844-D, said Drawing being also filed as Miscellaneous Map No. 465 in the Office of the County Recorder of San Diego County, State of California.

Subject to rights of way, restrictions, reservations and easements now existing or of record.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, in law as well as in equity, of the said GRANTOR of, in or to the foregoing described premises, and every part and parcel thereof, with the appurtenances.

APN: 366-021-09-00

END OF EXHIBIT "A" (LEGAL DESCRIPTION)

Exhibit "A"

Legal Description

That portion of Lot 73 Rancho Mission of San Diego according to the Partition Map thereof No. 330 made in the action entitled "Juan M. Luco, et al vs. The Commercial Bank of San Diego, et al", in Superior Court Case #: 348 of San Diego County, filed in the Office of the County Recorder of San Diego County, State of California, described as follows:

BEGINNING at the northwesterly corner of that parcel of land shown on City Engineer's Drawing No. 14758-D (3 sheets) filed in the Office of the City Engineer of the City of San Diego, County of San Diego, State of California; thence along the westerly line of said parcel of land South 00°51'28" West 1,930.00 feet; thence North 77°00'05" East 513.33 feet to a point on the northwesterly sideline of road easement No. 30 shown on said City Engineer's Drawing No. 14758-D (3 sheets), said point being the beginning of 1,030.00 foot radius curve whose center bears South 42°04'42" East; thence radially South 42°04'42" East 30.00 feet to the centerline of said road easement No. 30 being the **TRUE POINT OF BEGINNING**; thence continuing South 42°04'42" East 30.00 feet to the southeasterly sideline of said road easement No. 30; thence South 75°49'00" East 530.00 feet (record 500.00 feet); thence South 06°57'48" West 700.00 feet; thence North 81°00'00" West 757.35 feet to the easterly sideline of said road easement No. 30 being the beginning of a 970.00 foot radius curve whose center bears South 89°08'32" East; thence radially North 89°08'32" West 30.00 feet to the centerline of said road easement No. 30 being the beginning of a 1,000.00 foot radius concentric curve; thence northeasterly along the arc of said curve being also along said centerline through a central angle of 47°03'50" a distance of 821.41 feet to the **TRUE POINT OF BEGINNING.** Containing 12 acres, more or less.

Excepting therefrom that portion lying easterly of the following described line:

Beginning at a point on the southerly line of the above described land 179.41 feet westerly from the Southeast corner thereof; thence northerly to a point on the northerly line of said land distant thereon 65.53 feet westerly from the Northeast corner thereof.

APN: 366-021-09

5-7-2018

Patrick A. McMichael, L.S. 6187

LICENSED LAND SURVEYOR PATRICK A. McMICHAEL No. 6187 STATE OF CALIFORNIA

EXHIBIT B
To Purchase and Sale Agreement
Conservation Easement
Attached

EXHIBIT C
To Purchase and Sale Agreement
Certificate of Non-Foreign Status
Attached

EXHIBIT C
CERTIFICATE OF NON-FOREIGN STATUS

To inform John Vertullo ("Buyer") that withholding of tax under Section 1445 of the Internal Revenue Code of 1954, as amended ("Code"), will not be required upon the transfer of certain real property by The Frances Elaine Johnston Family Trust Dated May 22, 2008 ("Seller"), the undersigned hereby certifies the following on behalf of the Seller:

1. Seller is not a foreign corporation, foreign partnership, foreign trust or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);

2. Seller's U.S. employer or tax (social security) identification number is 47-6283649; and

Seller understands that this Certification may be disclosed to the Internal Revenue Service by the Buyer and that any false statement contained herein could be punished by fine, imprisonment, or both.

Seller understands that the Buyer is relying on this Certification in determining whether withholding is required upon said transfer.

Seller hereby agrees to indemnify, defend and hold Buyer harmless from and against any and all obligations, liabilities, claims, losses, actions, causes of action, rights, demands, damages, costs and expenses of every kind, nature or character whatsoever (including, without limitation, reasonable attorneys' fees and court costs) incurred by Buyer as a result of: (i) Seller's failure to pay U.S. Federal income tax which Seller is required to pay under applicable U.S. law; or (ii) any false or misleading statement contained herein.

Under penalty of perjury I declare that I have examined this Certification and to the best of my knowledge and belief it is true and correct and complete, and I further declare that I have authority to sign this document on behalf of Seller.

Date: January 29, 2018 KPS 2020

SELLER:

THE FRANCES ELAINE JOHNSTON FAMILY TRUST
DATED MAY 22, 2008

By: Kimberlee A Stephens, Trustee
Kimberlee Stephens