ALDEN ENVIRONMENTAL, INC
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January 2, 2020

Ms. Rita Mahoney
444 West Beech St. Suite 300
San Diego, CA, 92101

Subject: Lumina II Biological Resources Letter Report

Dear Ms. Mahoney:

This letter report describes the biological resources on the 4.98-acre Lumina II project site and off-site impact area and is intended to provide the City of San Diego (City) with information necessary to assess impacts to biological resources under the California Environmental Quality Act (CEQA).

PROJECT LOCATION

The project site is located at 2380 Cactus Road in the Otay Mesa community of the City within the Central Village Specific Plan (CVSP) area. It is not within or adjacent to the Multi-habitat Planning Area (MHPA; Figures 1 and 2).

PROJECT DESCRIPTION

Consistent with the land use designations applied to the site by the CVSP, the project proposes development of Low Density, Multi-Family land uses on one lot.

In total, the project would accommodate up to 132 dwelling units; however, the currently proposed project does not include the construction of any structures. A future Neighborhood Development Permit would be required prior to construction of any structures on the site.

The project would include demolition of an existing residential structure and a residential outbuilding. Grading proposed as part of the Tentative Map would encompass approximately 4.69 acres (4.44 acres on site and 0.25 acres off site; Figure 3). However, it is assumed herein that the project would actually affect the entire 4.98-acre site as well as 0.25 acre off site. A total of 26,200 cubic yards (cy) of cut and 3,300 cy of fill is anticipated, with export of 22,900 cy of soil materials proposed.

METHODS

The project site was initially inspected during field work for adjacent the Lumina Tentative Map Project in 2017 and 2018 (Alden Environmental, Inc. [Alden] 2019). A literature review was conducted as well as biological resources surveys and mapping as follows. The latest inspection of the site was made by Alden on November 20, 2019 to check for any changed site conditions.

Literature Review

Prior to conducting field investigations, Alden performed a review of existing literature and previously prepared Biological Survey Reports for the project site including the following.

- CVSP Biological Resources Report Addendum (Alden 2017)
- Sensitive Plant Species Survey Report. Letter to Ms. Rita Mahoney, ColRich (Alden 2016a)
- 2016 Report U.S. Fish and Wildlife Service Protocol Level Presence/Absence Survey for the Quino Checkerspot Butterfly (Alden 2016b)
- Burrowing Owl Survey Report for Otay Canyon Ranch. Letter to Ms. Rita Mahoney, ColRich (Alden 2016c)
- 2015 Report U.S. Fish and Wildlife Service Protocol Level Presence/Absence Surveys for the Quino Checkerspot Butterfly (Alden 2015a)
- Burrowing Owl Survey Report for Otay Canyon Ranch. Letter to Ms. Rita Mahoney, ColRich (Alden 2015b)
- Burrowing Owl Survey Report for Spring Canyon Ranch. Letter to Ms. Rita Mahoney, ColRich (Alden 2014)
- Otay Mesa Community Plan Update FEIR (City 2014)
- Biological Resources Report for the Otay Mesa Community Plan Update, City of San Diego Project No. 30330/304032, SCH No. 2004651076 (RECON Environmental, Inc. 2013)

Biological Surveys

Biological resources mapping and surveys were conducted previously on the project site for preparation of the CVSP Biological Resources Report Addendum (Alden 2017) and included vegetation mapping, recording species observed/detected (during all site visits), as well as surveys for sensitive plant species and the burrowing owl (*Athene cunicularia*). The site assessment for the Quino checkerspot butterfly (*Euphydryas editha quino*) determined that there is no potential habitat for the species on the Lumina II project site, so it was not surveyed for the butterfly. Mapping and surveys for the Lumina II project site, therefore, have included the following (Table 1).

Table 1 **SURVEY INFORMATION**			
Survey Date	**Survey Type**	**Personnel**	**Survey Time and Weather Conditions (Start/Stop)**
11/2017	Confirmation of CVSP vegetation mapping	Greg Mason	N/A
11/2017	Search for potential Waters of the U.S., Waters of the State, and City Wetlands	Greg Mason	N/A
02/25/18	Burrowing Owl Survey	Tara Baxter	0600-0830 Clear, 47°F, wind 4-6 mph/ Clear, 56°F, wind 5-7 mph
05/24/18			0530-0730 100% cloudy, 57°F, wind 1-3 mph/ 100% cloudy, 62°F, wind 1-3 mph
06/19/18			0530-0730 100% cloudy, 58°F, wind 1-2 mph/ 100% cloudy, 66°F, wind 1-4 mph
07/12/18			0600-0800 100% cloudy, 72°F, wind 2-4 mph/ 10% cloudy, 79°F, wind 5-7 mph
04/24/18	Special Status Plant Species Survey	Jim Rocks	N/A
07/26/18		Lee Ripma	N/A
11/20/19	Site inspection to check for any changed conditions	Greg Mason	N/A

Vegetation Mapping Confirmation

Alden walked the project site in November 2017 to check existing vegetation conditions against those presented in the CVSP Biological Resources Report Addendum (Alden 2017). The site also was searched for water holding depressions that could support vernal pool plant and animal species during site survey visits. On November 20, 2019, Alden walked the project site again to check for any changed conditions.

Search for Potential Waters of the U.S., Waters of the State, and City Wetlands

A search for potential jurisdictional features on the project site was performed by Alden in November 2017. During the search, all areas with depressions or drainage channels were evaluated for the presence of federal, State, and City wetlands as well as non-wetland Waters of the U.S. (U.S. Army Corps of Engineers [Corps] jurisdiction) and non-wetland Waters of the State (i.e., streambeds; CDFW jurisdiction) in accordance with current wetland delineation guidelines. The presence of wetland Waters of the U.S. is evaluated using the criteria described in the Wetlands Delineation Manual (Environmental Laboratory 1987) and the Arid West Supplement (Corps 2008). The presence of non-wetland Waters of the U.S. is determined by the presence of bed and bank within unvegetated drainage courses. The presence of wetland Waters of the State is

determined by the presence of wetland/riparian vegetation. The presence of non-wetland Waters of the State is determined by the presence of streambeds lacking wetland/riparian vegetation.

City Wetlands, specifically, are defined by the City Municipal Code (Chapter 11, Article 3, Division 1) as areas that are characterized by any of the following summarized conditions.

1. All areas persistently or periodically containing naturally occurring wetland vegetation communities;
2. Areas that have hydric soils or wetland hydrology and lack naturally occurring wetland vegetation communities; and/or
3. Areas lacking wetland vegetation communities, hydric soils, and wetland hydrology due to non-permitted filling of previously existing wetlands.

The definition of City Wetlands, however, is intended to differentiate uplands (terrestrial areas) from wetlands and, furthermore, to differentiate naturally occurring wetland areas from those created by human activities. Except for areas created for the purposes of wetland habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas unless they have been delineated as wetlands by the Corps and/or CDFW.

RESULTS

Environmental Setting

The property totals 4.98 acres, supports disturbed land with an existing residential structure and a residential outbuilding. It is bordered on the east by Cactus Road, on the north by agricultural land, and on the south and west by urban/developed land. The lands bordering the site to the north, south, and west are part of the proposed Lumina Tentative Map Project. According to the U.S. Department of Agriculture, Natural Resource Conservation Service Soil Survey, the majority of the project site supports Stockpen gravelly clay loam soils (0-2 and 2-5 percent slopes), and Olivenhain cobbly loam (30-50 percent slopes) occurs in the site's southeastern corner. Elevation on site is approximately 490 feet above mean sea level.

This site is located within the City's Multiple Species Conservation Program (MSCP) Subarea—outside of the MHPA and the Coastal Overlay Zone.

Regulatory Context

Federal Government

Administered by the USFWS, the federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered take under the ESA. Section 9(a) of the ESA defines take as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or

attempt to engage in any such conduct." "Harm" and "harass" are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species' behavioral patterns. No federal-listed species were observed or detected on site, and based on the habitat conditions on site, none is expected to occur.

All migratory bird species that are native to the U.S. or its territories are protected under the federal Migratory Bird Treaty Act (MBTA), as amended under the Migratory Bird Treaty Reform Act of 2004 (FR Doc. 05-5127). The MBTA is intended to protect migratory birds but it does not mandate specific protections. Typically, protection of migratory birds through the MBTA is provided through restrictions on disturbance of active bird nests during the nesting season. In addition, the USFWS commonly places restrictions on disturbances allowed near active raptor nests. As a general/standard condition, the project must comply with the MBTA.

Federal wetland regulation (non-marine issues) is guided by the Rivers and Harbors Act of 1899 and the Clean Water Act. The Rivers and Harbors Act deals primarily with discharges into navigable waters, while the purpose of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of all Waters of the U.S. Permitting for projects filling Waters of the U.S. (including wetlands) is overseen by the Corps under Section 404 of the Clean Water Act. Projects could be permitted on an individual basis or be covered under one of several approved nationwide permits. Individual permits are assessed independently based on the type of action, amount of fill, etc. Individual permits typically require substantial time (often longer than 6 months) to review and approve, while nationwide permits are pre-approved if a project meets appropriate conditions. No potential Waters of the U.S. were identified on site.

The project will comply with applicable federal requirements.

State of California

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

The California ESA is similar to the federal ESA in that it contains a process for listing of species and regulating potential impacts to listed species. Section 2081 of the California ESA authorizes CDFW to enter into a memorandum of agreement for take of listed species for scientific, educational, or management purposes. No State-listed species were observed or detected on site, and based on the habitat conditions on site, none is expected to occur.

California Fish and Game Code (Sections 1600 through 1603) requires a CDFW agreement for projects affecting riparian and wetland habitats through issuance of a Streambed Alteration Agreement. There is no wetland or riparian habitat present on site. In addition, any project that requires a Section 404 Permit also would require a Water Quality Certification by the California Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act. There are no Waters of the U.S. on site, which would be subject to Section 401.

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS. Avian species protected by California Fish and Game Code may nest on the project site. As a general/standard condition, the project must comply with California Fish and Game Code

Additionally, CEQA and its implementing guidelines (CEQA Guidelines) require discretionary projects with potentially significant effects (or impacts) on the environment to be submitted for environmental review. Mitigation for significant impacts to the environment is determined through the environmental review process in accordance with existing laws and regulations.

The project will comply with applicable State requirements.

City of San Diego Environmentally Sensitive Lands (ESL) Regulations

Mitigation requirements for sensitive biological resources follow the requirements of the City's Biology Guidelines (2018) as outlined in the City's Municipal Code Environmentally Sensitive Lands (ESL) Regulations (Chapter 14, Article 3, Division 1). ESL include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs and 100-year floodplains (San Diego Municipal Code [SDMC] 143.0110). ESL resources are not present on site.

City of San Diego Biology Guidelines

The City's Biology Guidelines (2018) have been formulated by the Development Services Department to aid in the implementation and interpretation of the ESL Regulations; San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101 et seq; and the Open Space Residential (OR-1-2) Zone, Chapter 13, Division 2, Section 131.0201 et seq. Section III of the Biology Guidelines (Biological Impact Analysis and Mitigation Procedures) also serves as standards for the determination of impact and mitigation under CEQA.

The project will comply with applicable City Biology Guidelines requirements.

Vegetation Communities/Land Cover Types

Alden confirmed that the site conditions in 2019 have not changed since the site visits in 2017 and 2018. Therefore, one vegetation community and one land cover type are present on site and in the off-site impact area (Figure 3): disturbed land and urban/developed (Table 2; Figure 3).

Table 2
VEGETATION COMMUNITY/LAND COVER TYPE

Vegetation Community/ Land Cover Type	Total Acreage On Site	Total Acreage in Off-site Impact Area
Disturbed Land (Tier IV*)	3.95	0.00
Urban/Developed (no tier)	1.03	0.25
TOTAL	**4.98**	**0.25**

* Tier IV is not sensitive.

Disturbed Land

Disturbed land includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that no longer provides viable wildlife habitat. Such areas include dirt roads, graded areas, and dump sites where no native or naturalized species remain. Some of the non-native species of disturbed habitat on site include tree tobacco (*Nicotiana glauca*), cheeseweed (*Malva parviflora*), and Australian tumbleweed (*Salsola australis;* Appendix A). Disturbed habitat is considered Tier IV (other uplands) by the City and not sensitive (Table 2; Figure 3).

Urban/Developed

Urban/developed land is, for example, where permanent structures and/or pavement have been placed, which prevents the growth of vegetation, or where landscaping is clearly tended and maintained. Urban/developed consists of an existing residential structure and associated out buildings and pavement. Urban/developed is not assigned to a tier by the City and is not sensitive (Table 2; Figure 3).

Special Status Plant Species

Special status plant species are those that are considered federal, State, or California Native Plant Society rare, threatened, or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. No special status plant species were found to occur on site (Appendix A), nor do any have potential to occur due to the site's level of disturbance and development. The special status plant species surveys were conducted during the spring and summer during the bloom period of most plant species.

Special Status Animal Species

Sensitive animal species are those that are considered federal or State threatened or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. No special status animal species occur on the site (Appendix B), nor do any have potential to occur due to the site's level of disturbance and development.

According to the burrowing owl survey conducted for the Lumina Tentative Map Project, which included the Lumina II project site, no burrowing owls, evidence of owl presence (casts, feathers, etc.), or potential owl burrows were observed. Furthermore, the burrowing owl survey report states that based on the lack of suitable burrows and evidence of occupation, the project sites are not considered to be occupied by the burrowing owl (Alden 2018).

Nesting Birds

The MBTA and California Fish and Game Code provides legal protection for almost all breeding bird species occurring in the United States, including raptors. The project will comply with the MBTA and Fish and Game Code.

Potential Jurisdictional Features (Corps, CDFW, and RWQCB)

The site was assessed for features that could be considered jurisdictional by the Corps, CDFW, and the RWQCB, and no such features were found.

PROJECT IMPACTS

Vegetation Community/Land Cover Type

The project would involve grading of 4.69 acres on site and 0.25 acre off site; however, it is assumed herein that the entire 4.98-acre site would be affected by the project even though the currently proposed project does not include the construction of any structures. Therefore, 5.23 acres of non-sensitive disturbed land and urban/developed would be impacted (Table 3; Figure 3).

Table 3
IMPACTS TO VEGETATION COMMUNITY/LAND COVER TYPE

Vegetation Community/ Land Cover Type	Total Acreage Impacted On Site	Total Acreage in Off-site Impact Area	Total Impacted Acreage
Disturbed Land (Tier IV)	3.95	0.00	3.95
Urban/Developed (no tier)	1.03	0.25	1.28
TOTAL	**4.98**	**0.25**	**5.23**

Disturbed land (designated as Tier IV) and urban/developed (no tier), are not considered to have significant habitat value, so the project's impacts to vegetation/land cover would not be considered significant, and no mitigation would be required.

Special Status Plant Species

There would be no impacts to special status plant species, so no mitigation would be required.

Special Status Animal Species

There would be no impacts to special status animal species, so no mitigation would be required.

Nesting Birds

The project will comply with the MBTA and Fish and Game Code to avoid/minimize impacts to nesting birds, as required by those regulations. Therefore, potential impacts to nesting birds would be less than significant, and no mitigation would be required.

Potential Jurisdictional Features (Corps, CDFW, and RWQCB)

Given the lack of potential jurisdictional features on site, no impacts would occur, and no agency permits or mitigation would be required.

Cumulative Impacts

The project site is small (4.98 acres in size), lacks sensitive biological resources, and lacks connectivity to the MHPA. Therefore, the project would not contribute to significant, cumulative, biological resource impacts.

CONCLUSION

The project site does not support sensitive vegetation, special status plant or animal species, or potential jurisdiction features. Therefore, these resources would not be impacted by project development, and no mitigation would be required. The project would impact disturbed land and urban/developed land cover; however, this impact would be less than significant because disturbed land and urban/developed are not sensitive. No mitigation would be required.

Avian species protected by the MBTA and California Fish and Game Code may nest on the project site. The project would comply with the MBTA and California Fish and Game Code to avoid/minimize impacts to nesting birds to less-than-significant levels; therefore, no mitigation would be required.

Finally, given the small size of the site, the lack of sensitive biological resources, and lack of connectivity to the MHPA, the project would not contribute to significant, cumulative, biological resource impacts, and no mitigation would be required.

Please contact me if you have any questions regarding this letter report.

Sincerely,

Greg Mason
Senior Biologist

Enclosures:
Figure 1 – Regional Location
Figure 2 – Project Location
Figure 3 – Vegetation Community/Land Cover Type/Impacts
Attachment A – Plant Species Observed
Attachment B – Animal Species Observed or Detected

References:

Alden Environmental, Inc. 2019. Biological Technical Report for the Lumina Tentative Map Project. March 14.

2018. Burrowing Owl Survey Report for the Lumina Tentative Map Project Site. Letter to Ms. Rita Mahoney, ColRich. July 13.

2017. Central Village Specific Plan Biological Resources Report Addendum. January.

2016a. Sensitive Plant Species Survey Report. Letter to Ms. Rita Mahoney, ColRich. July 13.

2016b. 2016 Report U.S. Fish and Wildlife Service Protocol Level Presence/Absence Survey for the Quino Checkerspot Butterfly. June 23.

2016c. Burrowing Owl Survey Report for Otay Canyon Ranch. Letter to Ms. Rita Mahoney, ColRich. June 30.

2015a. 2015 Report U.S. Fish and Wildlife Service Protocol Level Presence/Absence Surveys for the Quino Checkerspot Butterfly. June 10.

2015b. Burrowing Owl Survey Report for Otay Canyon Ranch. Letter to Ms. Rita Mahoney, ColRich. July 9.

2014. Burrowing Owl Survey Report for Spring Canyon Ranch. Letter to Ms. Rita Mahoney, ColRich. August 11.

City of San Diego. 2018. Land Development Code Biology Guidelines. Adopted September 1999. Last amended February 1, 2018 by Resolution No. R-311507. https://www.sandiego.gov/sites/default/files/amendment_to_the_land_development_manual_biology_guidelines_february_2018_-_clean.pdf

2014. Otay Mesa Community Plan Update Final Environmental Impact Report. Revised February 21.

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. 100 pp. with Appendices.

RECON Environmental, Inc. 2013. Biological Resources Report for the Otay Mesa Community Plan Update, City of San Diego Project No. 30330/304032, SCH No. 2004651076.

U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). Eds. J.S. Wakely, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

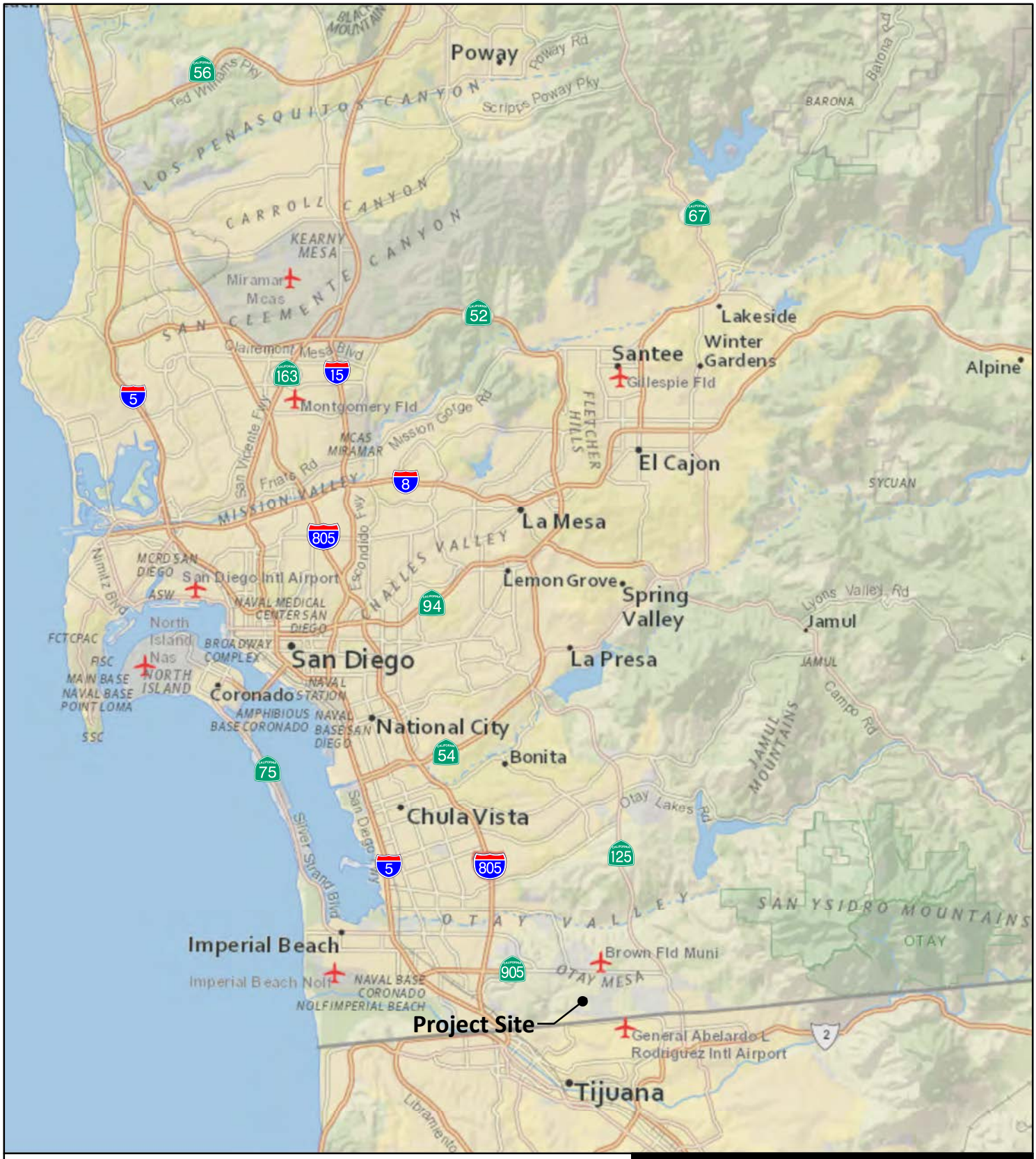

Figure 1

Regional Location

LUMINA II

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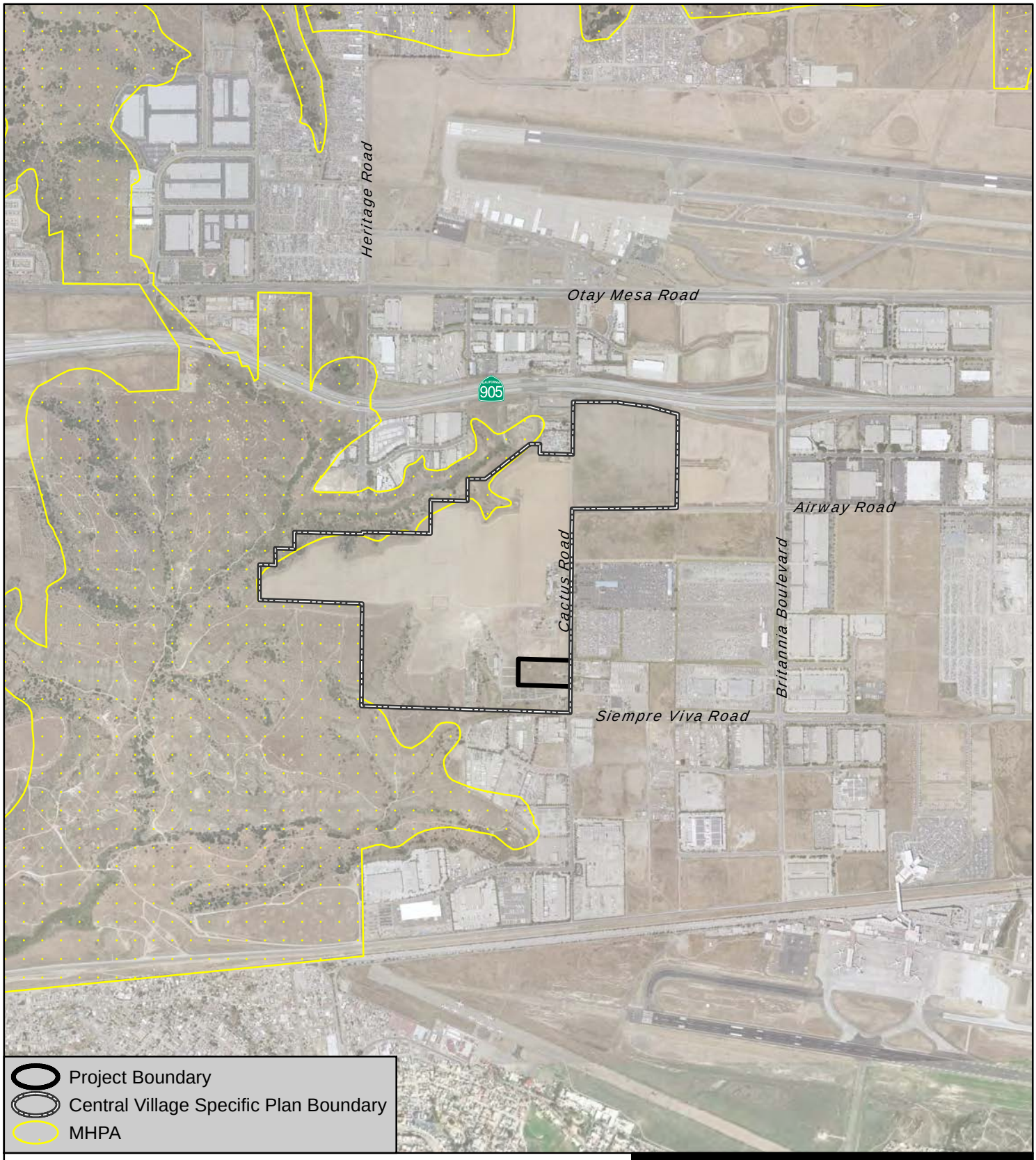

Figure 2

Project Location

LUMINA II

N
W E
S
0 1,000 2,000
Feet

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Project Boundary
Project Impacts

Vegetation Communities
Disturbed Land
Urban/Developed

N
W E
S

0 40 80
Feet

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Figure 3

Vegetation Community/
Land Cover Type/Impacts

LUMINA II

Attachment A
PLANT SPECIES OBSERVED
LUMINA II

FAMILY	SCIENTIFIC NAME	COMMON NAME
Anacardiaceae	*Schinus terebinthifolia*[1]	Brazilian pepper tree
Arecaceae	*Syagrus romanzoffiana*[1]	Queen palm
	Washingtonia robusta[1]	Mexican fan palm
Apiaceae	*Centaurea melitensis*[1]	Tocalote
	Glebionis coronaria[1]	Garland/Crown Daisy
	Hedypnois cretica[1]	Crete Hedypnois
	Hypochaeris glabra[1]	Smooth Cat's Ear
	Lactuca serriola[1]	Prickly Lettuce
	Logfia gallica[1]	Narrow-Leaf Cottonrose
Brassicaceae	*Brassica nigra*[1]	Black Mustard
Cactaceae	*Opuntia ficus-indica*[1]	Mission Fig
Caryophyllaceae	*Silene gallica*[1]	Windmill Pink
Chenopodiaceae	*Salsola australis*[1]	Australian Tumbleweed
Fabaceae	*Medicago polymorpha*[1]	Bur Clover
	Melilotus indicus[1]	Indian Sweetclover
Geraniaceae	*Erodium cicutarium*[1]	Red-Stem Filaree/Storksbill
Lamiaceae	*Marrubium vulgare*[1]	Horehound
Malvaceae	*Malva parviflora*[1]	Cheeseweed
Poaceae	*Avena* spp. [1]	Wild Oat
	Bromus spp. [1]	Brome Grass
	Pennisetum setaceum[1]	Fountain grass
Solanaceae	*Nicotiana glauca*[1]	Tree Tobacco

[1]Non-native species

Attachment B
ANIMAL SPECIES OBSERVED OR DETECTED
LUMINA II

SCIENTIFIC NAME	**COMMON NAME**
INVERTEBRATES	
Butterflies	
Vannessa cardui	painted lady
VERTEBRATES	
Birds	
Corvus corax	common raven
Haemorhous mexicanus	house finch
Mimus polyglottos	northern mockingbird
Passer domesticus	house sparrow
Sturnus vulgaris	European starling
Zenaida macroura	mourning dove
Zonotrichia leucophrys	white-crowned sparrow
Mammals	
Canis latrans	coyote (scat)
Capra hircus	domestic goat
Sylvilagus audubonii	desert cottontail