

January 3, 2023

Ms. Karen Ruggels  
KLR Planning  
Box 882676  
San Diego, CA 92168

Subject: BDM Mixed Use Project Biological Letter (City Project No. 673818)

Dear Ms. Ruggels:

This letter report presents the results of a biological resources assessment conducted for the BDM Mixed Use project site by Alden Environmental, Inc. (Alden). It 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).

## **1.0 PROJECT LOCATION**

The approximately 13.44 acre project site is located on the south side of Otay Mesa Road, east of Emerald Crest Court, west of Corporate Center Drive, and north of State Route 905, within the Otay Mesa Community Plan area in the City of San Diego (City; Figures 1 & 2). The project site has been graded in accordance with a previously approved Vesting Tentative Map for the Handler Commercial Project.

## **2.0 PROJECT DESCRIPTION**

The project proposes 430 total multi-family residential dwelling units and approximately 6,000 square feet of commercial use. The multi-family residential use includes 378 market-rate dwelling units, situated in the northern portion of the site, and 52 affordable dwelling units (affordable to low-income households) situated in the western portion of the site. Commercial uses would be located in the northwestern portion of the site. Access to the project would be provided off Emerald Crest Court and by a new private drive off Otay Mesa Road. Sewer and water connections would be made off-site to facilities located in Otay Mesa Road to the north. Parking would be provided in surface parking areas located throughout the project. The project requires an Amendment to the Otay Mesa Plan to change the land use designation from Community Commercial – Residential Prohibited to Community Commercial – Residential Permitted, Rezone from the existing CC-2-3 zone to CC-3-6, Vesting Tentative Map, Site Development Permit, Neighborhood Development Permit, and Public Right-of-Way Vacation to vacate Corporate Center Drive south of Otay Mesa Road.

### **3.0 METHODS**

Prior to conducting field investigation, Alden Environmental, Inc. (Alden) queried the California Natural Diversity Database (CNDDB) for sensitive species reported to occur on the site or nearby. Alden also reviewed City's MHPA and VPHCP mapping, current aerial imagery of the site and its surroundings, and reviewed National Wetland Inventory and National Hydrography Dataset mapping for potential wetlands and waterways on or connected to the site. Finally, Alden reviewed the technical documents and construction monitoring materials for the previously graded Handler Commercial project.

Biologist Greg Mason surveyed the project site on August 29, 2021. The survey consisted of: 1) mapping vegetation (confirming developed status); 2) searching for special status plant species; 3) compiling lists of plant and animal species observed or detected (Attachments A and B, respectively); and 4) taking representative photographs of the site (Attachment C). Special attention was paid to the area east of the project limits that is within the mapped Multi-habitat Planning Area (MHPA) of the City of San Diego's Multiple Species Conservation Plan (MSCP) and the City's Vernal Pool Habitat Conservation Plan (VPHCP) conservation area mapping.

### **4.0 REGULATORY CONTEXT**

#### **4.1 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 graded/developed nature of the site, none are expected to occur on site.

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.

## **4.2 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.

California Fish and Game Code (Sections 1600 through 1603) requires a CDFW agreement for projects affecting riparian and wetland habitats (Waters of the State) through issuance of a Streambed Alteration Agreement. 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.

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.

### **4.3 City of San Diego**

#### City Environmentally Sensitive Lands 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).

The ESL regulations also specify development requirements inside and outside of the MHPA. The MHPA preserve occurs east of the graded site and would not be directly impacted. The project would not bisect or otherwise fragment sensitive habitat on or off site.

#### 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.

#### Multiple Species Conservation Program Subarea Plan

The City, USFWS, CDFW, other local jurisdictions, and members of the environmental and building and development communities joined together in the late 1990s to develop the MSCP, a comprehensive program to preserve a network of habitat and open space in the region and ensure the viability of (generally) upland habitat and species that is compatible with growth and development.

The City's MSCP Subarea Plan (1997a) was prepared pursuant to the outline developed by USFWS and CDFW to meet the requirements of the State Natural Communities Conservation Planning (NCCP) Act of 1992. Adopted by the City in March 1997, the City's Subarea Plan forms the basis for the MSCP Implementing Agreement (IA), which is the contract between the City, USFWS, and CDFW (City 1997b). The IA ensures implementation of the City's Subarea Plan and thereby allows the City to issue "take" permits under the FESA and State Endangered Species Act to address impacts at the local level. Under the FESA, an Incidental Take Permit is required when non-federal activities would result in "take" of a threatened or endangered species. A Habitat Conservation Plan, such as the City's Subarea Plan, must accompany an application for a federal Incidental Take Permit.

In July 1997, the USFWS, CDFW, and City entered into the 50-year MSCP IA, wherein the City received its FESA Section 10(a) Incidental Take Permit (City 1997b).

Pursuant to its MSCP permit issued under Section 10(a), the City has incidental “take” authority over 85 rare, threatened, endangered and regionally sensitive species that it aims to conserve (i.e., “MSCP Covered Species”). “MSCP Covered” refers to species that are covered by the City’s Incidental Take Permit and considered to be adequately protected within the City’s Preserve, the MHPA. Special conditions apply to Covered Species that would be potentially impacted including, for example, designing a project to avoid impacts to Covered Species in the MHPA where feasible. Outside the MHPA, projects must incorporate measures (i.e., Area Specific Management Directives) for the protection of Covered Species as identified in Appendix A of the City’s Subarea Plan.

In addition to identifying preserve areas within the City (and guiding implementation of the MSCP within its corporate boundaries), the City’s Subarea Plan also regulates effects on natural communities throughout the City. Section 1.4.2 of the of the City’s Subarea Plan outlines general planning policies and design guidelines for projects within or adjacent to the MHPA. In addition, Section 1.5.3 of the City’s Subarea Plan outlines specific management directives that the Otay Mesa area of the City’s MSCP Subarea plan, as appropriate.

#### Multi-habitat Planning Area

The MHPA was developed by the City in cooperation with the USFWS, CDFW, property owners, developers, and environmental groups using the Preserve Design Criteria contained in the MSCP Plan, and the City Council-adopted criteria for the creation of the MHPA.

MHPA lands are large blocks of native habitat that have the ability to support a diversity of plant and animal life and, therefore, have been included within the City’s Subarea Plan for conservation. The MHPA also delineates core biological resource areas and corridors targeted for conservation as these lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. The eastern portion of the site is shown as within the City’s MHPA mapping area; however, the portion of the MHPA within the project footprint has already been graded for development and is no longer considered to be within the MHPA. This was confirmed via communication with City MSCP staff. The only MHPA present on the project site is located to the north and east of the proposed grading and construction limits for the project. The adjacent MHPA to the north overlaps with Otay Mesa Road and is entirely developed. MHPA to the east is a conserved habitat area delineated by an existing chain link fence within the project site and completely avoided by the project’s development footprint.

#### Land Use Adjacency Guidelines

Development adjacent to the MHPA must ensure that indirect impacts to the MHPA are minimized. Sections 1.4.2 and 1.4.3 of the City’s Subarea Plan outline the requirements to address indirect effects related to drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development.

## 5.0 RESULTS

### 5.1 Environmental Setting

The project site is a graded/developed pad, ready for construction to occur. Developed area borders the site to the north (Otay Mesa Road), west (residential development), and south (State Route 905). To the east is preserved habitat within the City’s MHPA and VP HCP areas. The site is relatively flat, with graded pads, temporary detention basin, and access locations.

### 5.2 Vegetation Communities/Land Cover Types

Virtually the entire project was mapped as developed land (Table 1; Figure 3). There is a very small area of Diegan coastal sage scrub habitat on the eastern boundary that is within the property boundary and also on the east side of the preserve fence. There also is a small amount of off site development to the south, adjacent to the State Route 905. This area supports roadway landscaping. The MHPA area to the east of the project supports Diegan coastal sage scrub and freshwater marsh habitat. The MHPA (as delimited by the existing preserve fence) is outside of the project footprint and would not be disturbed.

<b>Table 1 Existing Vegetation Communities/ Land Cover Types on Site</b>	
<b>Vegetation Community/Land Cover Type<sup>1</sup></b>	<b>Acres</b>
Diegan Coastal Sage Scrub (Tier II)	0.01 <sup>2</sup>
Developed Land (Tier IV)	13.43
<b>TOTAL</b>	<b>13.44</b>

<sup>1</sup>Tier II = uncommon upland; Tier IV = other upland

<sup>2</sup>Within the property, but east of the MHPA preserve fence (non-impacted)

#### Diegan Coastal Sage Scrub (Tier II)

Diegan coastal sage scrub occupies xeric sites with shallow soils and may be dominated by a variety of species depending upon soil type, slope, and aspect. The dominant species found within Diegan coastal sage scrub on and adjacent to the site include California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), and laurel sumac (*Malosma laurina*) and lemonadeberry. This habitat is the result of previous habitat restoration efforts adjacent to the eastern site boundary. Diegan coastal sage scrub is considered Tier II (uncommon uplands) by the City and is sensitive. The project would entirely avoid this habitat.

#### Developed (Tier IV)

Developed land on site reflects the grading conducted in 2020 for the Handler Commercial Center project. Developed land Tier IV (other upland) by the City and is not considered sensitive.

### Freshwater Marsh

Freshwater marsh occurs off site to the east in the preserve area and would not be impacted by the project. It is discussed herein for informational purposes and is not included in the project's existing or impacted habitat calculations. The freshwater marsh is part of the habitat restoration/preservation effort to the east of the project site. Characteristic plant species in this community adjacent to the site include cat tails (*Typha* sp.), western ragweed (*Ambrosia psilostachya*), and scattered arroyo willows (*Salix lasiolepis*).

The off-site preserve, the MHPA, where the freshwater marsh is located, is protected by an existing fence, which would not be affected by the project. Buffer distances between the project impact footprint and the freshwater marsh are seven feet in the north and 130 feet in the south. The closest built project feature would be the roundabout of the entry drive, which would be 21 feet from the freshwater marsh.

### **5.3 Sensitive Plant Species**

Sensitive 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 (Attachment D). The site has been graded and does not support any sensitive plant species (Attachment E).

### **5.4 Sensitive 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 sensitive animal species were found on site as it is a graded site. The federal listed as threatened coastal California gnatcatcher (CAGN; *Polioptila californica californica*) has been observed offsite within the Diegan coastal sage scrub habitat to the east.

### **5.5 Nesting Birds**

Vegetation has been removed from the site and there is no onsite vegetation with potential to support birds and their nests. While there is no suitable nesting habitat onsite, the offsite MHPA area to the east supports suitable nesting habitat for sensitive bird species, including the CAGN.

### **5.6 Potential Jurisdictional Features**

No potential Waters of the U.S., Waters of the State, and/or City Wetlands would be affected by the project since none is present on site. All work would occur on top of the existing graded pad area.

The project site was graded in accordance with a previously approved Vesting Tentative Map for the Handler Commercial Project, and that project, like this project, included a new private drive off Otay Mesa Road along the site's eastern boundary. This project would include the new private drive but with surface parking beyond the gate in the south (Figure 3). While no buffer distances were presented in the 2003 Biological Technical Report for the previously approved Vesting Tentative Map for the Handler Commercial Project, the distances between the project impact area and the off-site freshwater marsh and between the built private drive/parking and the freshwater marsh are very similar for the two projects. Buffer distances between the current project impact footprint and the freshwater marsh would be seven feet in the north and 130 feet in the south. The closest built project feature would be the entry drive roundabout before the gate, which would be 21 feet from the freshwater marsh.

The MHPA to the east and the freshwater marsh wetland habitat therein would not be impacted by the project directly, and potential indirect effects would be addressed through project compliance with the MHPA Land Use Adjacency Guidelines. The buffer distances are considered adequate to protect the freshwater marsh because no sensitive plant or animal species have been reported to the CNDDB, USFWS, or SanBios in the freshwater marsh, and the project would comply with the MHPA Land Use Adjacency Guidelines to protect the MHPA from: 1) potential drainage issues; 2) potential issues with toxins; 3) significant night lighting impacts; 4) human intrusion by not affecting the preserve fencing barrier; and 5) the introduction of invasive species. See Section 6.1 of this report for details.

## **6.0 MSCP COMPLIANCE**

### **6.1 Land Use Adjacency Guidelines**

Indirect effects listed in the City's Subarea Plan (Section 1.4.2) include those from drainage, toxics, lighting, noise, barriers, invasives, brush management, and grading/land development as addressed by the Land Use Adjacency Guidelines specifically for indirect impacts to the MHPA. The following addresses the guidelines and how the project complies with them.

#### 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.*



During construction, the project will employ the use, as applicable, of structural and non-structural Best Management Practices, Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction. Additionally, the project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

Hardscape associated with the built project would result in runoff, which could significantly impact water quality in the MHPA. These potential drainage impacts will be avoided through the incorporation of biofiltration basins throughout the project that will collect and treat all water before it is discharged through an outfall with an energy dissipator into the natural drainage on site in the MHPA (Figure 3). As such, the project would not have any drainage issues that would affect the MHPA.

### Toxics

*Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful 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.*

No trash, oil, parking, or other construction/development related material/activities will be located outside approved project impact limits. No staging/storage areas for equipment and materials will be located within or adjacent to the MHPA. All construction related debris will be removed off site to an approved disposal facility. As such, the project would not release toxins into the adjacent 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.*

Lighting adjacent to the MHPA will be directed away/shielded and will be consistent with City Outdoor Lighting Regulations per LDC Section 142.0740. As such, the project would not result in a significant lighting impact to the adjacent MHPA.

## 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.*

The CAGN is known to occur to the east of the project, within the MHPA. This area also has the potential to support other sensitive bird species. The birds in this area are already subject to noise from the adjacent Otay Mesa Road and State Route 905. Given the existing noise, along with the fact that the project is a low-noise producing residential/commercial development, noise from the built project is not expected to be of sufficient volume or duration to interfere with the CAGN or wildlife utilization of the adjacent MHPA.

Construction related noise from such sources as clearing, grading, and construction vehicular traffic could result in significant, temporary noise related impacts to the CAGN that was observed in the MHPA to the east. The project will comply with this Land Use Adjacency Guideline for construction related noise as explained below.

Construction noise that exceeds the maximum levels allowed will be avoided during the breeding season for the CAGN (March 1 through August 15). If construction is proposed during the breeding season for the species, a USFWS protocol survey will be conducted in order to determine species presence/absence. If a protocol survey is not conducted, presence will be assumed with implementation of noise attenuation and biological monitoring. When applicable (i.e., habitat is occupied or if presence of the CAGN is assumed), adequate noise reduction measures will be incorporated as follows:

Prior to the issuance of any grading permit the City Manager (or appointed designee) will verify that the MHPA boundaries and the following project requirements regarding the CAGN are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities will occur within 500 feet of the MHPA between March 1 and August 15 (gnatcatcher breeding season) until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid FESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the gnatcatcher. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present within the MHPA, the following conditions must be met:

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied CAGN habitat will be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
  - II. Between March 1 and August 15, no construction activities will occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied CAGN habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities will be staked or fenced under supervision of a qualified biologist; or
  - III. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) will be implemented to ensure that noise levels resulting from construction activities do not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the CAGN. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring will be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities will cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).
- B. If CAGNs are not detected within the MHPA during the protocol survey, the qualified biologist will submit substantial evidence to the City Manager and applicable wildlife agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
- I. If evidence indicates high potential for CAGN presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above.
  - II. If evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

### 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.*

The existing preserve area fence along the edge of the MHPA will remain in place as a barrier.

### Invasives

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

During construction, invasive, non-native plants transported to the site on construction equipment or vehicles (e.g., seeds on undercarriages) could colonize areas disturbed by construction activities, and those species could potentially spread into the Conservation Area. Additionally, invasive plant species already present on site in the project impact area could spread into the adjacent MHPA during construction activities.

Vehicles and equipment brought to the site will be washed at an appropriate off-site location/facility prior to entering the site, and no construction activities will be located outside approved construction limits. Furthermore, all construction related debris will be removed off site to an approved disposal facility.

The project will follow SDMC Landscape Standards (Section 1.3) and not use invasive species, which will prevent their introduction to areas adjacent to the MHPA. Alden reviewed the proposed landscape constructions documents and found that the proposed plant palette adjacent to the MHPA/VPHCP boundary is appropriate.

### Brush Management

*New 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 pad and outside of the MHPA. Zone 2 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. Brush management zones will not be greater in size than is currently required by the City's regulations. Initial thinning of woody vegetation shall not exceed 50 percent coverage of the existing vegetation prior to implementation of Brush Management activities. Additional thinning and pruning shall be done consistent with City standards to obtain minimum vertical and horizontal clearances and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.*

All required brush management would occur within the project limits and would not encroach into the adjacent 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.*

The project has been previously graded to the limits of the MHPA preserve and does not involve any additional significant manufactured slopes, grading, or landform alteration. The project will employ a City-approved, qualified biological monitor that will be on site during project construction activities to ensure compliance with all of the LUAG.

### **6.2 MSCP Management Directives**

The project complies with the General Management Directives of the MSCP Subarea Plan (Section 1.5.2) as it observes and maintains the existing MHPA to the east, without incursion. As such, there would be no impacts to sensitive biological resources. Additionally, Section 1.5.3 of the Subarea Plan includes a management directive specific to the MHPA adjacent to the site. This directive (NW-3) states the following:

*The wildlife crossings under Otay Mesa Road and SR-905 are the only link from south to north Otay Mesa. These crossings must be kept free of debris, and illegal encampments. Provide screening of this area along both sides from residential and other adjacent development, and provide limited cover for wildlife within the crossing area that is compatible with border patrol activities. Restrict night lighting near this crossing.*

The project also complies with specific Management Directive NW-3 as the area where development would occur avoids the on-site and adjacent MHPA to the east and ensures that the existing on-site fence and planted screening vegetation will remain unaffected. The off-site sewer and water connections in Otay Mesa Road to the north also would have no impact to the MHPA as it is already a developed roadway. In this way, the project would have no impact upon the wildlife undercrossing at Otay Mesa Road.

### **6.3 Conditions and ASMDs for MSCP Covered Species**

#### **Coastal California Gnatcatcher**

MSCP Area Specific Management Directives for the CAGN must include measures to reduce edge effects and minimize disturbance during the nesting period, fire protection measures to reduce the potential for habitat degradation due to unplanned fire, and management measures to maintain or improve habitat quality including vegetation structure. No clearing of occupied habitat within the MHPA may occur between March 1 and August 15.

Project conformance with Land Use Adjacency Guidelines will ensure that the project minimizes edge effects on the CAGN including fire protection measures (i.e., the fencing between the project and the MHPA). The project site is already graded and, therefore, would not include clearing of occupied CAGN habitat. Minimization of disturbance during the nesting period (i.e., construction noise) would be addressed through project compliance with the Land Use Adjacency Guideline for Noise presented in Section 6.1 of this report.

## 7.0 VPHCP COMPLIANCE

The following addresses how the project complies with the general avoidance and minimization measures for indirect impacts outlined in section 5.1.2 of the VPHCP that apply to the adjacent mapped VPHCP conservation area. The project would avoid impacts to this area and comply with the general avoidance and minimization measures for indirect impacts outlined in section 5.1.2 of the VPHCP as explained below. Additionally, there are no vernal pools within the adjacent mapped VPHCP area.

### 7.1 Drainage

*Any development adjacent to the MHPA shall be constructed to slope away from the extant pools to be avoided, to ensure that runoff from the project does not flow into the pools.*

*Covered projects shall require temporary fencing (with silt barriers) of the limits of project impacts (including construction staging areas and access routes) to prevent additional vernal pool impacts and prevent the spread of silt from the construction zone into adjacent vernal pools. Fencing shall be installed in a manner that does not impact habitats to be avoided. Final construction plans shall include photographs that show the fenced limits of impact and all areas of vernal pools to be impacted or avoided. If work inadvertently occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the City. Temporary construction fencing shall be removed upon project completion.*

There are no vernal pools on site or within the adjacent mapped VPHCP/MHPA area, as such, the project would not impact vernal pool habitat. As noted above for the MSCP LUAG compliance, the project will employ the use, as applicable, of structural and non-structural Best Management Practices, Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction. Additionally, the project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

## 7.2 Toxics

*All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering the vernal pools or their watersheds, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from the vernal pools or their watersheds. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. A spill kit for each piece of construction equipment shall be on-site and must be used in the event of a spill. "No-fueling zones" shall be designated on construction plans.*

No trash, oil, parking, or other construction/development related material/activities will be located outside approved project impact limits. No staging/storage areas for equipment and materials will be located within or adjacent to the MHPA. All construction related debris will be removed off site to an approved disposal facility. As such, the project would not release toxins into the adjacent Conservation area.

The project will employ a City-approved, qualified biological monitor that will be on site during project construction activities to ensure compliance with this VPHCP Avoidance and Minimization measure.

## 7.3 Barriers

*Permanent protective fencing along any interface with developed areas and/or use other measures approved by the City to deter human and pet entrance into on- or off-site habitat shall be installed. Fencing shall be shown on the development plans and should have no gates (accept to allow access for maintenance and monitoring of the biological conservation easement areas) and be designed to prevent intrusion by pets. Signage for the biological conservation easement area shall be posted and maintained at conspicuous locations. The requirement for fencing and/or other preventative measures shall be included in the project's mitigation program.*

The existing preserve fence and planted landscape screening vegetation along the edge of the Conservation area will remain in place as a barrier.

## 7.4 Grading

*Grading activities immediately adjacent to vernal pools shall be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the vernal pools unless the area to be graded is at an elevation below the pools.*

There are no grading activities proposed immediately adjacent to the vernal pool, and no vernal pool would be impacted.

## 7.5 Fugitive Dust

*Impacts from fugitive dust that may occur during construction grading shall be avoided and minimized through watering and other appropriate measures.*

Construction of the project will adhere to applicable construction dust control measures prescribed by the City. These measures include, for example, reduced driving speeds on unpaved roads and regular watering of dirt surfaces.

## 7.6 Additional Conditions

All of the required MHPA LUAG and VPHCP minimization and avoidance measures would become conditions of project approval.

- *Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.*
- *The project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.*
- *Disposal or temporary placement of excess fill, brush, or other debris shall be limited to areas within the fenced project footprint*

Project construction will comply with the preceding additional VPHCP conditions. Activities and construction related materials will be kept within approved construction limits, and no storage areas will be located within or adjacent to the Conservation Area. All construction related debris will be removed off site to an approved disposal facility. Finally, the project will employ a City-approved, qualified biological monitor that will be on site during project construction activities to ensure compliance with all of the VPHCP Avoidance and Minimization measures.

## 8.0 PROJECT IMPACTS

### 8.1 Vegetation Community/Land Cover Type

The project impacts would occur entirely within existing non-sensitive developed land (Table 2; Figure 3). Impacts include the permanent project development as well as temporary impacts associated with an approximately 10 foot wide construction buffer area and off-site sewer and water connections in Otay Mesa Road to the north. The adjacent coastal sage scrub and freshwater marsh communities to the east would be avoided and protected by observing the existing MHPA/VPHCP preserve area fencing. As such, there would be no impact to sensitive vegetation communities and mitigation would not be required.



<b>Table 2 Direct Impacts to Vegetation Communities/ Land Cover Types</b>	
<b>Vegetation Community/ Land Cover Type</b>	<b>Impact (acres)<sup>1</sup></b>
Diegan Coastal Sage Scrub (Tier II) <sup>2</sup>	-
Developed Land (Tier IV)	13.43
<b>TOTAL</b>	<b>13.43</b>

<sup>1</sup>Includes permanent and temporary impacts

<sup>2</sup>The CSS east of the MHPA fence is avoided.

## 8.2 Sensitive Plant Species

There would be no impacts to sensitive plant species.

## 8.3 Sensitive Animal Species

There would be no significant direct impacts to sensitive animal species as the site is a graded lot. There is a potential indirect noise impact to the CAGN during project construction. This impact will be avoided through conformance with the specific CAGN MHPA adjacency guidelines discussed above. As such, the project would have no significant impact upon sensitive animal species.

## 8.4 Nesting Birds

The project site is graded; therefore, the project would not directly impact the nesting of birds the City considers sensitive. Indirect noise impacts to the CAGN, or other sensitive avian species that may be present in the MHPA offsite to the east, would be addressed through project compliance with the Land Use Adjacency Guideline for Noise as described in Section 6.1 of this report.

## 8.5 Potential Jurisdictional Features

No impacts to potential Waters of the U.S., Waters of the State, and/or City Wetlands would occur. As such, the project does not require agency permitting or City wetland deviation findings.

## 8.6 Cumulative Impacts

The project site has already been graded and no longer supports sensitive biological resources. As such, the project would not contribute to significant, cumulative, biological resource impacts.

## 9.0 CONCLUSION

The proposed project would occur on an already graded pad would not significantly impact sensitive vegetation and would not impact sensitive plant species, sensitive animal species, or potential jurisdiction features; therefore, no mitigation would be required.

The project would not directly impact the nesting of birds the City considers sensitive. Indirect noise impacts to the CAGN, or other sensitive avian species, would be addressed through project compliance with the Land Use Adjacency Guidelines.

Development would completely avoid the adjacent MHPA and VPHCP conservation area that is delimited by an existing fence on the eastern boundary of the site. Additionally, the project would comply with the MHPA and VPHCP adjacency guidelines and requirements, including a pre-construction survey for the CAGN should construction occur during the breeding season for this species (March 1 – August 15). Additionally, the off-site sewer and water connections to the north would occur with the already developed Otay Mesa Road. As such, there would be no significant (direct or indirect) impact upon the adjacent MHPA/VPHCP preserve.

Finally, given the previous grading of the site and the lack of significant impacts to sensitive biological resources, the project would not contribute to significant, cumulative, biological resource impacts.

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 – Biological Resources/Impacts

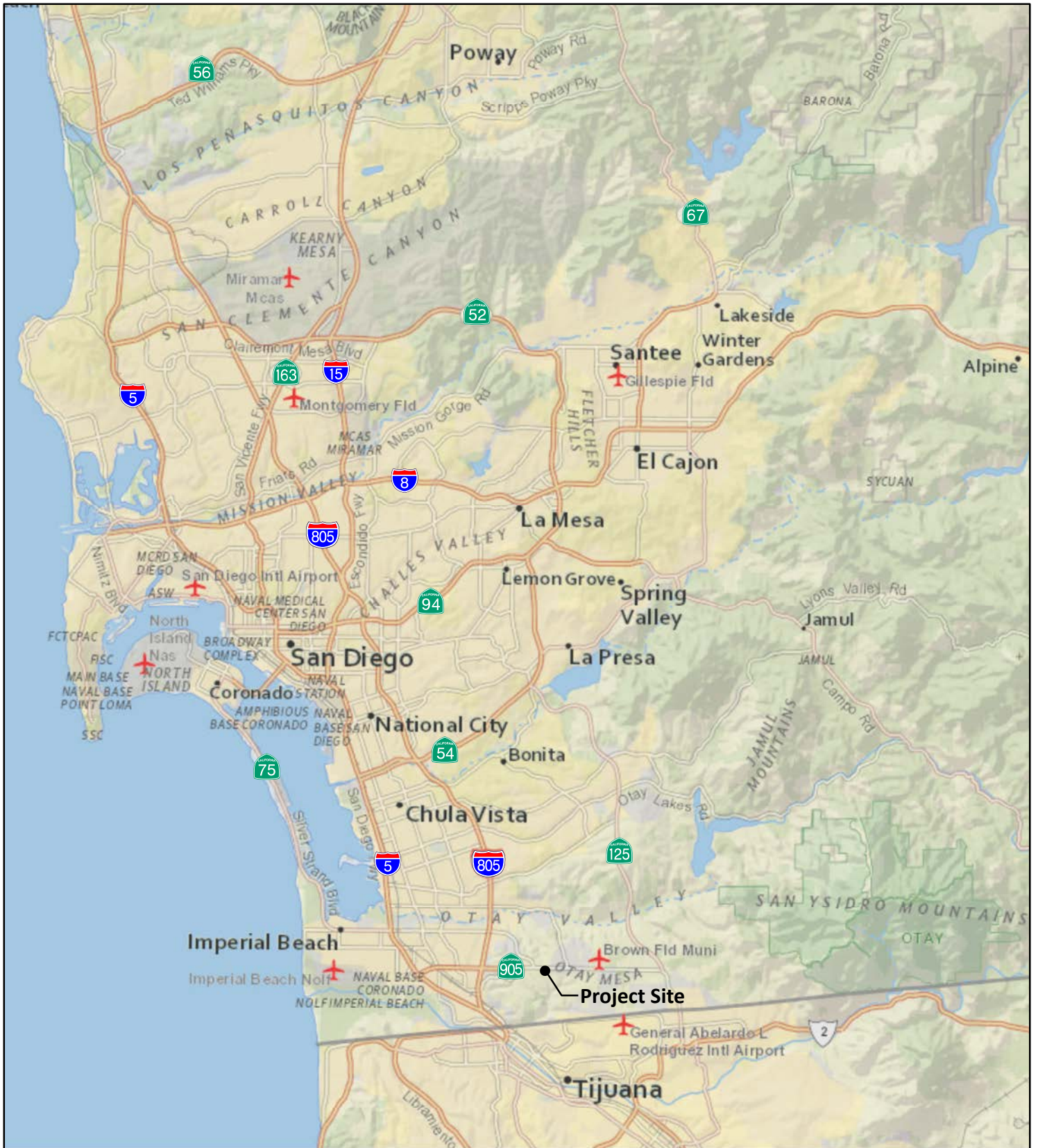
Attachment A – Plant Species Observed

Attachment B – Animal Species Observed or Detected

Attachment C – Representative Photographs

Attachment D – Sensitive Plant Species Not Observed and Their Potential to Occur

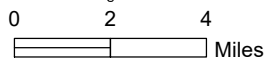
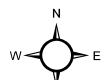
Attachment E – Sensitive Animal Species Not Detected and Their Potential to Occur



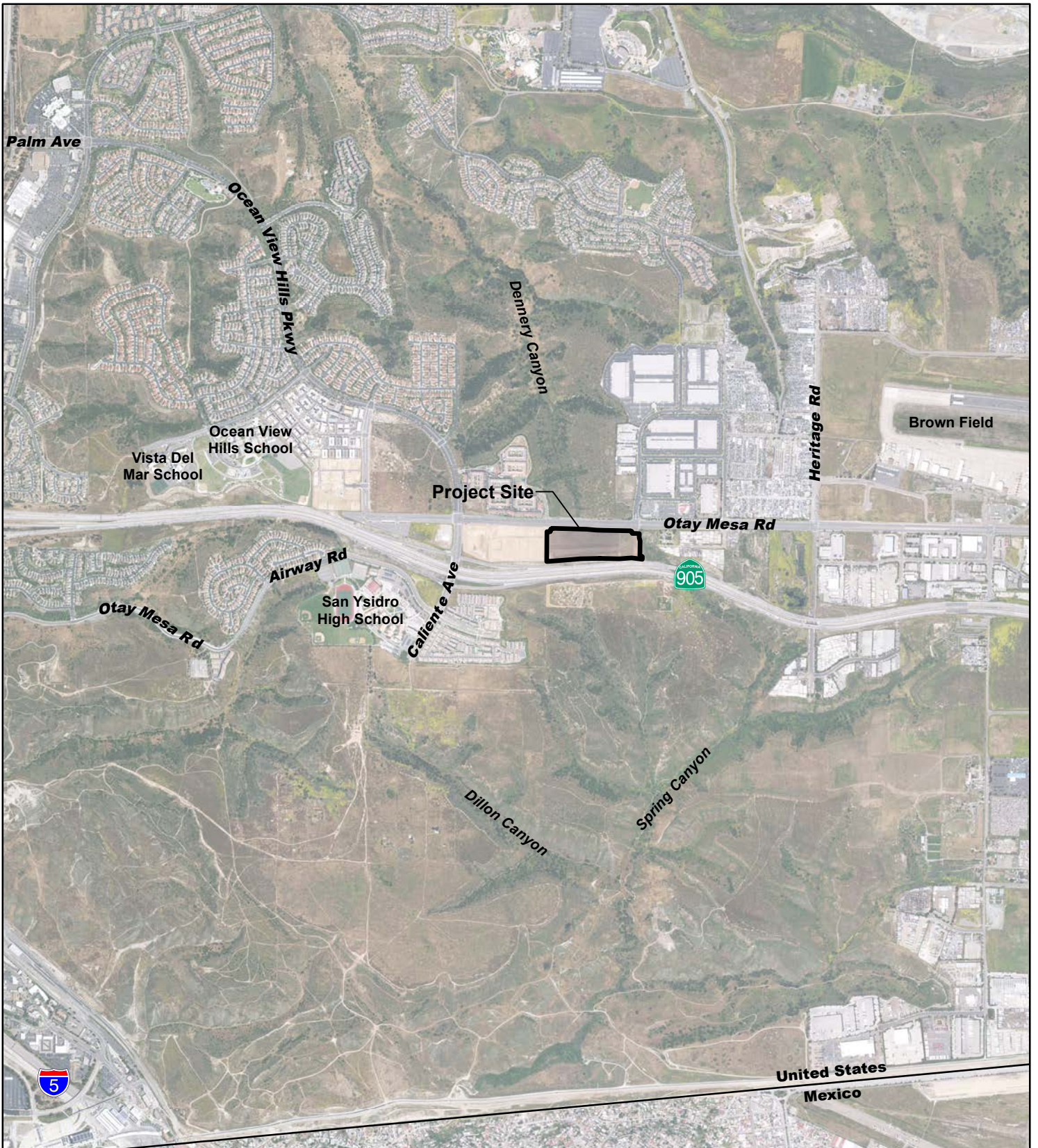
**Figure 1**

Regional Location

BDM MIXED USE



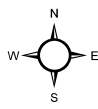




**Figure 2**

**Project Location**

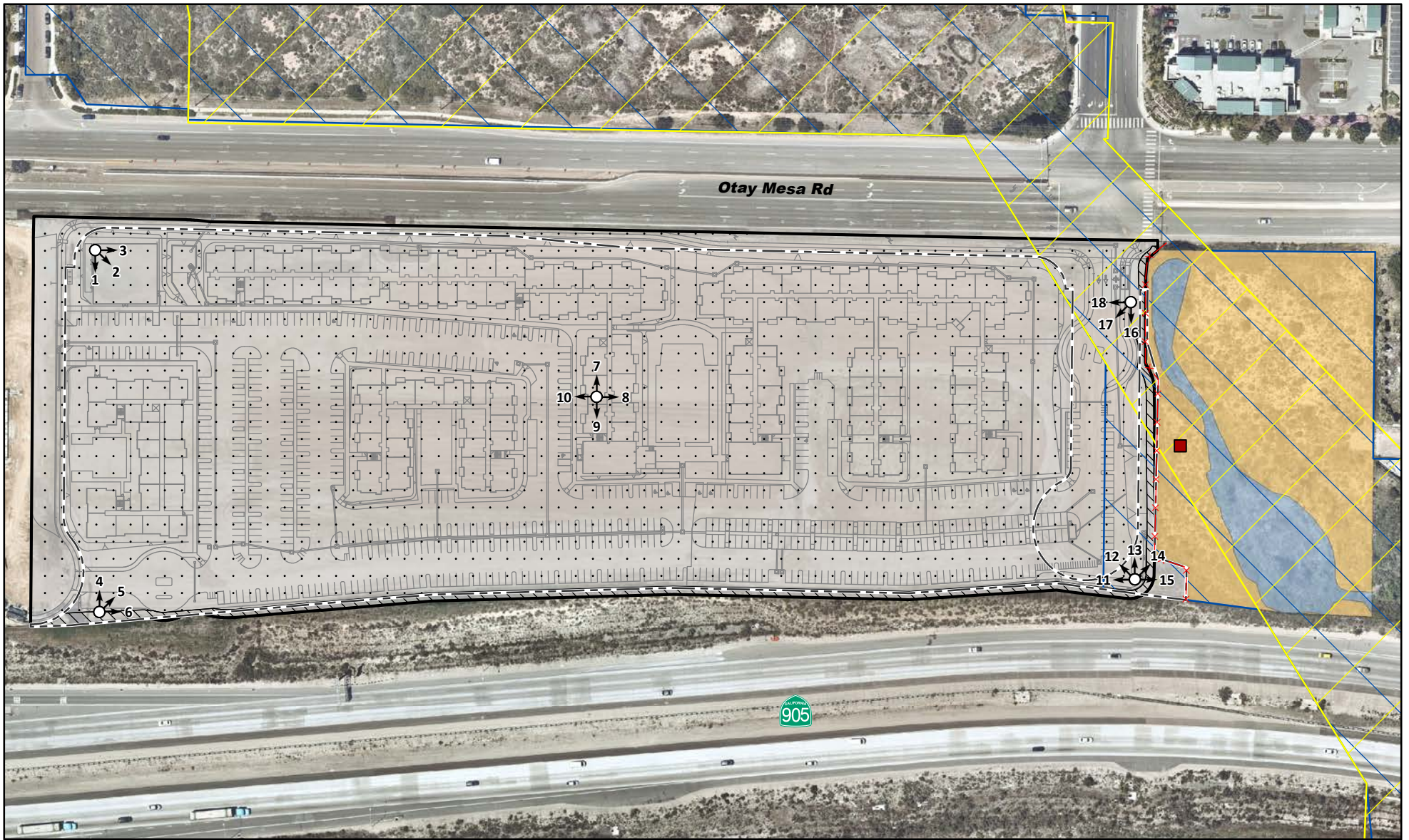
**BDM MIXED USE**



0 1,000 2,000  
 Feet







<ul style="list-style-type: none"> <li> Property Limits</li> <li> Project Impacts/Boundary</li> <li> Permanent Impacts</li> <li> Temporary Impacts</li> <li> Photo Location</li> <li> MHPA - City database mapping</li> <li> VPHCP - City database mapping</li> <li> Actual Preserve Fence - MHPA/VPHCP Boundary</li> </ul>	<p><b>Vegetation</b></p> <ul style="list-style-type: none"> <li> Freshwater Marsh</li> <li> Diegan Coastal Sage Scrub</li> <li> Developed</li> </ul>	<p><b>Special Status Species</b></p> <ul style="list-style-type: none"> <li> Coastal California gnatcatcher (<i>Poliptila californica californica</i>)</li> </ul>
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0 85 170 Feet

**Figure 3**

**Biological Resources/Impacts**

BDM MIXED USE





**ATTACHMENT A  
PLANT SPECIES OBSERVED**

<u>FAMILY</u>	<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>HABITAT<sup>1</sup></u>
<b>ANGIOSPERMS – MONOCOTS</b>			
Poaceae	<i>Avena fatua</i> <sup>2</sup>	wild oat	DEV
	<i>Bromus madritensis ssp. rubens</i> <sup>2</sup>	foxtail chess	DEV
	<i>Lamarckia aurea</i> <sup>2</sup>	goldentop grass	DEV
<b>ANGIOSPERMS – DICOTS</b>			
Aizoaceae	<i>Mesembryanthemum crystallinum</i> <sup>2</sup>	crystalline ice plant	DEV
Anacardiaceae	<i>Rhus integrifolia</i>	lemonadeberry	CSS
	<i>Malosma laurina</i>	laurel sumac	CSS
Apiaceae	<i>Foeniculum vulgare</i> <sup>2</sup>	fennel	DEV
Asteraceae	<i>Artemisia californica</i>	California sagebrush	CSS
	<i>Baccharis sarothroides</i>	broom baccharis	DEV
	<i>Centaurea melitensis</i> <sup>2</sup>	star thistle	DEV
	<i>Deinandra fasciculata</i>	fascicled tarplant	DEV
	<i>Dittrichia graveolens</i> <sup>2</sup>	stinkwort	DEV
	<i>Glebionis coronaria</i> <sup>2</sup>	garland daisy	DEV
	<i>Hypochaeris glabra</i> <sup>2</sup>	smooth cat's-ear	DEV
	<i>Matricaria discoidea</i> *	pineapple weed	DEV
	<i>Sonchus oleraceus</i> <sup>2</sup>	common sow thistle	DEV
	<i>Stylocline gnaphaloides</i>	everlasting stylocline	DEV
	<i>Xanthium strumarium</i> <sup>2</sup>	cocklebur	DEV
Boraginaceae	<i>Amscinckia intermedia</i>	fidDEVeneck	DEV
Brassicaceae	<i>Brassica nigra</i> <sup>2</sup>	black mustard	DEV
Chenopodiaceae	<i>Chenopodium californicum</i>	California pigweed	DEV
	<i>Salsola tragus</i> <sup>2</sup>	Russian thistle	DEV
Geraniaceae	<i>Erodium sp</i> <sup>2</sup>	filaree	DEV
Solanaceae	<i>Nicotiana glauca</i> <sup>2</sup>	Tree tobacco	DEV

<sup>1</sup>Habitat acronyms: DEV=developed land, CSS=coastal sage scrub, SWS=southern willow scrub

<sup>2</sup>Non-native species.



**ATTACHMENT B  
ANIMAL SPECIES OBSERVED**

**SCIENTIFIC NAME**

**COMMON NAME**

**INVERTEBRATES**

*Brephidium exilis*

western pygmy-blue butterfly

**VERTEBRATES**

**Reptiles**

*Sceloporus occidentalis*

western fence lizard

**Birds**

*Carpodacus mexicanus*

house finch

*Corvus corax*

common raven

*Polioptila californica californica*

Coastal California gnatcatcher<sup>1</sup>

**Mammals**

*Canis latrans*

coyote (scat)

<sup>1</sup>Observed previously in coastal sage off site to the east, within the MHPA.



**ATTACHMENT C  
REPRESENTATIVE PHOTOS**



Photo Point 1. 08/29/21



Photo Point 2. 08/29/21



Photo Point 3. 08/29/21



Photo Point 4. 08/29/21



Photo Point 5. 08/29/21



Photo Point 6. 08/29/21



Photo Point 7. 08/29/21



Photo Point 8. 08/29/21





Photo Point 9. 08/29/21



Photo Point 10. 08/29/21



Photo Point 11. 08/29/21



Photo Point 12. 08/29/21



Photo Point 13. 08/29/21



Photo Point 14. 08/29/21



Photo Point 15. 08/29/21



Photo Point 16. 08/29/21



Photo Point 17. 08/29/21



Photo Point 18. 08/29/21



**ATTACHMENT D**  
**SENSITIVE PLANT SPECIES NOT OBSERVED**  
**AND THEIR POTENTIAL TO OCCUR<sup>1</sup>**

Common Name (Scientific Name)	Listing or Sensitivity <sup>2</sup>  Federal/State CNPS City	Habitat(s)/ Distribution	Bloom Period	Presence or Potential to Occur
Aphanisma ( <i>Aphanisma blitoides</i> )	--/--  1B.2  MSCP Covered, NE	Found on coastal bluffs and beach dunes in southern California and Baja California, Mexico.	April to May	Not expected. No habitat on site, and no known populations in MSCP Plan Area.
California adolphia ( <i>Adolphia californica</i> )	--/--  2B.1  --	Occurs in chaparral, valley grassland, and coastal sage scrub in Los Angeles and San Diego counties.	December to May	Not expected. A perennial shrub that would have been observed if present.
California Orcutt grass ( <i>Orcuttia californica</i> )	FT/SE  1B.1  Vernal Pool HCP Covered	Occurs within and adjacent to vernal pools in Riverside, San Diego, Ventura, and Los Angeles counties, as well as Baja California, Mexico.	April to August	Not expected. No habitat (vernal pools) on site.
Cliff spurge ( <i>Euphorbia misera</i> )	--/--  2B.2  --	Occurs on sea bluffs in maritime sage scrub. Occurs from Corona Del Mar south to Baja California, Mexico.	December to October	Not expected. Habitat not present on site, and it is perennial shrub that would have been observed if present.
Encinitas baccharis ( <i>Baccharis vanessae</i> )	FT/SE  1B.1  MSCP Covered, NE	Found in chaparral and scrub communities. Is endemic to a narrow band of central-coastal San Diego County, California, from Encinitas eastward to Woodson Mountain, near Poway and southward to Mira Mesa.	August to November	Not expected because it is not known from near the project vicinity.

Coastal dunes milk-vetch ( <i>Astragalus tener</i> var. <i>titi</i> )	FE/SE 1B.1 MSCP Covered, NE	Grows on sand and dune habitats on coastal terraces. Only verified at one area in Monterey County.	March to May	Not expected due to lack of habitat on site and not currently known from project vicinity.
Decumbent goldenbush ( <i>Isocoma menziesii</i> var. <i>decumbens</i> )	--/-- 1B.2 --	Occurs in chaparral and coastal scrub, often in sandy, disturbed areas. Found in Orange and San Diego counties; Baja California, Mexico; and San Clemente and Santa Catalina islands.	April to November	Not expected. Habitat not present on site, and it is a perennial shrub that would have been observed if present.
Golden-spined cereus ( <i>Bergerocactus emoryi</i> )	--/-- 2B.2 --	Occurs in sandy soils and dry bluffs along the coast in association with maritime succulent scrub in coastal San Diego County; Baja California, Mexico; and San Clemente and Catalina islands.	May to June	Not expected. Habitat not present on site, and it is a perennial stem succulent that would have been observed if present.
Little mousetail ( <i>Myosurus minimus</i> ssp. <i>apus</i> )	--/-- 3.1 --	Vernal pools and alkaline marshes in Riverside, San Bernardino, San Diego, and additional central California counties; Oregon; and Baja California, Mexico.	March to June	Not expected. No habitat (vernal pools) on site.
Orcutt's bird's-beak ( <i>Dicranostegia orcuttiana</i> [ <i>Cordylanthus orcuttianus</i> ])	--/-- 2B.1 MSCP Covered	Found in coastal scrub in southwestern San Diego County near Otay, Chula Vista, and Imperial Beach. Also found in Baja California, Mexico.	March to September	Not expected. Habitat not present on site, and sensitive plant species surveys were conducted during the bloom period for this species, and it was not observed.



Orcutt's brodiaea ( <i>Brodiaea orcuttii</i> )	--/-- 1B.1 MSCP Covered	Occurs in vernal pools and ephemeral streams and seeps, usually associated with clay soils. Found in Riverside and San Bernardino counties south to Baja California, Mexico.	May to July	Not expected. No habitat (vernal pools, mesic grasslands, etc.) on site.
Otay mesa mint ( <i>Pogogyne nudiuscula</i> )	FE/SE 1B.1 Vernal Pool HCP Covered	Occurs within and adjacent to vernal pools on Otay Mesa.	May to July	Not expected. No habitat (vernal pools) on site.
Parry's tetraococcus ( <i>Tetraococcus dioicus</i> )	--/-- 1B.2 MSCP Covered	Found in chaparral and coastal scrub; on brushy hillsides; and on dry, stony slopes.	April to May	Not expected. Habitat not present on site. A perennial shrub that would have been observed if present.
San Diego ambrosia ( <i>Ambrosia pumila</i> )	FE/-- 1B.1 MSCP Covered, NE	Found in disturbed areas within chaparral, coastal sage scrub, and grasslands. Its range includes San Diego and Riverside counties south to Baja California, Mexico.	April to October	Not expected. No habitat on site.
San Diego barrel cactus ( <i>Ferocactus viridescens</i> )	--/-- 2B.1 MSCP Covered	Occurs in grassland, shrubland, and chaparral near the coast from Del Mar south and inland to Otay Mesa in San Diego County, California. Also occurs in northwest Baja California, Mexico.	May to June	Low. A perennial stem succulent that would have been observed if present.
San Diego button-celery ( <i>Eryngium aristulatum</i> var. <i>parishii</i> )	FE/SE 1B.1 Vernal Pool HCP Covered	Occurs in vernal pools or mima mound areas with vernal moist conditions in San Diego and Riverside counties and Baja California, Mexico.	April to June	Not expected. No habitat (vernal pools) on site.

San Diego goldenstar ( <i>Bloomeria</i> [Muilla] <i>clevelandii</i> )	--/-- 1B.1 MSCP Covered	Found on clay soils in chaparral, coastal scrub, vernal pools, and valley and foothill grassland in Riverside and San Diego counties.	May	Not expected. No habitat (vernal pools, mesic grasslands, etc.) on site.
San Diego mesa mint ( <i>Pogogyne abramsii</i> )	FE/SE 1B.1 Vernal Pool HCP Covered	Endemic to vernal pools on coastal mesas from San Diego to Miramar in San Diego County, California.	April to June	Not expected. No habitat (vernal pools) on site.
San Diego thornmint ( <i>Acanthomintha ilicifolia</i> )	FT/SE 1B.1 MSCP Covered, NE	Occurs on clay lenses in grassy openings in chaparral or sage scrub. Prefers friable or broken, clay soils. Range limited to coastal areas of San Diego County and Baja California, Mexico.	April to June	Not expected. No habitat (vernal pools, mesic grasslands, etc.) on site.
Shaw's agave ( <i>Agave shawii</i> )	--/-- 2B.1 MSCP Covered, NE	Occurs in a narrow bank near the coast in succulent scrub and chaparral in southwestern San Diego County and in northern Baja California, Mexico.	February to May	Not expected. Habitat not present on site, and it is a perennial leaf succulent that would have been observed if present.
Short-leaved dudleya ( <i>Dudleya brevifolia</i> )	SE 1B.1 MSCP Covered, NE	Found only in northern San Diego County and from Torrey Pines to Del Mar. Occurs on dry, sandstone bluffs in chamise chaparral	April	Not expected. Site is outside the range of the species, and its habitat is not present on site.
Snake cholla ( <i>Cylindropuntia californica</i> var. <i>californica</i> )	--/-- 1B.1 MSCP Covered, NE	Found in open patches in coastal sage scrub, primarily in southern portion of San Diego County and in Florida Canyon.	April to May	Not expected. Habitat not present on site, and it is a perennial stem succulent that would have been observed if present.

Spreading navarretia ( <i>Navarretia fossalis</i> )	FT/--  1B.1  Vernal Pool HCP Covered	Occurs in marshes and swamps (assorted freshwater habitats), playas, and vernal pools in western Riverside and southwestern San Diego counties, as well as northwestern Baja California, Mexico.	April to June	Not expected. No habitat (vernal pools) on site.
Variegated dudleya ( <i>Dudleya variegata</i> )	--/--  1B.2  MSCP Covered, NE	Occurs on dry hillsides and mesas in chaparral, coastal sage scrub, grasslands, and near vernal pools. Ranges from San Diego County south to Baja California, Mexico.	April to June	Not expected. Suitable habitat not present.

<sup>1</sup> List includes all MSCP Narrow Endemic (NE) and VPHCP Covered plant species.

<sup>2</sup> **Federal**

FE – Federal listed endangered

FT – Federal listed threatened

**State**

SE – State listed endangered

**CNPS (California Native Plant Society) Rare Plant Rank**

1B – Rare, threatened, or endangered in California and elsewhere

2B – Rare, threatened, or endangered in California but more common elsewhere

3 – More information is needed – a review list

4 – Limited distribution – a watch list

.1 – Seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)

0.2 – Moderately threatened in California (20 to 80 percent of occurrences threatened/moderate degree and immediacy of threat)

**City**

MSCP Covered - Species for which the City has take authorization under its MSCP Subarea Plan (City 1997).

NE - Some native species (primarily plants with restricted geographic distributions, soil affinities, and/or habitats) are referred to as a Narrow Endemic species. The City specifies measures in its MSCP Subarea Plan to ensure that impacts to Narrow Endemics are avoided to the maximum extent practicable.

Vernal Pool HCP Covered - The Vernal Pool Habitat Conservation Plan is a conservation plan for vernal pools and seven threatened and endangered species that do not have federal coverage under the City's MSCP Subarea Plan. This plan was developed using the requirements of a Habitat Conservation Plan under Section 10(a)(1)(B) of the federal Endangered Species Act as the basis for take authorization for the seven covered vernal pools species (i.e., covered species).



**ATTACHMENT E  
SENSITIVE ANIMAL SPECIES NOT OBSERVED OR DETECTED  
AND THEIR POTENTIAL TO OCCUR**

<b>SPECIES</b>	<b>SENSITIVITY<sup>1</sup></b>	<b>POTENTIAL TO OCCUR</b>
<b>INVERTEBRATES</b>		
Quino checkerspot butterfly ( <i>Euphydryas editha quino</i> )	FE	Not expected. The habitat on site is unsuitable for the QCB. More specifically, there are no host plants; nectar resources; or clear, open areas suitable for the QCB. The site is a graded pad that is not suitable for the QCB.
San Diego fairy shrimp ( <i>Branchinecta sandiegonensis</i> )	FE VPHCP Covered	Not expected. No suitable water holding habitat (vernal pools/road pools) for this species occur.
Riverside fairy shrimp ( <i>Streptocephalus woottoni</i> )	FE VPHCP Covered	Not expected. No suitable water holding habitat (vernal pools/road pools) for this species occur.
Thorne's hairstreak ( <i>Callophrys thornei</i> )	MSCP Covered	Not expected. Its habitat is characterized by interior cypress woodland dominated by its exclusive larval host plant, Tecate cypress ( <i>Hesperocyparis [Cupressus] forbesii</i> ), which is not present on site.
<b>VERTEBRATES</b>		
<b>Reptiles</b>		
Baja California coachwhip ( <i>Coluber fuliginosus</i> )	SSC	Low. Primarily a species of Baja California, Mexico. Occurs only in a small area of southern San Diego County near the border and is found mainly in open areas such as grassland, shrubland, and coastal sand dunes where it is not threatened by habitat loss, fragmentation, and road mortality. The project site has been subjected to high levels of disturbance, and it is largely surrounded by existing development, including roads, and other disturbed land.
<b>Birds</b>		
Burrowing owl ( <i>Athene cucularia</i> )	BCC SSC MSCP Covered	Not expected. Site has been graded and lacks suitable habitat, including ground squirrel burrows. There are no burrowing owl records from the adjacent, off-site MHPA and no recent records from the vicinity (i.e., none more recent than 2006). The nearest reported historic burrowing owl records are two from SanBios south of the project site and south of Otay Mesa Road (the nearest being approximately 500 feet from the site). There are two more records from San SanBios just west of Heritage Road, south of Otay Mesa Road. Even farther out, are two more SanBios records (one of which is also in the CNDDDB) from at Brown Field and south of Otay Mesa Road, east of Cactus Road.

**ATTACHMENT E (cont.)**  
**SENSITIVE ANIMAL SPECIES NOT OBSERVED OR DETECTED**  
**AND THEIR POTENTIAL TO OCCUR**

SPECIES	SENSITIVITY <sup>1</sup>	POTENTIAL TO OCCUR
<b>Birds (cont.)</b>		
Least Bell's vireo ( <i>Vireo bellii pusillus</i> )	FE SE MSCP Covered	Not expected. No suitable habitat present on or adjacent to the site.
Coastal California gnatcatcher ( <i>Polioptila californica californica</i> )	FT SSC MSCP Covered	Not expected. Site has been graded and lacks suitable habitat. Has been observed in Diegan coastal sage scrub off site to the east.
Tricolored blackbird ( <i>Agelaius tricolor</i> )	BCC ST, SSC MSCP Covered	Not expected. Site has been graded and lacks suitable habitat. Not expected off site in freshwater marsh because there are no grasslands, agricultural fields, or pasture present.
Northern harrier ( <i>Circus cyaneus</i> )	SSC MSCP Covered	Not expected. Site is a graded pad and bounded by development. Lacks suitable foraging habitat (non-native grassland) for this species.
Grasshopper sparrow ( <i>Ammodramus savannarum</i> )	SSC	Not expected. Preferred native grassland habitat is not present on site, which is a graded pad.
Loggerhead shrike ( <i>Lanius ludovicianus</i> )	BCC SSC	Low. Occurs in grassland, open sage scrub, and chaparral. Habitat generally unsuitable.
<b>Mammal</b>		
Northwestern San Diego pocket mouse ( <i>Chaetodipus fallax fallax</i> )	SSC	Not expected. Prefers rocky habitat near shrubs, which is not present on site, but can occur in a variety of habitats. Has been extirpated from urbanized habitats and most small fragments (Tremor, et al. 2017).

**Federal**

FE – Federal listed endangered  
BCC – Bird of Conservation Concern

**State**

ST – State listed threatened  
SSC – State Species of Special Concern  
WL – State Watch List

**City**

MSCP Covered – Species for which the City has take authorization under its MSCP Subarea Plan (City 1997).

Vernal Pool HCP Covered - The Vernal Pool Habitat Conservation Plan is a conservation plan for vernal pools and seven threatened and endangered species that do not have federal coverage under the City's MSCP Subarea Plan. This plan was developed using the requirements of a Habitat Conservation Plan under Section 10(a)(1)(B) of the federal Endangered Species Act as the basis for take authorization for the seven covered vernal pools species (i.e., covered species).