RECON

Biological Resources Report for the La Media Retail Project, San Diego, California

Prepared for
La Media & Airway LLC and Arizona LLC
2700 West Sahara Avenue, 5th Floor
Las Vegas, NV 89102

Prepared by
RECON Environmental, Inc.
1927 Fifth Avenue
San Diego, CA 92101
P 619.308.9333

RECON Number 7105
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Gerry Scheid, Senior Biologist

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1.0 Summary

The La Media Retail Project (project) is located to the north of State Route 905 (SR-905), east of La Media Road, within the Otay Mesa area of the city of San Diego. A total survey area of 27.5 acres (17.6 acres on-site and 9.9 acres off-site) was evaluated to determine the current condition of the biological resources in the survey area.

One sensitive vegetation community, non-native grassland was identified within the survey area. No sensitive plant species were observed and there are no narrow endemic plant species present within the survey area. One sensitive avian species, the western burrowing owl (*Athene cunicularia*) was observed in the survey area.

Of the total 27.5-acre survey area, 17.6 acres are proposed for development (on-site project parcel) and an additional 6.3 acre of impacts would occur on the off-site development area for a total of 23.9 acres of impacts. The vegetation communities that would be directly impacted on-site by the project include: non-native grassland and disturbed non-native grassland. Off-site improvements would impact non-native grassland, disturbed land, and urban/developed land. Mitigation would be required for direct impacts to the non-native grassland.

The project area is not within or adjacent to the multi-habitat planning area (MHPA). No direct or indirect impacts to the MHPA would occur.

Impacts to occupied western burrowing owl habitat will require compliance with the mitigation framework outlined in Section 8 of this report. Take avoidance measures (i.e., pre-construction surveys, breeding season restrictions, buffers, etc.) would reduce the potential for direct take of burrowing owl individuals. Active or passive relocation of resident burrowing owls may be required. The City of San Diego and Wildlife Agencies shall approve all mitigation measures for burrowing owl.

2.0 Introduction

This report describes the results of the biological resource surveys conducted within the survey area for the project. The project site is located in the city of San Diego, south of Otay Mesa Road, north of SR-905, and east of the La Media Road (Figure 1). The project site is found in Section 35, Township 18 South, Range 1 West, of the U.S. Geological Survey 7.5-minute topographic map, Otay Mesa quadrangle (Figure 2; USGS 1994). The project is also shown on the City of San Diego 800-scale maps (Figure 3). Commercial/Industrial development occurs to the north, west, and southeast of the project, while vacant land occurs to the south and east (Figure 4). Brown Field Municipal Airport is to the northwest of the project, and SR-125 is approximately 0.5 mile to the east. A review of aerial photographs, starting from 1994 through the present, indicate that the vegetation on the site has been maintained (e.g., mowed or disced) over at least the last few decades.

The proposed project would subdivide the site into 12 lots (Figure 5), eight of which would have a single commercial building each. Lot 4 would have two commercial buildings. Lot 7 would consist solely of a paved parking area, and Lots 11 and 12 would consist solely of landscaping and bioretention basins. The majority of the project site would consist of a paved parking lot and the project would include construction of storm drains and infrastructure for water and sewer connections. Lots 1, 2, 3, and 5 would also include covered truck loading docks at the rear of each commercial building, facing SR-905. The main project access would be from Otay Mesa Road, via the proposed Avenida Costa Azul access drive on the eastern project boundary. The project would also include a 0.4-acre public right-of-way dedication to widen the northbound segment La Media Road adjacent to the project's western boundary. Right-in, right-out-only access to the site would also be provided via La Media Road.

This report provides the necessary biological data and background information required for environmental analysis according to guidelines set forth in the City of San Diego's Multiple Species Conservation Plan (MSCP) Subarea Plan (1997) and the City of San Diego Biological Guidelines (City of San Diego 2012). The project as proposed would comply with the City's Biology Guidelines, MSCP Subarea Plan conditions of coverage, and the Otay Community Plan Mitigation Framework.

3.0 Survey Methods

3.1 Biological Resources Survey

RECON biologists Gerry Scheid and Beth Proscal conducted a general biological survey and burrowing owl (*Athene cunicularia*) habitat assessment for the project on May 21, 2014. Additional rare plant surveys were conducted on May 22, 2015, and March 21, 2016. Protocol surveys for western burrowing owl were conducted on the site with four site visits being completed between April 4, 2017 and July 7, 2017.

Project Location

FIGURE 1
Regional Location

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Map Source: USGS 7.5 minute topographic map series, OTAY MESA quadrangle, T18S R01W

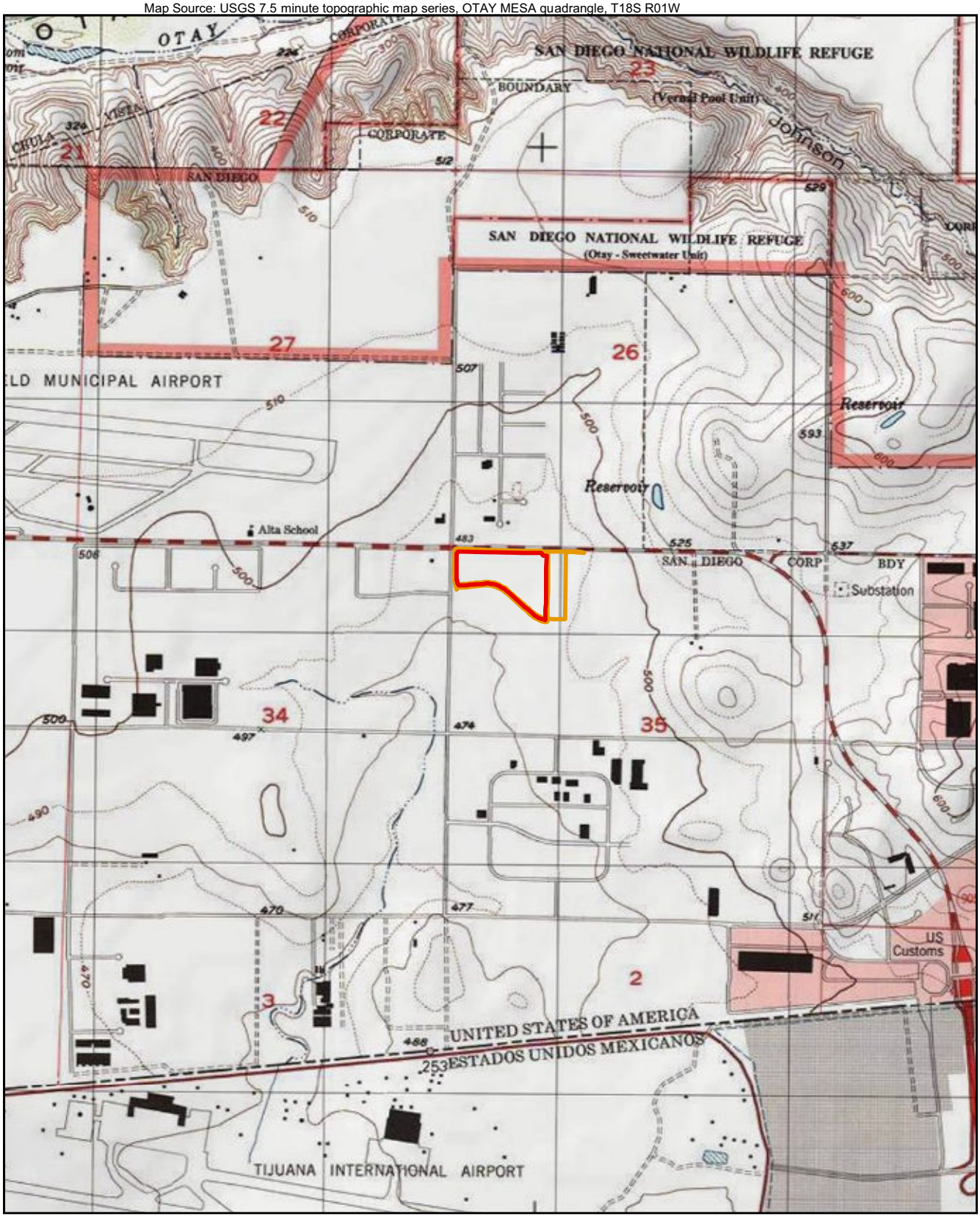

FIGURE 2

Project Location on USGS Map

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Map Source: City of San Diego, Engineering and Development Department, City 800' Maps, Number 138-1773

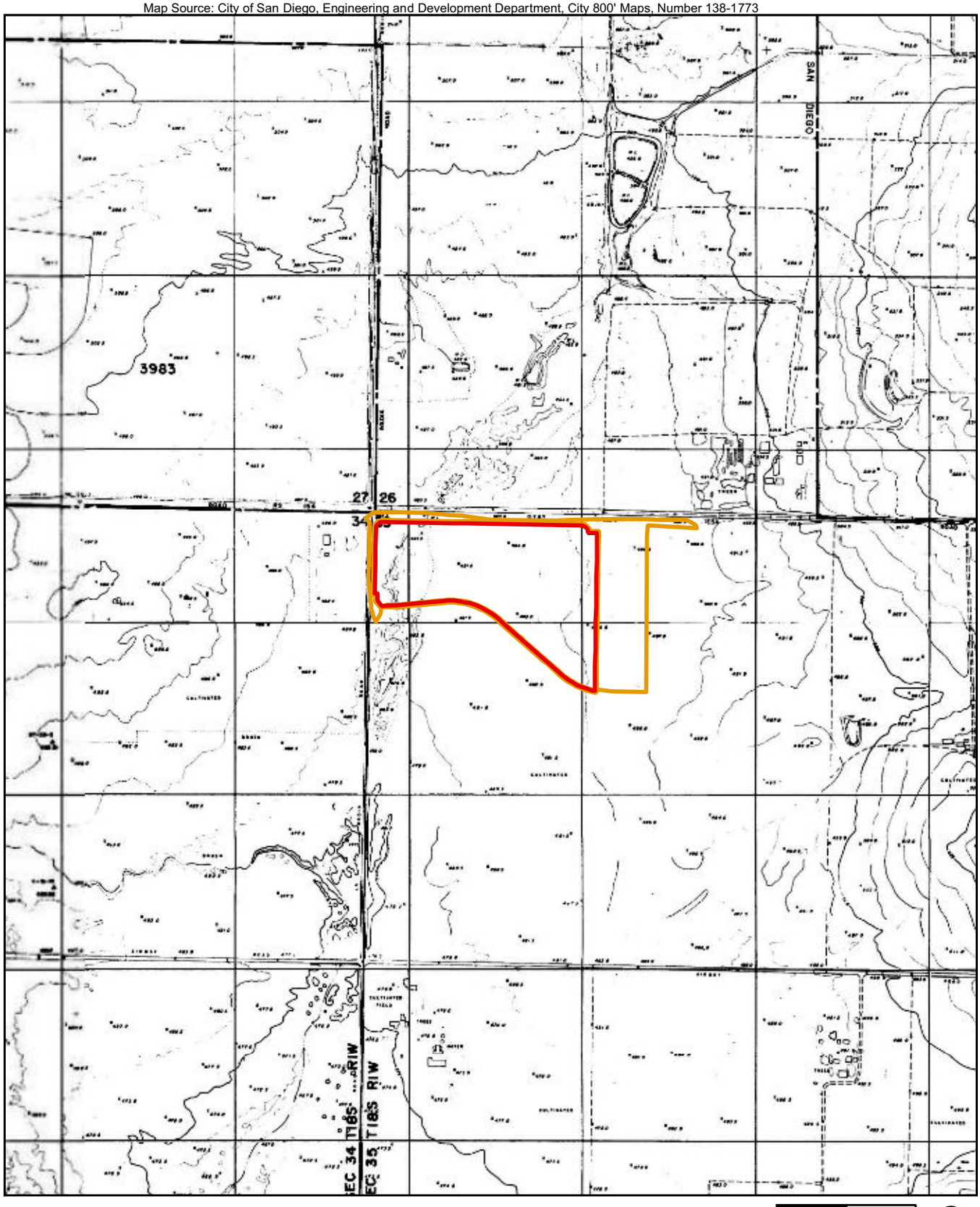

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FIGURE 3

Project Location on City 800' Map

Image source: Nearmap (flown February 2019)

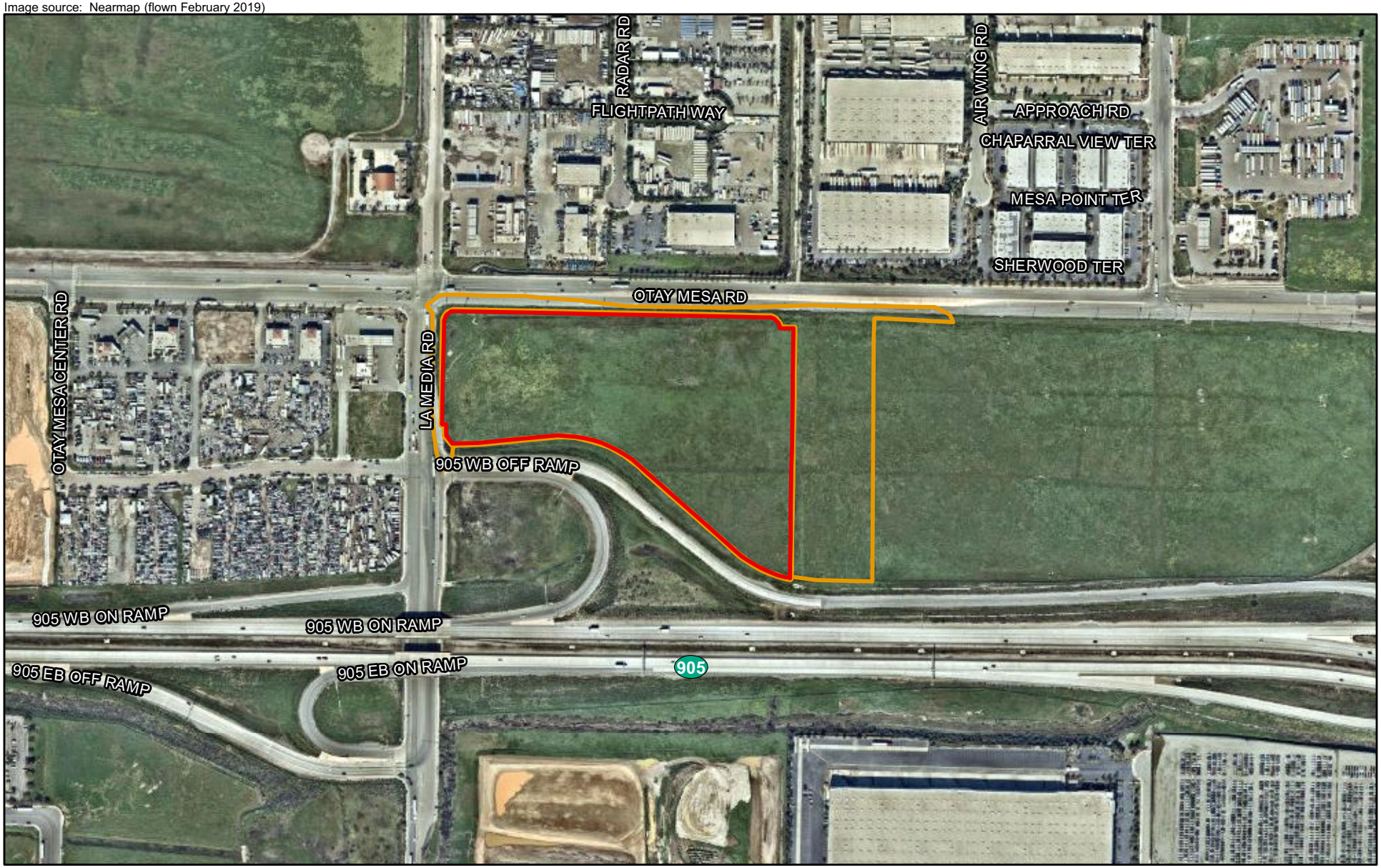

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FIGURE 4

Project Location on Aerial Photograph

Image source: Nearmap (flown February 2019)

Proposed Lots
Project Boundary
Off-site Survey Area
Topography

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FIGURE 5
Proposed Lot Layout

Vegetation communities were mapped on a 1-inch-equals-200-feet aerial photograph flown in 2012. Vegetation community classifications follow Oberbauer et al. (2008), which are based on Holland's 1986 Preliminary Descriptions of the Terrestrial Natural Communities of California. All plant species observed on-site were also noted, and plants that could not be identified in the field were identified later in the laboratory using taxonomic keys. The survey also included a directed search for sensitive plants that would have been apparent during the time of the survey. Limitations to the compilation of a comprehensive floral checklist were imposed by seasonal factors, such as blooming period. Animal species observed directly or detected from calls, tracks, scat, nests, or other sign were noted. For reporting convenience, field survey times, dates, and weather conditions are presented in Table 1.

Table 1
Survey Dates, Times, and Weather Conditions

Date	Surveyors	Survey Type	Beginning Conditions	Ending Conditions
5/21/14	G. Scheid B. Proscal	General Biology; Burrowing owl habitat assessment	7:30 a.m.; 72°F; wind 0–2 mph; 15% cloud cover	1:45 p.m.; 86°F; winds 1–4 mph; 0% cloud cover
5/20/15	G. Scheid	Rare Plant Survey	--	--
3/25/16	G. Scheid	Rare Plant Survey	--	--
4/4/17	C. Lyons B. Procsal	Western Burrowing Owl Survey #1	7:30 a.m.; 61°F; 0–1 mph; 85% cc	9:30 a.m.; 65 °F; 1–3 mph; <1% cc
5/17/17	B. Procsal A. Fromer	Western Burrowing Owl Survey #2	7:15 a.m.; 59°F; 2–4 mph; 35% cc	9:00 a.m.; 62°F; 1–3 mph; 75% cc
6/15/17	A. Fromer	Western Burrowing Owl Survey #3	7:00 a.m.; 65°F; 0–1 mph; 0% cc	9:30 a.m.; 73°F; 1–3 mph; 0% cc
7/7/17	A. Fromer	Western Burrowing Owl Survey #4	7:00 a.m.; 73°F; 0–1 mph; 15% cc	9:15 a.m.; 80°F; 1–2 mph; 10% cc
8/11/17	G. Scheid B. Proscal	Non-native Grassland Assessment	--	--

°F = degrees Fahrenheit; mph = mile per hour; % = percent

Floral nomenclature for common plants follows Hickman (1993), for ornamental plants Brenzel (2001), and for sensitive plants California Native Plant Society (CNPS; 2007). Vegetation community classifications follow Oberbauer (2008) which is based on Holland's 1986 Preliminary Descriptions of the Terrestrial Natural Communities of California. Zoological nomenclature for birds is in accordance with the American Ornithologists' Union Checklist (1998) and Unitt (2004); for mammals with Baker et al. (2003) and Hall (1981); for amphibians and reptiles with Crother (2001) and Crother et al. (2003); and for invertebrates with Mattoni (1990), and Opler and Wright (1999).

Determination of the potential occurrence for listed, sensitive, or noteworthy species is based upon known ranges and habitat preferences for the species (Jennings and Hayes 1994; Unitt 2004; CNPS 2007; Reiser 2001), and species occurrence records from the California Natural Diversity Database (CNDDB; State of California 2011a, 2011b, 2012a, 2012b) and other sites in the vicinity of the survey area.

4.0 Regulatory Compliance

The project would be required to comply with restrictions associated with nesting bird species per Section 3503 of the California Fish and Game Code and the Migratory Bird Treaty Act of 1918 (MBTA). Under Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.3 of the California Fish and Game Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (raptors) or Strigiformes (owls), or of their nests and eggs (State of California 1991). The MBTA was established to provide protection to the breeding activities of migratory birds throughout the United States. The MBTA protects migratory birds and their breeding activities from take and harassment.

The project would be required to comply with the City's MSCP Subarea Plan (City of San Diego 1997) pertaining to the conditions of coverage for the western burrowing owl. Mitigation is addressed in detail in Section 8 of this report.

The project would be required to comply with the City's Biology Guidelines regarding impacts and mitigation from effects on biological resources. Compliance with conditions for burrowing owls state that impacts must be avoided to the maximum extent practicable. Mitigation for impacts to occupied burrowing owl habitat must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and foraging requirements using methodologies approved by the wildlife agencies.

The project site contains Environmentally Sensitive Lands (ESL). Therefore, the project is subject to ESL regulations contained in the San Diego Municipal Code, Chapter 14: General Regulations, Section 143.0101–143.0152. Specifically, the project must comply with ESL regulations pertaining to Sensitive Biological Resources.

Compliance with the Otay Community Plan Mitigation Framework for burrowing owls is also required. This mitigation framework states if burrowing owl occupancy is determined, then site-specific avoidance and mitigation measures shall be developed in accordance with the protocol established in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). In addition, Section 8.2.1.3 contains framework measures for impacts to sensitive uplands (non-native grasslands).

5.0 Existing Conditions

Elevations in the survey area range from 475 feet above mean sea level to 485 feet above mean sea level. One soil type is mapped in the survey area; Salinas clay 0 to 2 percent slopes (U.S. Department of Agriculture [USDA] 1973).

Salinas soils consist of well-drained and moderately well-drained clay loams. These soils are used for citrus, truck crops, tomatoes, flowers, and small pasture lots (USDA 1973).

5.1 Botany

Three vegetation communities occur within the on-site and off-site survey area: non-native grassland, disturbed land, and urban/developed (Figure 6). The acreages of vegetation communities are listed in Table 2. A total of 23 plant species were identified on the site (Attachment 1). Of these 23 species, one is considered native to California and 22 are considered non-native species. The native plant species observed on the site was broom baccharis (*Baccharis sarathroides*).

Table 2
Existing Vegetation Communities within the Project Survey Area

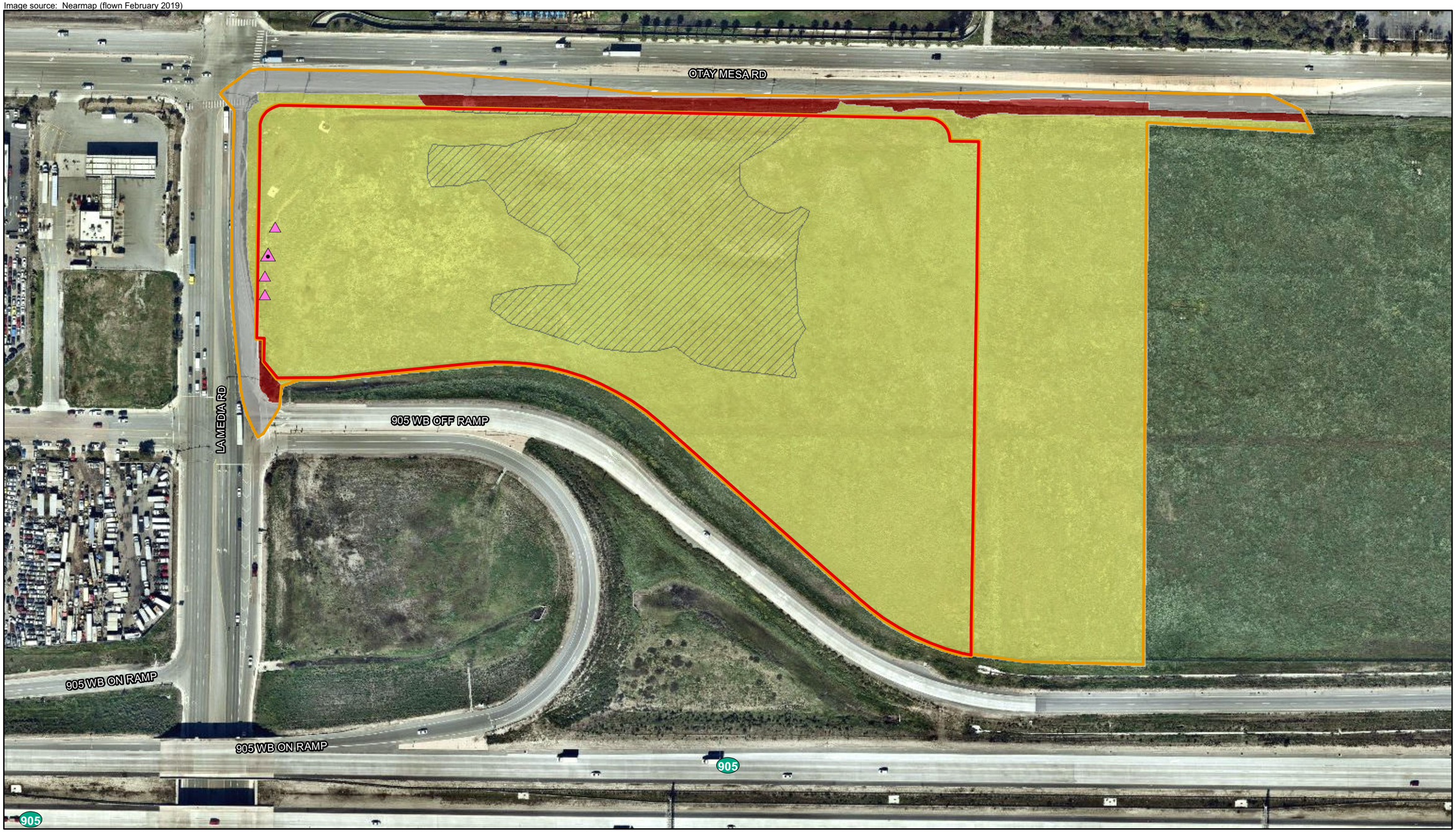
Vegetation Communities/ (Oberbauer 2008)	Habitat Types (City of San Diego 2012)	City of San Diego Tier	Acreage (On-site)	Acreage (Off-site Survey Area)
Uplands				
Non-Native Grassland	Non-Native Grasslands	III-B	12.9	7.6
Disturbed Non-native Grassland	Non-Native Grasslands	III-B	4.70	0
Disturbed Land	Disturbed Land	IV	0	0.9
Urban/Developed Land	Disturbed Land	IV	0	1.4
TOTAL		**-**	**17.6**	**9.9**

5.1.1 Non-native Grassland

An analysis to determine the extent of non-native grassland habitat on the site was conducted using the methods described in the City's biology guidelines. This grassland analysis was performed due to the level of disturbance (i.e., mowing) that the site has been subject to in the past and subsequent cessation of mowing that has altered the distribution of annual and perennial non-native herbaceous species on the site. A site visit was conducted on August 11, 2017 to assess the distribution of areas on the property where at least 50 percent cover of annual grasses occurs. The site was walked and areas where annual grass cover was visually estimated to be at least 50 percent were marked on a recent aerial photograph of the site.

In addition to the qualitative analysis conducted above, other information was used to determine the extent of the non-native grassland on the site. For example, the site has a history of occupation by western burrowing owl with recent observations of burrowing owl presence made in 2014 and 2017. Discussions with City staff and the Wildlife Agencies regarding this property and adjacent properties determined that the dense mustard on the project site would be considered an ephemeral condition and for the purposes of this biology technical report the site would be characterized as predominately non-native grassland vegetation with some small patches of disturbed land on the edges of the property adjacent existing roadways. The biological resource maps used in this biology report were revised to reflect the results of the supplemental analysis and information.

Image source: Nearmap (flown February 2019)



Vegetation Communities and Land Cover Types

- Disturbed Non-native Grassland
- Non-native Grassland
- Disturbed Land
- Developed

- Project Boundary
- Off-site Survey Area

Wildlife Observations

- Western Burrowing Owl (2014 and 2017)
- Western Burrowing Owl Burrow

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FIGURE 6

Existing Biological Resources

Non-native grassland habitat occurs over the majority of the project parcel and on adjacent off-site areas to the east (see Figure 6). Dominant species include ripgut grass (*Bromus diandrus*), slender wild oat (*Avena barbata*), wild barley (*Hordeum murinum*), and black mustard (*Brassica nigra*). Other herbaceous plants observed included red-stemmed filaree (*Erodium cicutarium*), prickly lettuce (*Lactuca serriola*), and cheeseweed (*Malva parviflora*). Portions of the non-native grassland habitat identified toward the south central and eastern on-site portions of the site are heavily vegetated with black mustard and have been characterized as disturbed non-native grassland.

5.1.2 Disturbed Land

Disturbed land consists of areas that have previously been physically disturbed by legal human activities and are no longer recognizable as a native or naturalized vegetation community; however, a soil substrate is still retained. If vegetation is present it is nearly exclusively composed of non-native plant species such as ornamentals or ruderal exotic species that take advantage of disturbance. Areas that have been graded, repeatedly cleared for fuel management purposes and/or experienced repeated use that prevents natural revegetation (such as dirt parking lots and dirt roads), recently graded firebreaks, graded construction pads, construction staging areas, and off-road-vehicle trails are all examples of disturbed land (Oberbauer et al. 2008).

Within the survey area, disturbed land occurs on the north central portion of the project parcel and along the edges of Otay Mesa Road and La Media Road (see Figure 6). Dominant species include dense stands of black mustard with only a few other herbaceous species. These scattered herbaceous species occur as dense patches in more open areas within the mustard and include fennel (*Foeniculum vulgare*), bristly ox-tongue (*Helminthotheca echioides*), tumbleweed (*Amaranthus albus*), hedge mustard (*Sisymbrium officinale*), cheeseweed, and pigweed (*Chenopodium album*). Cover of annual grasses in the areas categorized as disturbed land is extremely low (less than 20 percent) to none.

5.1.3 Urban/Developed Land

Urban/developed land is characterized by areas that have been constructed upon or otherwise physically altered to an extent that vegetation is no longer supported. Permanent or semi-permanent structures, pavement, hardscape, or landscaped areas that often require irrigation may be present. The land may no longer exhibit signs of natural land due to a large amount of debris or other material placed on it (Oberbauer et al. 2008).

Urban/developed land within the survey area consists of sidewalks and roads. These areas do not contain any native habitat.

5.2 Zoology

A list of the wildlife species detected on-site is in Attachment 2. Sensitive species observed or potentially occurring on-site are discussed in the Section 6.0, Sensitive Biological Resources.

5.2.1 Amphibians

Most amphibians require moisture for at least a portion of their lifecycle, with many requiring a permanent water source for habitat and reproduction. Terrestrial amphibians have adapted to more arid conditions and are not completely dependent on a perennial or standing source of water. These species avoid desiccation by burrowing beneath the soil or leaf litter during the day and during the dry season. No amphibians were detected during field surveys.

5.2.2 Reptiles

The diversity and abundance of reptile species vary with habitat type. Many reptiles are restricted to certain plant communities and soil types although some of these species will also forage in adjacent communities. Other species are more ubiquitous using a variety of vegetation types for foraging and shelter. No reptile species were observed in the survey area. However, the site may support common reptile species such as common side-blotched lizard (*Uta stansburiana*), San Diego alligator lizard (*Elgaria multicarinata webbii*), and western fence lizard (*Sceloporus occidentalis*).

5.2.3 Birds

The diversity of bird species varies with respect to the character, quality, and diversity of vegetation communities present on a site. High-quality vegetation communities typically support a moderate to high variety of bird species. The scrub and woodland habitats provide foraging and shelter opportunities for a wide variety of bird species. Disturbed and developed lands are used by bird species adapted to urban settings.

The most commonly observed species within the survey area include house finch (*Haemorhous mexicanus frontalis*), song sparrow (*Melospiza melodia*), western meadowlark (*Sturnella* neglecta), and northern mockingbird (*Mimus polyglottos*). Additionally, a red-tailed hawk (*Buteo jamaicensis*) was observed flying over the survey area.

5.2.4 Mammals

Most mammal species are nocturnal; therefore, their presence is detected during daytime surveys by observing their sign, such as tracks, scat, and burrows. One mammal species was detected within the survey area: desert cottontail (*Sylvilagus audubonii*). Other small mammal species such as mice, ground squirrels, and gophers also occur in the survey area as small burrows were observed.

6.0 Sensitive Biological Resources

6.1 Sensitivity Criteria

For purposes of this report, species will be considered sensitive if they are: (1) covered species or narrow endemic species under the City of San Diego MSCP, (2) listed by state or federal agencies as threatened or endangered or are proposed for listing; (3) on California Rare Plant Rank 1B (considered endangered throughout its range) or California Rare Plant Rank 2 (considered endangered in California but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California (2007); or (4) considered rare, endangered, or threatened by the CNDDB (State of California 2012c), the City of San Diego's biology guidelines (City of San Diego 2012), or local conservation organizations or specialists. Noteworthy plant species are considered to be those that are on California Rare Plant Rank 3 (more information about the plant's distribution and rarity needed) and California Rare Plant Rank 4 (plants of limited distribution) of the CNPS Inventory. Sensitive vegetation communities are those identified by the CNDDB (Holland 1986) or identified by the City of San Diego (2012).

Under Section 3503 of the CDFW Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.3 of the California Fish and Game Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (raptors) or Strigiformes (owls), or of their nests and eggs (CDFW 1991). The MBTA was established to provide protection to the breeding activities of migratory birds throughout the United States. The MBTA protects migratory birds and their breeding activities from take and harassment.

All wetland areas and non-wetland waters of the U.S. are considered sensitive. Wetlands and non-wetland waters are under the jurisdiction of ACOE. Streambeds and associated vegetation are under the jurisdiction of CDFW. The City of San Diego defines wetlands as:

1) All areas persistently or periodically containing naturally occurring wetland vegetation communities characteristically dominated by hydrophytic vegetation;

2) Areas that have hydric soils or wetland hydrology and lack naturally occurring wetland vegetation communities because human activities have removed the historic wetland vegetation; and

3) Areas lacking wetland vegetation communities, hydric soils, and wetland hydrology due to non-permitted filling of previously existing wetlands (City of San Diego 2012).

This site does not contain any wetlands. No impacts to wetlands would occur from the project.

Assessments for the potential occurrence of sensitive species are based upon known ranges, habitat preferences for the species, species occurrence records from the CNDDB, and species occurrence records from other sites in the vicinity of the project site.

6.2 Sensitive Vegetation Communities

One vegetation community identified in the study area is considered sensitive or regulated by the City of San Diego (2012). Non-native grassland is a Tier III-B common upland.

6.3 Sensitive Plants

No sensitive plant species were observed or are expected to occur in the survey area. The project parcel and off-site development area have been historically disturbed over the past decades due to agriculture and other activities that cleared the land periodically of vegetation. All plant species known to occur in the project vicinity (within one mile of the survey area) that are state or federally listed as threatened or endangered, considered a City narrow endemic, or that have potential to occur based on species range are addressed in Attachment 3.

6.4 Sensitive Wildlife Species

One sensitive wildlife species was detected during the survey; western burrowing owl (see Figure 6). Two other sensitive wildlife species have a moderate potential to occur on the site in low numbers (i.e., red diamond rattlesnake, southern mule deer). These species are described in more detail below. All other wildlife species known to occur in the project vicinity (within one mile of the survey area) that are federally listed threatened or endangered or that have potential to occur based on species range are addressed in Attachment 4.

6.4.1 Observed

The **western burrowing owl** is a CDFW species of special concern, and is a MSCP/MHCP covered species. Western burrowing owl is primarily restricted to the western United States and Mexico. A year-round resident in San Diego County, breeding burrowing owls remain in only five primary areas in San Diego County, including Otay Mesa, Imperial Beach, North Island Naval Air Station, Warner Valley, and Borrego Valley (Unitt 2004). Habitat for the western burrowing owl includes dry, open, short-grass areas with level to gentle topography and well-drained soils (CDFW 2012). These areas are also often associated with burrowing mammals (Haug et al. 1993). In Imperial County it can be found in desert scrub, grassland, and agricultural areas, where it digs its own or occupies existing burrows. The burrowing owl is diurnal and perches during daylight at the entrance to its burrow or on low posts. Nesting occurs from March through August. Burrowing owls form a pair-bond for more than one year and exhibit high site fidelity, reusing the same burrow year after year (Haug et al. 1993). The female remains inside the burrow during most of the egg laying and incubation period and is fed by the male throughout brooding. Western burrowing owls are opportunistic feeders, consuming a diet that includes arthropods, small mammals, and birds, and occasionally amphibians and reptiles (Haug et al. 1993). Urbanization has greatly reduced the amount of suitable habitat for this species. Other contributions to the decline of this species include the poisoning of squirrels and prairie dogs, road and ditch maintenance, and collisions with automobiles (CDFW 2012).

One burrowing owl individual was previously observed on the project parcel in May 2014. Subsequently, another protocol breeding season western burrowing owl survey was conducted during the spring of 2017 (RECON 2017; Attachment 5). The results of this most recent survey found that a family of four burrowing owls, two adults and two young, occur on the site in the exact same location as the burrowing owl observed in 2014. The burrowing owls were observed using a burrow on a berm just east of La Media Road within the non-native grassland area (see Figure 6). Other suitable burrows were noted nearby this main burrow. It should be noted that the vegetation mapping contained in the 2017 burrowing owl survey report (see Attachment 5) is different from the current vegetation mapping illustrated in the biology technical report due to City and Wildlife Agency input on the distribution of non-native grassland on the site after the survey letter was prepared.

A single observation of a northern harrier (*Circus cyaneus hudsonius*) flying over the project site was noted. Northern harriers are a CDFW species of special concern and an MSCP covered species. This species is not expected to nest on the site due to the dense overgrowth of non-native species.

6.4.2 Not Observed – Potential to Occur

Red diamond rattlesnake (*Crotalus ruber*). The red diamond rattlesnake is a CDFW species of special concern. This species occurs from sea level to about 4,000 to 5,000 feet on both sides of the Peninsular Ranges from southern San Bernardino County south through western Riverside and San Diego counties to Baja California, Mexico (Jennings and Hayes 1994). It inhabits coastal sage scrub, chaparral, and pinyon–juniper woodland particularly where there are abundant rock outcrops (Jennings and Hayes 1994; Lemm 2006). This species is active year-round with peak activity occurring in April and May, and breeding from February through September (Jennings and Hayes 1994). Its diet consists principally of small mammals, lizards, birds, and other snakes. Population declines of the red diamond rattlesnake are generally attributable to a reduction of habitat in the snake's restricted range due to urbanization and agriculture.

This species of snake was not observed, but could be present on either the project parcel or off-site development area.

Southern mule deer (*Odocoileus hemionus*). The southern mule deer is an MSCP covered species. Southern mule deer are presently widespread throughout undeveloped portions of San Diego County, ranging from Camp Pendleton to the Laguna Mountains, Sweetwater River, and Otay Lakes at elevations of 400 to 3,600 feet (Bleich and Holl 1982). Resident and migratory populations are present throughout California. This species requires relatively large, undisturbed tracts of chaparral, coastal sage scrub, and mixed grassland/shrub habitats. Breeding usually occurs between November and February, with the fawning period between June and August. The diet of the southern mule deer consists of forbs, grasses, and nuts. Although the species is not threatened with extinction within its range, urbanization and habitat fragmentation could result in local extirpation without appropriate conservation measures.

This species was not observed, but has a moderate potential to use the site. Development of the surrounding land may limit the use of the site by mule deer.

6.5 Multi-Habitat Planning Area

MHPA lands are those that have been included within the City's MSCP Subarea Plan for habitat conservation. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. MHPA lands are considered by the City of San Diego to be a sensitive biological resource. The project is not within or immediately adjacent to the MHPA. As a result, the Otay Mesa Community Plan Mitigation Framework regarding direct and indirect impacts to the MHPA as covered under Mitigation Measures BIO-4 and LU-2 and for noise generation impacts within the MHPA covered as part of Mitigation Measure LU-2 are not applicable to this project. However, the project complies with the invasive plant species measure as covered in Mitigation Measure BIO-4 as the project would be subject to CEQA review and compliance with the City's Biology Guidelines, MSCP Subarea Plan, and the Landscape Standards in the Land Development Manual.

6.6 Wildlife Movement Corridor

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important, because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by resource and conservation agencies.

Although it is reasonable to assume that wildlife may move locally through this survey area, the project parcel and off-site development area are isolated by barriers (e.g., commercial development, roads, SR-905) that prevent the site from being part of a larger wildlife movement corridor. While there may be some wildlife movement within the property, the site, as a whole, does not provide a major movement corridor for wildlife species.

7.0 Project Impacts

Impacts to biological resources from the project are discussed below. Direct and indirect impacts to vegetation/land cover types, sensitive biological resources, and to the MSCP are covered. The entire project area is currently proposed for development.

7.1 Direct Impacts

7.1.1 Vegetation Community Impacts

The project site supports a Tier III-B vegetation community (i.e., non-native grassland) which is a community considered sensitive by the City. Impacts to a Tier III-B non-native grassland community greater than 0.1-acre are considered significant per the threshold contained in the City's Biology Guidelines (City of San Diego 2012).

Direct impacts would occur to the entire 17.6-acre on-site project parcel and to 6.3-acres of the off-site survey area for a total of 23.9 acres (Figure 7). Impact acreages for the vegetation communities are provided in Table 3. Impacts to sensitive vegetation communities (i.e., non-native grassland) are considered significant and require mitigation.

Table 3
Impacts To Existing Vegetation Communities within the Survey Area

Vegetation Communities/ Land Cover Types (Oberbauer 2008)	City of San Diego Tier	Impact Acreage (On-site)	Impact Acreage (Off-site Survey Area)*
Uplands			
Non-Native Grassland	III-B	12.9	4.0
Disturbed Non-native Grassland	III-B	4.7	0
Disturbed Land	IV	0	0.9
Urban/Developed Land	IV	0	1.4
TOTAL		**17.6**	**6.3**

* Approximately 3.6 acres of the 9.9 acre off-site survey area would not be affected by this project.

7.1.2 Impacts to Sensitive Plants

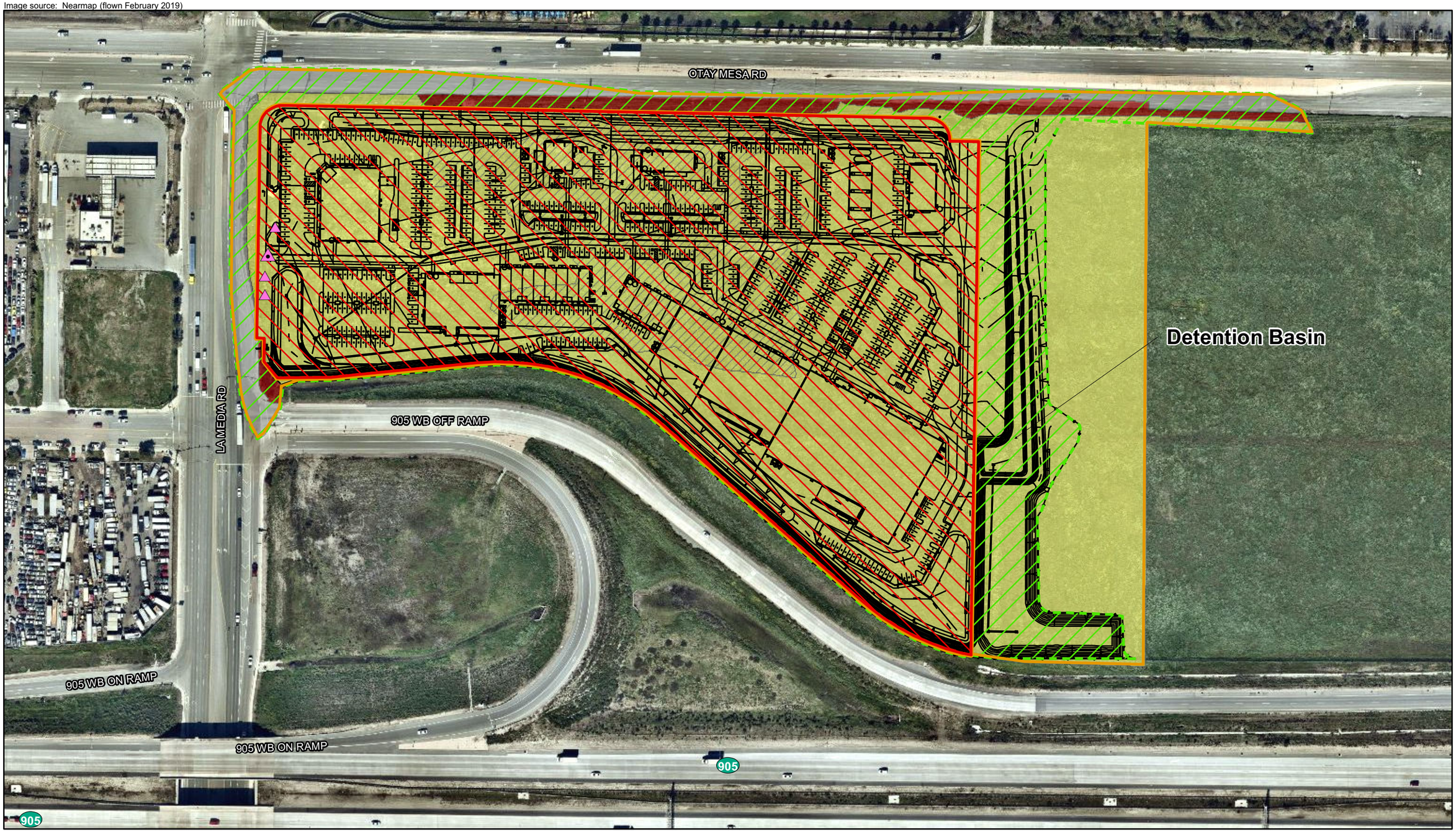
No sensitive plant species would be impacted by the project.

7.1.3 Impacts to Sensitive Wildlife

General wildlife. The project may cause small mammals and reptiles with low mobility to be inadvertently killed during grading of the site. Most birds will be able to move out of the way during grading. These impacts to general wildlife are considered less than significant.

Nesting birds. Section 3503 of the California Fish and Game Code states, "it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, including raptors, except as otherwise provided by this code or any regulation made pursuant thereto." Direct impacts to nesting birds using the site could occur if construction activities disrupt breeding activities or inadvertently kill birds and destroy nests. The MBTA provides more protection, on a federal level, against unlawful destruction of bird nests and from take and harassment of, specifically, migratory birds and their breeding activities.

Image source: Nearmap (flown February 2019)



Wildlife Observations

- Western Burrowing Owl (2014 and 2017)
- Western Burrowing Owl Burrow
- Site Plan Lines

Vegetation Communities and Land Cover Types

- Non-native Grassland
- Disturbed Non-native Grassland
- Disturbed Land
- Developed

- On-site Impact
- Off-site Impact
- Project Boundary
- Off-site Survey Area

0 Feet 200

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FIGURE 7

Impacts to Biological Resources

There is a moderate potential for raptors and other birds to nest in the grassland habitats within the project area. Impacts to migratory or nesting birds are considered significant and require mitigation.

7.1.3.1 Western Burrowing Owl

Impacts to non-native grassland habitat and disturbed land would result in the loss of habitat for the western burrowing owl present on-site. Based on the 2017 survey information, the project would permanently impact one active burrow and potential satellite burrows along with 12.9 acres of non-native grassland habitat and 4.7 acres of disturbed non-native grassland habitat used by the burrowing owl family on the project parcel; and 4.0 acres of suitable habitat in the adjacent off-site survey area. The project would result in potential edge effects on the adjacent grassland habitat along the eastern boundary of the proposed development. The loss of non-native grassland habitat would negatively affect the home range size of the burrowing owls on-site and reduce the potential for future use of the site by burrowing owls. The project would eliminate potential nesting sites and burrowing mammal presence and abundance on the project parcel. Impacts to western burrowing owl would be considered significant and require mitigation.

7.2 Indirect Impacts

There is a potential for the project to have indirect impacts on listed and sensitive bird species within the survey area and adjacent off-site habitats due to noise levels generated during project construction. Indirect impacts may also result from excess lighting. Indirect impacts to sensitive wildlife may be significant without mitigation measures.

8.0 Mitigation

To comply with the Mitigation Framework covered under Mitigation Measures BIO-1 and BIO-3 contained in the Otay Mesa Community Plan potential impacts to biological resources were evaluated through review of the project's consistency with the City's ESL Regulations and Biology Guidelines, as well as the MSCP Subarea Plan. As such, mitigation is required for project impacts that are considered significant under CEQA (City of San Diego 2011), including impacts to sensitive or listed species and sensitive vegetation communities. All impacts to sensitive biological resources should be avoided to the maximum extent feasible and minimized when possible. Mitigation measures typically employed include resource avoidance or dedication/acquisition of habitat.

Mitigation for general impacts to biological resources would be incorporated via standard measures including general mitigation measures, biological protections during construction, (includes monitoring, preconstruction meetings, and development of a Biological Condition Monitoring Exhibit, etc.). As the site is not adjacent to the MHPA, standard MSCP Land Use adjacency and LU-2 of the Mitigation Monitoring and Reporting Program of the Environmental Impact Report for the Otay Mesa Community Plan do not apply.

MITIGATION DURING CONSTRUCTION – The following City standard mitigation would be included in the environmental document:

BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

I. Prior to Construction

A. **Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts (ESAs); and/or other local, state or federal requirements.

D. **BCME** - The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

E. **Avian Protection Requirements** - To avoid any direct impacts to burrowing owl and any species identified as a listed, candidate, sensitive, or special status species in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review

and approval prior to initiating any construction activities. If nesting burrowing owl, sensitive, or MSCP covered birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

F. **Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

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

II. During Construction

A. **Monitoring** - All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

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

8.1 Sensitive Upland Vegetation Community Impacts

There are several general mitigation options for impacts to sensitive vegetation communities in the city of San Diego: avoidance of the native habitats, restoration of habitat, or dedication or acquisition of land at the appropriate mitigation ratios. Mitigation requirements for the upland sensitive vegetation community within this project is presented in Tables 4a and 4b, based on the assumption that the mitigation would take place either inside the MHPA or outside the MHPA. Impacts to disturbed land and urban/developed land do not require mitigation and therefore these vegetation communities are not included in Tables 4a and 4b. Mitigation is intended to reduce the impacts to a level of less than significant. If mitigation cannot be accomplished within an MHPA preserve, the ratio would be higher for all community types.

Table 4a
Mitigation Requirements for Impacts to Sensitive Upland Vegetation Communities with Location of Preservation Inside MHPA
(acres)

Vegetation Community	MSCP Tier	Existing Acreage (On-site + Off-site Survey Area)	Impact Outside MHPA (On-site + Off-site Survey Area)	Mitigation Ratio**	Mitigation Requirement
Non-Native Grassland*	III-B	25.2	21.6	0.5:1	10.8
TOTAL		25.2	21.6^		**10.8**

* Includes disturbed non-native grassland;
**where mitigation occurs in MHPA.
^ Total does not include impacts to 2.3 acres comprised of disturbed land and urban/developed land

Table 4b
Mitigation Requirements for Impacts to Sensitive Upland Vegetation Communities with Location of Preservation Outside MHPA
(acres)

Vegetation Community	MSCP Tier	Existing Acreage	Impact Outside MHPA	Mitigation Ratio**	Mitigation Requirement
Non-Native Grassland*	III-B	25.2	21.6	1:1	21.6
TOTAL		25.2	21.6^		**21.6**

* Includes disturbed non-native grassland;
**where mitigation occurs outside of MHPA.
^ Total does not include impacts to 2.3 acres comprised of disturbed land and urban/developed land

Mitigation for impacts to 21.6 total acres of non-native grassland will require the acquisition of 10.8 acres (0.5:1) of non-native grassland for mitigation within the MHPA or 21.6 acres (1:1) of non-native grassland for mitigation outside of the MHPA. The off-site acquisition of non-native grassland habitat shall occur within the Otay Mesa area. This mitigation measure is consistent with the adopted Otay Mesa Community Plan Mitigation Framework as described under Mitigation Measure BIO-1 (City of San Diego 2013). The location of the non-native grassland mitigation site shall be approved by the City and Wildlife Agencies prior to issuance of the Notice to Proceed with any construction activities (see below).

The project impact and mitigation in Tables 4a and 4b above include off-site improvements to the east which overlap a project being processed separately for that land. If off-site infrastructure impacts to 4.0 acres of suitable burrowing owl habitat have occurred on the adjacent property to the east under the other project being processed separately (i.e., Sunroad Project) before the project is implemented, then the additional 2.0 acres of suitable occupied burrowing owl habitat to be preserved at an approved off-site location when located within the MHPA; or an additional 4.0 acres if located outside of the MHPA, would not be required as part of the project.

8.2 Wildlife

8.2.1 Burrowing Owl Mitigation

Mitigation for impacts to western burrowing owl required compliance with conditions of coverage under the MSCP Subarea Plan (City of San Diego 1997), the City of San Diego Biology Guidelines (City of San Diego 2012), and the Mitigation Framework contained in the Otay Mesa Community Plan (City of San Diego of 2013). These sources of mitigation requirements are each summarized below and proposed specific mitigation for project impacts is presented.

8.2.1.1 MSCP Subarea Plan Conditions of Coverage

The City's MSCP Subarea Plan (City of San Diego 1997) contains the following conditions of coverage pertaining to the western burrowing owl:

> During the environmental analysis of proposed projects, burrowing owl surveys (using appropriate protocols) must be conducted in suitable habitat to determine if this species is present and the location of active burrows. If burrowing owls are detected, the following mitigation measures must be implemented: within the MHPA, impacts must be avoided; outside of the MHPA, impacts to the species must be avoided to the maximum extent practicable; any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the wildlife agencies; mitigation for impacts to occupied habitat (at the Subarea Plan specified ratio) must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements.

Management plans/directives must include: enhancement of known, historical and potential burrowing owl habitat; and management for ground squirrels (the primary excavator of burrowing owl burrows). Enhancement measures may include creation of artificial burrows and vegetation management to enhance foraging habitat. Management plans must also include: monitoring of burrowing owl nest sites to determine use and nesting success; predator control; establishing a 300-foot-wide impact avoidance area (within the preserve) around occupied burrows.

8.2.1.2 City Biology Guidelines

For burrowing owls, impacts must be avoided to the maximum extent practicable. Mitigation for impacts to occupied burrowing owl habitat must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and foraging requirements using methodologies approved by the wildlife agencies.

A 0.5:1 ratio is required if mitigation is inside the MHPA and a 1:1 mitigation ratio for mitigation located outside of the MHPA for occupied burrowing owl habitat. Mitigation for impacts to occupied burrowing owl habitat must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements.

For projects that that may result in direct impacts to the Burrowing Owl, early consultation with the CDFW and United States Fish and Wildlife Service (collectively Wildlife Agencies) on development of project specific burrowing owl Mitigation Plans consistent with the MSCP Subarea Plan Appendix A conditions of coverage for burrowing owl is required. Outside the MHPA, any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the Wildlife Agencies. In addition to species specific mitigation, habitat based mitigation shall be provided.

8.2.1.3 Otay Community Plan Mitigation Framework

Compliance with the Otay Community Plan Mitigation Framework states under Mitigation Measure BIO-1 that if burrowing owl occupancy is determined, then site-specific avoidance and mitigation measures shall be developed in accordance with the protocol established in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Measures to avoid and minimize impacts to burrowing owl shall be included in a Conceptual Burrowing Owl Mitigation Plan to be prepared and approved prior to issuance of a grading permit which includes take avoidance (pre-construction) surveys, site surveillance, and the use of buffers, screens, or other measures to minimize construction-related impacts. Mitigation measure BIO-2 requires measures be incorporated into project-level construction documents to minimize direct impacts on wildlife movement, nesting, or foraging activities as discuss in the biology report, including preconstruction surveys during breeding season, construction noise monitoring, and implementation of specific mitigation plans (i.e., Burrowing Owl Mitigation Plan). Mitigation measure LU-2 of the Mitigation Monitoring and Reporting Program of the Environmental Impact Report for the Otay Mesa Community Plan does not apply as the project is not within nor adjacent to the MHPA.

8.2.1.4 Mitigation Framework

Mitigation for impacts to burrowing owl and their habitat would involve the preservation of suitable occupied burrowing owl habitat off-site, monitoring and management of the preserved lands, and other avoidance methods. All mitigation for burrowing owl will require consultation with and approval from the Wildlife Agencies and the City of San Diego.

The following mitigation framework and Mitigation Measures (MM) will be used to compensate for impacts to burrowing owl and their habitat:

- **Substantial Conformance Review**: Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading or building, or beginning any construction-related activity on-site, the applicant will be subject to a Process Level One (staff-level) Substantial Conformance Review to determine if the proposed project is consistent and in conformance with the Burrowing Owl Mitigation Measures. Consultation with Environmental Analysis Section (EAS) and MSCP would be required for formal approval of the mitigation plan.

- **MM-1**: Compliance with the Otay Mesa Community Plan Update mitigation framework measure BIO-1 as it relates to burrowing owl requires the development of a Conceptual Burrowing Owl Mitigation Plan that includes measures to avoid and minimize impacts to this species. The mitigation plan shall include take avoidance (pre-construction) surveys, construction monitoring measures, and the application of buffers, screens, or other measures to minimize construction-related impacts. See MM-5, MM-6, MM-7, and MM-8 below for additional detail pertaining to requirements for burrowing owl.

- **MM-2**: Compliance with the Otay Mesa Community Plan Update mitigation framework measure BIO-2 as it relates to burrowing owl requires that the measures contained in the biology report for burrowing owl be incorporated into project-level construction documents. These measures include the requirement for protocol surveys during the breeding season (or take avoidance surveys), construction noise monitoring if needed, and implementation of all measures contained in the Burrowing Owl Mitigation Plan. See MM-5, MM-6, MM-7, and MM-8 below for additional detail pertaining to requirements for burrowing owl.

- **MM-3**: Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading or building, or beginning any construction-related activity on-site, a qualified biologist shall conduct a burrowing owl survey utilizing the most recent state and/or federal protocols/guidance which is currently the staff report on Burrowing Owl Mitigation, State of California, Natural Resource Agency, Department of Fish and Wildlife [Game], March 7, 2012 (CDFW 2012 Staff Report). The burrowing owl surveys shall be conducted in areas potentially occupied by burrowing owls and in suitable habitat to determine if the species is present and the location of active burrows. The results of the burrowing owl survey will be approved by the City of San Diego's Environmental Analysis Section staff, MSCP, and Wildlife Agencies (U.S. Fish and Wildlife Service and CDFW).

- **MM-4**: Mitigation for impacts to burrowing owl may be satisfied by one, or a combination, of conservation of habitat or the purchase of mitigation land credits: (1) conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements; or (2) purchase of mitigation land credits from an approved mitigation bank that contains burrowing owl. The goal will be to acquire burrowing owl mitigation land "adjacent or proximate to the impact site" (CDFW 2012) and within the City of San Diego.

Mitigation Option 1-Conservation of Land

(1) Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, the applicant shall provide the location of mitigation lands and begin restoration/enhancement activities on these lands prior to project implementation to the satisfaction of EAS, MSCP, and the Wildlife Agencies for impacts to burrowing owl habitat consistent with the ratios in the approved Conceptual Burrowing Owl Mitigation Plan as described below.

(2) In accordance with the City of San Diego *Land Development Code Biology Guidelines* and *CDFW 2012 Staff Report*, A Conceptual Burrowing Owl Mitigation Plan shall be prepared for the mitigation lands to be purchased in accordance with the *CDFW 2012 Staff Report* or the most recent state and/or federal protocols/guidance for approval by EAS, MSCP, and the Wildlife Agencies.

(3) The Conceptual Burrowing Owl Mitigation Plan shall include the mitigation for the loss of 17.6 acres of on-site suitable occupied burrowing owl habitat (see below for off-site impacts to 4.0 acres) through the preservation of a minimum 8.8 acres of suitable occupied burrowing owl habitat comparable or better than the habitat being impacted at an approved off-site location when located within the MHPA. The land to be preserved must be occupied by burrowing owl and support fossorial mammals. If mitigation is proposed off-site outside of the MHPA, the applicant shall provide documentation that a current and thorough search was done and that suitable mitigation land is not available within the MHPA. Mitigation would require 17.6 acres of suitable occupied burrowing owl habitat comparable or better than the habitat being impacted at an approved off-site location when located outside the MHPA.

The project includes off-site improvements to the east that overlap a project being processed separately for that land. If off-site infrastructure impacts to 4.0 acres of suitable burrowing owl habitat have not occurred on the adjacent property to the east under the other project being processed separately (i.e., Sunroad Project) before the La Media Retail project is approved, then an additional 2.0 acres of suitable occupied burrowing owl habitat comparable or better than the habitat being impacted will be required to be preserved at an approved off-site location when located within the MHPA; or an additional 4.0 acres if located outside of the MHPA. The land to be preserved must be occupied by burrowing owl and support fossorial mammals. A

conservation easement for the protection of burrowing owl/habitat shall be placed over the mitigation land.

(4) Measures to avoid and minimize impacts to burrowing owl shall be included in the Conceptual Burrowing Owl Mitigation Plan which includes take avoidance (pre-construction) surveys, site surveillance, and the use of buffers, screens, or other measures to minimize construction-related impacts.

(5) The Conceptual Burrowing Owl Mitigation Plan shall address the need for habitat restoration, enhancement, and management of burrowing owl nesting and foraging requirements. Management of the preserved land shall address the enhancement of known, historical and potential burrowing owl habitat; and management for ground squirrels (the primary excavator of burrowing owl burrows). Enhancement measures may include the addition of scattered debris piles, creation of artificial burrows, and vegetation management to enhance foraging habitat.

Management plans must also include: monitoring of burrowing owl nest sites to determine use and nesting success; predator control; establishing a 300-foot-wide impact avoidance area (within the preserve) around occupied burrows. The management plan must include a discussion of mitigation goals and identify success criteria both in terms of burrowing owl or squirrel use and also in terms of vegetative cover (i.e., vegetative cover not to exceed 4–6 inches in height over 75 percent of the site to facilitate use by ground squirrels and burrowing owl). Adaptive management measures shall also be discussed. Formal approval of mitigation and management plans shall be required by EAS and MSCP.

(6) A conservation easement, covenant of easement, deed restriction or some similar instrument that conserves the mitigation land in perpetuity shall be placed over the mitigation land.

(7) A Long-term Mitigation Land Management Plan for the on-going maintenance and monitoring of the approved mitigation land shall be prepared which also identifies a long-term funding mechanism (e.g., an endowment) for the maintenance of the mitigation lands for burrowing owl.

Mitigation Option 2 – Mitigation Bank Credits

(1) Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading or building, or beginning any construction-related activity on-site, to the maximum extent practicable, the applicant shall provide documentation that mitigation for burrowing owl, that mitigates for the loss of 17.6 acres of on-site suitable occupied burrowing owl habitat, will be achieved through the purchase of a minimum 8.8 acres of credits of suitable occupied burrowing owl habitat from an approved mitigation bank. The mitigation bank must be located within the City of San Diego limits and either within or adjacent to the MHPA. If mitigation bank lands occur outside of the MHPA, then mitigation required would a total a minimum of 17.6 acres.

The project includes off-site improvements to the east that overlap a project being processed separately for that land. If off-site infrastructure impacts to 4.0 acres of suitable burrowing owl habitat have not occurred on the adjacent property to the east under the other project being processed separately (i.e., Sunroad Project) before the La Media Retail project is approved, then the purchase of an additional 2.0 acres of mitigation bank credits will be required if the bank is located within the MHPA. If mitigation bank lands occur outside of the MHPA, then an additional 4.0 acres of mitigation bank credits would be required.

Required Documentation:

a. A copy of the executed purchase or option contract referencing the project name and numbers for which the habitat credits will be purchased.

b. If not stated explicitly in the purchase or option contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.

c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

d. An accounting of the status of the mitigation bank must be provided that shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

e. That the mitigation bank has the appropriate number and resource type of credits available.

The project includes off-site improvements to the east that overlap a project being processed separately for that land. If off-site infrastructure impacts to 4.0 acres of suitable burrowing owl habitat have not occurred on the adjacent property to the east (i.e., Sunroad Project) before the La Media Retail Project is approved, then the purchase of an additional 2.0 acres of mitigation bank credits will be required when the bank is located within the MHPA, or 4.0 acres if the bank is located outside of the MHPA.

(2) The mitigation bank credits to be purchased must be occupied by burrowing owl and support fossorial mammals. The site shall be located within the City of San Diego and in the vicinity of the project site. A conservation easement for the protection of burrowing owl/habitat shall be in place over the mitigation bank land.

(3) Documentation that the mitigation bank lands purchased are under a Long-term Mitigation Land Management Plan for the on-going maintenance and monitoring shall be provide to the City of San Diego and Wildlife Agencies. The management plan must be completed prior to the issuance of a grading permit and shall identify the long-term funding mechanism (e.g., an endowment) for the maintenance of the mitigation bank lands for burrowing owl.

Financial Assurance For Mitigation

(1) Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, surety or performance bonds, letters of credit, investment grade corporate guarantees, set aside letters from a federally insured lending institution or other security acceptable to EAS, MSCP and the Wildlife Agencies ("Financial Assurances") shall be provided by the applicant to the City of San Diego in sufficient amounts guaranteeing the implementation of either Mitigation Option 1 or Mitigation Option 2 prior to grading permit issuance and provide proof thereof to EAS, MSCP, and the Wildlife Agencies.

(2) Within thirty (30) days after implementation of either Mitigation Option 1 or Mitigation Option 2, the City of San Diego shall release the Financial Assurances.

(3) Mitigation Option 1 or Mitigation Option 2 shall be completed (except for the maintenance and monitoring required in the Long Term Mitigation Land Management Plan) no later than twelve (12) months after commencement of grading.

MM-5: **Preconstruction Survey Element**

Prior to Permit or Notice to Proceed Issuance:

1. As this project has been determined to be BUOW occupied or to have BUOW occupation potential, the Applicant Department or Permit Holder shall submit evidence to the ADD of Entitlements verifying that a Biologist possessing qualifications pursuant **"**Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.

2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

Prior to Start of Construction:

1. The Applicant Department or Permit Holder and Qualified Biologist must ensure that initial pre-construction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.

2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report -Appendix D *(please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW).*

3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City's Mitigation Monitoring and Coordination (MMC) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA's shall be provided prior to ground disturbing activities.

During Construction:

1. **Best Management Practices shall be employed as** BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from recolonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

2. **On-going BUOW Detection** - If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section "B" shall be followed. NEITHER THE MSCP SUBAREA PLAN NOR THIS MITIGATION SECTION ALLOWS FOR ANY BUOWs TO BE INJURED OR KILLED OUTSIDE **OR** WITHIN THE MHPA; in addition, IMPACTS TO BUOWs WITHIN THE MHPA MUST BE AVOIDED.

   A. **Post Survey Follow Up if Burrowing Owls and/or Signs of Active Natural or Artificial Burrows Are <u>Not</u> Detected During the Initial Pre-Construction Survey -** Monitoring the site for new burrows is required using CDFW Staff Report 2012 Appendix D methods for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete *(NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule).*

      1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.

      2) If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's Mitigation Monitoring and Coordination (MMC) Section shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.

3) If a BUOW begins using a burrow on the site at any time after the initial pre-construction survey, procedures described in Section B must be followed.

4) Any actions other than these require the approval of the City and the Wildlife Agencies.

B. Post Survey Follow Up if Burrowing Owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey - Monitoring the site for new burrows is required using Appendix D CDFG 2012, Staff Report for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete *(NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol).*

1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – **all direct and indirect impacts to BUOWs within the MHPA SHALL be avoided.**

2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles *etc.*) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography, and other physical and biological characteristics.

a) **Outside the Breeding Season** - If the BUOW is using a burrow on site outside the breeding season (i.e. September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.

b) **During Breeding Season** - If a BUOW is using a burrow on-site during the breeding season (Feb 1-Aug 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires written concurrence from the Wildlife Agencies prior to implementation.

3. Survey Reporting During Construction - Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC Section and the Wildlife Agencies and must be provided in writing (as by e-mail) and acknowledged to have been received by the required Agencies and DSD Staff member(s).

Post Construction:

1. Details of the all surveys and actions undertaken on-site with respect to BUOWs (i.e., occupation, eviction, locations etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

- **MM-6**: A biologist familiar with burrowing owl biology shall monitor construction activities to make sure that burrowing owls that may move into the area during construction are detected and impacts are avoided.

- **MM-7**: Establish a buffer zone for off-site areas adjacent to the project site that may support burrowing owl or suitable habitat. The buffer may include a setback and/or visual barriers.

- **MM-8**: If burrow exclusion is to be used to displace occupied burrows on the site prior to disturbance, a Burrow Exclusion Plan shall be prepared according to the 2012 CDFW guidelines and approved by the City of San Diego and Wildlife Agencies before any ground disturbing activity occurs. The Burrow Exclusion Plan may include the use of artificial burrows as a means of replacing burrows lost to impacts.

- **MM-9**: Any potentially impacted western burrowing owl individuals must be relocated out of the impact area using passive or active methodologies approved by the Wildlife Agencies prior to any ground disturbing activity.

8.2.2 MHPA

The project is not within or immediately adjacent to the MHPA. As a result, Mitigation Measure LU-2 of the Otay Mesa Community Plan Mitigation Framework does not apply to the project.

9.0 Project Staff

The following RECON biologists conducted field surveys for this project and were involved in the preparation of this report (see Attachment 6 for résumés).

Gerry Scheid	Senior Biologist
Beth Procsal	Associate Biologist
Alex Fromer	Biologist
Cailin Lyons	Biologist

10.0 References Cited

American Ornithologists' Union
1998 *Check-list of North American Birds.* 7th ed. Washington, D.C.

Baker, R. J., L. C. Bradley, R. D. Bradley, J. W. Dragoo, M. D. Engstrom, R. S. Hoffmann, C. Jones, C. A. Jones, F. Reid, D. W. Rice
2003 Revised Checklist of North American Mammals North of Mexico. *Occasional Papers, Museum of Texas Tech University* No. 229. December.

Bleich, V. C., and S. A. Holl
1982 Management of Chaparral Habitat for Mule Deer and Mountain Sheep in Southern California. In *Proceedings of the Symposium on Dynamics and Management of Mediterranean-type Ecosystems,* technical coordinators C. E. Conrad and W. C. Oechel, pp. 247-254. June 22-26, 1981, San Diego, CA. General Technical Report PSW-58. Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture, Berkeley.

Beier, P., and S. Loe
1992 A Checklist for Evaluating Impacts to Wildlife Movement Corridors. Wildlife Society Bulletin. 20:434-440.

Brenzel, K. N. (editor)
2001 *Sunset Western Garden Book*. Sunset Publishing Corporation, Menlo Park, CA.

California, State of
2011a Special Animals. Natural Diversity Database. Department of Fish and Game. January.

2011b State and Federally Listed Endangered, Threatened, and Rare Animals of California. Natural Diversity Database. Department of Fish and Game. January.

2012a State and Federally Listed Endangered, Threatened, and Rare Plants of California. Natural Diversity Database. Department of Fish and Game. May.

2012b Special Vascular Plants, Bryophytes, and Lichens List. Natural Diversity Database. Department of Fish and Game. May.

2012c Natural Diversity Data Base. RareFind Version 3.1.0. Department of Fish and Game.

California Department of Fish and Wildlife (CDFW)
1991 Fish and Game Code of California, Sections 3503 and 3503.3.

2012 Staff Report on Burrowing Owl Mitigation, Appendix A. March.

California Native Plant Society (CNPS)
2007 Inventory of Rare and Endangered Plants (online edition, v7-07b). California Native Plant Society. Sacramento, CA. Accessed on Thursday, June 21, 2007 from http://www.cnps.org/inventory

Crother, B. I., ed.
2001 *Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in our Understanding.* Society for the Study of Amphibians and Reptiles *Herpetological Circular* 29.

Crother, B. I., J. Boundy, J. A. Campbell, K. De Quieroz, D. Frost, D. M. Green, R. Highton, J. B. Iverson, R. W. McDiarmid, P. A. Meylan, T. W. Reeder, M. E. Seidel, J. W. Sites, Jr., S. G. Tilley, and D. B. Wake
2003 Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico: Update. *Herpetological Review*, 2003, 34(3), 196-203.

Dechant, J. A., M. L. Sondreal, D. H. Johnson, L. D. Igl, C. M. Goldade, M. P. Nenneman, and B. R. Euliss
2003 Effects of Management Practices on Grassland Birds: Northern Harrier. Northern Prairie Wildlife Research Center, Jamestown, ND. 15 pages. Northern Prairie Wildlife Research Center Online. http://www.npwrc.usgs.gov/resource/literatr/grasbird/noha/noha.htm (Version 12AUG2004).

Hall, E. R.
1981 *The Mammals of North America.* 2d ed. 2 vols. John Wiley & Sons, New York.

Hickman, J. C., ed.
1993 *The Jepson Manual: Higher Plants of California.* University of California Press, Berkeley and Los Angeles.

Holland, R. F.
1986 Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California Department of Fish and Game.

Haug, E. A., B. A. Millsap, and M. S. Martell
1993 Burrowing Owl (*Speotyto cunicularia*). In *The Birds of North America,* no. 61, edited by A. Poole and F. Gill. The Birds of North America, Inc., Philadelphia.

Jennings, M. R., and M. P. Hayes
1994 Amphibian and Reptile Species of Special Concern in California. Final report submitted to the California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, CA. Contract number 8023.

Lemm, J. M.
2006 Field guide to amphibians and reptiles of the San Diego Region. University of California Press.

MacWhirter, Bruce and Keith L. Bildstein
1996 Northern Harrier (*Circus cyaneus)*, *Birds of North America*, no. 210, edited by A. Poole. The Birds of North America, Inc., Philadelphia.

Mattoni, R.
1990 Butterflies of Greater Los Angeles. The Center for the Conservation of Biodiversity/Lepidoptera Research Foundation, Inc. Beverly Hills, CA.

Oberbauer, T., M. Kelly, and J. Buegge
2008 Draft Vegetation Communities of San Diego County. March. Based on "Preliminary Descriptions of the Terrestrial Natural Communities of California", Robert F. Holland, Ph.D., October 1986.

Opler, P. A., and A. B. Wright
1999 *A Field Guide to Western Butterflies.* Peterson Field Guide Series. Houghton Mifflin, Boston.

Reiser, C. H.
2001 *Rare Plants of San Diego County*. Aquifir Press, Imperial Beach, CA.

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

2011 Significance Determination Thresholds–Development Services Department January.

2012 San Diego Municipal Code – Land Development Code: Biology Guidelines. April.

2013 Final Program Environmental Impact Report For The Otay Mesa Community Plan Update, City of San Diego. Project Number 30330/304032 SCHNo. 2004651076. December 18.

Shuford, W. D., and T. Gardali, editors
2008 California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. *Studies of Western Birds* 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Unitt, P.
2004 *San Diego County Bird Atlas.* San Diego Natural History Museum. Ibis Publishing Company. San Diego, California. October.

U.S. Department of Agriculture (USDA)
1973 *Soil Survey, San Diego Area, California.* Soil Conservation Service and Forest Service. Roy H. Bowman, ed. San Diego. December.

U.S. Geological Survey
1994 Otay Mesa Quadrangle 7.5-Minute Topographic Map.

ATTACHMENTS

ATTACHMENT 1

Plant Species Observed

Attachment 1 Plant Species Observed		
Scientific Name	Common Name	Origin
POACEAE (GRAMINEAE)	**GRASS FAMILY**	
Avena barbata Link	slender wild oat	I
Bromus diandrus Roth	ripgut grass	I
Hordeum murinum L.	wild barley	I
Leptochloa uninervia (J. Presl) Hitchc. & Chase	Mexican sprangletop	N
Lolium multiflorum Lam.	Italian ryegrass	I
Phalaris canariensis L.	paradox canary grass	I
Polypogon monspeliensis (L.) Desf.	annual beard grass	I
AIZOACEAE	**FIG-MARIGOLD FAMILY**	
Mesembryanthemum crystallinum L.	crystalline ice plant	I
AMARANTHACEAE	**AMARANTH FAMILY**	
Amaranthus albus L.	tumbleweed	I
APIACEAE (UMBELLIFERAE)	**CARROT FAMILY**	
Foeniculum vulgare Mill.	fennel	I
ASTERACEAE	**SUNFLOWER FAMILY**	
Baccharis sarothroides A. Gray	broom baccharis	N
Carduus pycnocephalus L.	Italian thistle	I
Cirsium vulgare (Savi) Ten.	bull thistle	I
Dittrichia graveolens (L.) Greuter	stinkwort	I
Glebionis coronaria (L.) Spach [=*Chrysanthemum coronarium*]	garland, crown daisy	I
Helminthotheca [=*Picris*] *echioides* (L.) Holub	bristly ox-tongue	I
Lactuca serriola L.	prickly lettuce	I
BRASSICACEAE (CRUCIFERAE)	**MUSTARD FAMILY**	
Brassica nigra (L.) W.D.J. Koch	black mustard	I
Sisymbrium irio L.	London rocket	I
Sisymbrium officinale L.	hedge mustard	I
CHENOPODIACEAE	**GOOSEFOOT FAMILY**	
Chenopodium murale L.	nettle-leaved goosefoot	I
Salsola tragus L.	Russian thistle, tumbleweed	I
GERANIACEAE	**GERANIUM FAMILY**	
Erodium cicutarium (L.) L'Hér. ex Aiton	red stemmed filaree	I

Attachment 1 Plant Species Observed		
Scientific Name	Common Name	Origin
MALVACEAE	**MALLOW FAMILY**	
Malva parviflora L.	cheeseweed, little mallow	I
MYRSINACEAE	**MYRSINE FAMILY**	
Anagallis arvensis L.	scarlet pimpernel, poor-man's weatherglass	I

SOURCES: Jepson Online Interchange <http://ucjeps.berkeley.edu/interchange.html> (2009); K. N. Brenzel (editor), *Sunset Western Garden Book* (Sunset Publishing, Menlo Park, CA, 2001); John P. Rebman and Michael G. Simpson, *Checklist of the Vascular Plants of San Diego County,* 4th ed. (San Diego Natural History Museum, San Diego, CA, 2006); USDA Plants Database <http://plants.usda.gov/> (2008).

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

ATTACHMENT 2

Wildlife Species Observed/Detected

Attachment 2 Wildlife Species Observed/Detected				
Scientific Name	Common Name	Occupied Habitat	On-site Abundance/ Seasonality (Birds Only)	Evidence of Occurrence
INVERTEBRATES (Nomenclature from Eriksen and Belk 1999; Milne and Milne 1980; Mattoni 1990; and Opler and Wright 1999)				
PIERIDAE	***WHITES & SULPHURS***			
Pontia protodice	common or checkered white	NNG		O
NYMPHALIDAE	***BRUSH-FOOTED BUTTERFLIES***			
Junonia coenia	common buckeye	NNG		
BIRDS (Nomenclature from American Ornithologists' Union 2013 and Unitt 2004)				
ACCIPITRIDAE	***HAWKS, KITES, & EAGLES***			
Buteo jamaicensis	red-tailed hawk	F	C/ Y	O, V
STRIGIDAE	***TYPICAL OWLS***			
Athene cunicularia hypugaea	western burrowing owl	NNG	F/ Y, W	O
APODIDAE	***SWIFTS***			
Aeronautes saxatalis	white-throated swift	F	F/ Y	O, V
MIMIDAE	***MOCKINGBIRDS & THRASHERS***			
Mimus polyglottos polyglottos	northern mockingbird	RS	C/ Y	O, V
STURNIDAE	***STARLINGS & MYNAS***			
Sturnus vulgaris	European starling (I)	F	C/ Y	O, V
EMBERIZIDAE	***EMBERIZIDS***			
Melospiza melodia	song sparrow	RS	C/ Y	O, V
ICTERIDAE	***BLACKBIRDS & NEW WORLD ORIOLES***			
Sturnella neglecta	western meadowlark	NNG	C/ Y	O, V
FRINGILLIDAE	***FINCHES***			
Haemorhous [=*Carpodacus*] *mexicanus frontalis*	house finch	RS, NNG	C/ Y	O, V
MAMMALS (Nomenclature from Baker et al. 2003)				
LEPORIDAE	***RABBITS & HARES***			
Sylvilagus audubonii	desert cottontail	NNG		O

Attachment 2
Wildlife Species Observed/Detected

HABITATS
NNG = Non-native grassland
F = Flying overhead
RS = Riparian scrub
FM = Freshwater marsh

ABUNDANCE (based on Garrett and Dunn 1981)
C =Common to abundant; almost always encountered in proper habitat, usually in moderate to large numbers
F = Fairly common; usually encountered in proper habitat, generally not in large numbers

SEASONALITY (birds only)
M = Migrant; uses site for brief periods of time, primarily during spring and fall months
S = Spring/summer resident; probable breeder on-site or in vicinity
W = Winter visitor; does not breed locally
Y = Year-round resident; probable breeder on-site or in vicinity

EVIDENCE OF OCCURRENCE
B = Burrow
C = Carcass/remains
D = Den site
O = Observed
S = Scat
T = Track
V = Vocalization

REFERENCES CITED

American Ornithologists Union
2013 Check-list of North American Birds: The Species of Birds of North America from the Arctic through Panama, Including the West Indies and Hawaiian Islands. 7th ed. Committee on Classification and Nomenclature and the 54th Supplement. Accessed on 3/21/14 at http://checklist.aou.org/taxa/.

Eriksen, C., and D. Belk
1999 Fairy Shrimps of California's Puddles, Pools, and Playas. Mad River Press, Eureka, CA.

Garrett, K., and J. Dunn
1981 Birds of Southern California: Status and Distribution. Los Angeles Audubon Society, Artisan Press, Los Angeles.

Mattoni, R.
1990 Butterflies of Greater Los Angeles. Center for the Conservation of Biodiversity/ Lepidoptera Research Foundation, Beverly Hills, CA.

Opler, P. A., and A. B. Wright
1999 A Field Guide to Western Butterflies. Peterson Field Guides. Houghton Mifflin, Boston.

Milne, L. and M. Milne
1980 The Audubon Society Field Guide to North American Insects and Spiders. New York: Alfred A. Knopf, Inc.

Unitt, P. A.
2004 San Diego County Bird Atlas. San Diego Natural History Museum, Ibis Publishing Company. San Diego, California. October.

ATTACHMENT 3

Sensitive Plant Species Observed or with the Potential for Occurrence

Attachment 3 Sensitive Plant Species Observed (†) or with the Potential for Occurrence					
Species	State/Federal Status	CNPS List	City of San Diego	Habitat/Blooming Period	Comments
ANGIOSPERMS: DICOTS					
AMARANTHACEAE AMARANTH FAMILY					
Aphanisma blitoides aphanisma	–/–	1B	NE, MSCP	Annual herb; coastal bluff scrub, coastal sage scrub; sandy soils; blooms March–June; elevation less than 1,000 feet.	Low potential for occurrence due to lack of suitable habitat.
APIACEAE CARROT FAMILY					
Eryngium aristulatum var. *parishii* San Diego button-celery	CE/FE	1B	NE, MSCP	Annual/perennial herb; vernal pools, mesic areas of coastal sage scrub and grasslands, blooms April–June; elevation less than 2,000 feet.	Low potential for occurrence due to lack of vernal pools.
ASTERACEAE SUNFLOWER FAMILY					
Ambrosia pumila San Diego ambrosia	–/FE	1B	NE, MSCP	Perennial herb; chaparral, coastal sage scrub, valley and foothill grassland, creek beds, vernal pools, often in disturbed areas; blooms May–Sept.; elevation less than 1,400 feet. Many occurrences extirpated in San Diego County.	Low potential for occurrence due to lack of suitable habitat and history of site disturbance.
Baccharis vanessae Encinitas baccharis	CE/FT	1B	NE, MSCP	Deciduous shrub; chaparral; maritime, sandstone; blooms Aug.–Nov.; elevation less than 2,500 feet. Known from fewer than 20 occurrences.	Low potential for occurrence due to lack of suitable habitat.
Deinandra [=*Hemizonia*] *conjugens* Otay tarplant	CE/FT	1B	NE, MSCP	Annual herb; coastal sage scrub, valley and foothill grassland, clay soils; blooms May–June, elevation less than 1,000 feet.	Low potential for occurrence due to history of site disturbance.
CACTACEAE CACTUS FAMILY					
Cylindropuntia californica [=*Opuntia californica* var. *californica, O. parryi* var. *serpentina*] snake cholla	–/–	1B	NE, MSCP	Succulent shrub; chaparral, coastal sage scrub; blooms April–May; elevation 100–500 feet.	Species would have been observed if present. Low potential for occurrence due to lack of suitable habitat.

Attachment 3 Sensitive Plant Species Observed (†) or with the Potential for Occurrence					
Species	State/Federal Status	CNPS List	City of San Diego	Habitat/Blooming Period	Comments
Ferocactus viridescens San Diego barrel cactus	–/–	2	MSCP	Succulent; chaparral, coastal sage scrub, valley and foothill grassland, vernal pools; blooms May–June; elevation less than 1,500 feet.	Species would have been observed if present. Low potential for occurrence due to history of site disturbance.
CRASSULACEAE **STONECROP FAMILY**					
Dudleya brevifolia [=*D. blochmaniae* ssp. *brevifolia*] short-leaved dudleya	CE/–	1B	NE, MSCP	Perennial herb; southern maritime chaparral, coastal sage scrub on Torrey sandstone; blooms in April; elevation less than 1,000 feet. Known from fewer than five occurrences in the Del Mar and La Jolla areas of San Diego.	Low potential for occurrence due to lack of suitable habitat.
Dudleya variegata variegated dudleya	–/–	1B	NE, MSCP	Perennial herb; openings in chaparral, coastal sage scrub, grasslands, vernal pools; blooms May–June; elevation less than 2,000 feet.	Low potential for occurrence due to history of site disturbance.
FABACEAE **LEGUME FAMILY**					
Astragalus tener var. *titi* coastal dunes milk-vetch	CE/FE	1B	NE, MSCP	Annual herb; coastal bluff scrub, coastal dunes, sandy soils, mesic coastal prairie; blooms March–May; elevation less than 1,000 feet.	Low potential for occurrence due to lack of suitable habitat.
LAMIACEAE **MINT FAMILY**					
Acanthomintha ilicifolia San Diego thornmint	CE/FT	1B	NE, MSCP	Annual herb; chaparral, coastal sage scrub, and grasslands on friable or broken clay soils; blooms April–June; elevation less than 3,100 feet.	Low potential for occurrence due to history of site disturbance.
Pogogyne abramsii San Diego mesa mint	CE/FE	1B	NE, MSCP	Annual herb; vernal pools; blooms April–July; elevation 300–700 feet.	Low potential for occurrence due to lack of vernal pools.
Pogogyne nudiuscula Otay mesa mint	CE/FE	1B	NE, MSCP	Annual herb; vernal pools; blooms May–July; elevation 300–800 feet. Known from six occurrences in Otay Mesa.	Low potential for occurrence due to lack of vernal pools.
POLEMONIACEAE **PHLOX FAMILY**					
Navarretia fossalis spreading navarretia	–/FT	1B	NE, MSCP	Annual herb; vernal pools, marshes and swamps, chenopod scrub; blooms April–June; elevation 100–4,300 feet.	Low potential for occurrence due to lack of vernal pools.

Attachment 3 Sensitive Plant Species Observed (†) or with the Potential for Occurrence					
Species	State/Federal Status	CNPS List	City of San Diego	Habitat/Blooming Period	Comments
ANGIOSPERMS: MONOCOTS					
LILIACEAE LILY FAMILY					
Agave shawii Shaw's agave	–/–	2	NE, MSCP	Succulent shrub; coastal bluff scrub, coastal sage scrub, maritime succulent scrub; blooms Sept.–May; elevation less than 250 feet.	Species would have been observed if present. Low potential for occurrence due to history of site disturbance.
POACEAE GRASS FAMILY					
Orcuttia californica California Orcutt grass	CE/FE	1B	NE, MSCP	Annual herb; vernal pools; blooms April–August; elevation 50–2,200 feet.	Low potential for occurrence due to lack of vernal pools.

FEDERAL CANDIDATES AND LISTED PLANTS

FE = Federally listed endangered
FT = Federally listed threatened
FC = Federal candidate for listing as endangered or threatened

STATE LISTED PLANTS

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

CALIFORNIA NATIVE PLANT SOCIETY LISTS

1A = Species presumed extinct.
1B = Species rare, threatened, or endangered in California and elsewhere. These species are eligible for state listing.
2 = Species rare, threatened, or endangered in California but more common elsewhere. These species are eligible for state listing.
3 = Species for which more information is needed. Distribution, endangerment, and/or taxonomic information is needed.
4 = A watch list of species of limited distribution.These species need to be monitored for changes in the status of their populations.

CITY OF SAN DIEGO

NE = Narrow endemic
MSCP = Multiple Species Conservation Program covered species

ATTACHMENT 4

Sensitive Wildlife Species Observed or with the Potential for Occurrence

Attachment 4 Sensitive Wildlife Species Occurring or with the Potential to Occur			
Species	Status	Habitat	Occurrence/Comments
REPTILES (Nomenclature from Crother 2001 and Crother et al. 2003)			
SCINCIDAE SKINKS			
Coronado skink *Eumeces skiltonianus interparietalis*	CSC	Grasslands, open woodlands and forest, broken chaparral. Rocky habitats near streams.	Low potential for occurrence due lack of good quality habitat and history of site disturbance.
Coast patch-nosed snake *Salvadora hexalepis virgultea*	CSC	Grasslands, chaparral, sagebrush, desert scrub. Found in sandy and rocky areas.	Low potential for occurrence due lack of good quality habitat and history of site disturbance.
CROTALIDAE RATTLESNAKES	—		
Red diamond rattlesnake *Crotalus ruber*	CSC	Desert scrub and riparian, coastal sage scrub, open chaparral, grassland, and agricultural fields.	Not observed. Moderate potential to occur in the survey area.
BIRDS (Nomenclature from American Ornithologists' Union 1998 and Unitt 1984)			
ACCIPITRIDAE HAWKS, KITES, & EAGLES			
Ferruginous hawk (wintering) *Buteo regalis*	CSC, MSCP	Require large foraging areas. Grasslands, agricultural fields. Uncommon winter resident.	Not observed. Low potential for occurrence due history of site disturbance.
Northern harrier (nesting) *Circus cyaneus hudsonius*	CSC, MSCP	Coastal lowland, marshes, grassland, agricultural fields. Migrant and winter resident, rare summer resident.	Observed.
STRIGIDAE TYPICAL OWLS			
Western burrowing owl (burrow sites) *Athene cunicularia hypugaea*	CSC, MSCP	Grassland, agricultural land, coastal dunes. Require rodent burrows. Declining resident.	Observed.
ALAUDIDAE LARKS			
California horned lark *Eremophila alpestris actia*	CSC	Sandy shores, mesas, disturbed areas, grasslands, agricultural lands, sparse creosote bush scrub.	Not observed. Low potential for occurrence in the survey area.

Attachment 4 Sensitive Wildlife Species Occurring or with the Potential to Occur			
Species	Status	Habitat	Occurrence/Comments
EMBERIZIDAE EMBERIZIDS			
Grasshopper sparrow (nesting) *Ammodramus savannarum perpallidus*		Tall grass areas. Localized summer resident, rare in winter.	Not observed. Low potential for occurrence in the survey area.
MAMMALS (Nomenclature from Jones et al. 1997 and Hall 1981)			
MURIDAE OLD WORLD MICE & RATS (I)			
Northwestern San Diego pocket mouse *Chaetodipus fallax fallax*	CSC	San Diego County west of mountains in sparse, disturbed coastal sage scrub or grasslands with sandy soils.	Not observed. Low potential to occur due to lack of sandy soils.
MUSTELIDAE WEASELS, OTTERS, & BADGERS			
American badger *Taxidea taxus*	MSCP, *	Grasslands, Sonoran desert scrub.	Not observed. Low potential for occurrence in the survey area due to history of disturbance.
CERVIDAE DEER			
Southern mule deer *Odocoileus hemionus fuliginata*	MSCP	Many habitats.	Not observed. Moderate potential for occurrence in the survey area.

STATUS CODES

CSC = California Department of Fish and Game species of special concern

MSCP = Multiple Species Conservation Program covered species

* = Taxa listed with an asterisk fall into one or more of the following categories:

- Taxa considered endangered or rare under Section 15380(d) of CEQA guidelines
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range
- Population(s) in California that may be peripheral to the major portion of a taxon's range but which are threatened with extirpation within California
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands)

ATTACHMENT 5

Western Burrowing Owl Focused Survey Results for the La Media Retail Project

RECON

An Employee-Owned Company

August 29, 2017

Mr. Ted Shaw
Senior Land Use Consultant
Atlantis Group
2488 Historic Decatur Road, Suite 200
San Diego, CA 92106

Reference: Western Burrowing Owl Focused Survey Results at the La Media Retail Project North Survey Area (RECON Number 7105)

Dear Mr. Shaw:

This letter summarizes the results of the 2017 focused surveys for the western burrowing owl (*Athene cunicularia hypugaea*) conducted within the northern parcel of the La Media Retail Project Area (project site). The project site is located in the city of San Diego, south of Otay Mesa Road, north of State Route 905, and east of the La Media Road (Figure 1). The project site is found in Section 35, Township 18 South, Range 1 West, of the U.S. Geological Survey 7.5-minute topographic map, Otay Mesa quadrangle (Figure 2; USGS 1996), and City of San Diego, Engineering and Development, City 800' scale map, Number 138-1773 (Figure 3). The assessor's parcel numbers are shown on Figure 4.

RECON Environmental, Inc. biologists conducted western burrowing owl protocol surveys in suitable habitat in accordance with the guidelines developed by the California Department of Fish and Wildlife ([CDFW] 2012). Breeding season surveys were conducted to determine the presence or absence of the species within the project area. A family of six western burrowing owls were detected within the project site. A discussion of the results of the conducted surveys is provided below.

Western Burrowing Owl

The western burrowing owl is a CDFW species of special concern. This species is primarily restricted to the western United States and Mexico. A year-round resident in San Diego County, breeding western burrowing owls remain in only five primary areas in San Diego County, including Otay Mesa, Imperial Beach, Naval Air Station North Island, Warner Valley, and Borrego Valley (Unitt 2004). Habitat for the western burrowing owl includes dry, open, short-grass areas with level to gentle topography and well-drained soils (CDFW 2012). These areas are also often associated with burrowing mammals (Haug et al. 1993). Western burrowing owls are known to use multiple burrows, called "satellite" burrows, in addition to their nesting burrows. These non-nesting burrows are used to seek protection from predators and for roosting during the non-breeding season (CDFW 2012).

The western burrowing owl is diurnal and typically perches during daylight at the entrance to its burrow or on adjacent structures, such as low posts. Nesting occurs from March through August. Western burrowing owls form a pair bond for more than one year and exhibit high site fidelity, reusing the same burrow year after year (Haug et al. 1993). The female remains inside the burrow during most of the egg laying and incubation period and is fed by the male throughout brooding. Western burrowing owls are opportunistic feeders, consuming a diet that includes arthropods, small mammals, and birds, and occasionally amphibians and reptiles (Haug et al. 1993).

Urbanization has greatly reduced the amount of suitable habitat for this species. Other contributions to the decline of this species include the poisoning of fossorial mammals, road and ditch maintenance, and collisions with automobiles (CDFW 2012).

Survey Methods

RECON biologists Beth Procsal, Cailin O'Meara, and Alex Fromer conducted western burrowing owl focused surveys in accordance with the guidelines developed by the CDFW (CDFW 2012). Wildlife databases, including California Natural Diversity Database (CNDDB) and San Diego Biological Information and Observation System (SanBIOS), were consulted and available information of known western burrowing owl observations was gathered and compared to the parcel location. No previous records were found for the La Media Retail project site within the wildlife databases. However, previous observations had been made within the project site in 2014 (RECON 2016).

The current surveys included four breeding season western burrowing owl surveys. For the purposes of this report, the "survey area" includes the project's proposed ground disturbance footprint (project site) and a 150-meter buffer (Figure 4). Meandering transects were walked through all suitable habitat identified within the project site with focused attention on locations where a western burrowing owl individual was detected within the project site in 2014. The 150-meter buffer was surveyed using binoculars, as access onto private property was not granted. All wildlife species observed during the surveys were noted. Survey dates, times, and weather conditions are provided in Table 1.

Vegetation community classifications in this report follow Oberbauer et.al. (2008), which is based on Holland (1986). It should be noted that vegetation community classifications should follow Sawyer et al. (2009) per the CDFW guidelines; however, Sawyer et al. (2009) does not contain a vegetation classification equivalent for disturbed land, an on-site land cover type.

Table 1
Survey Information

Date	Survey Type	Surveyors	Beginning Conditions	Ending Conditions
4/4/2017	Western Burrowing Owl Survey #1	C. O'Meara, B. Procsal	7:30 a.m.; 61°F; 0–1 mph; 85% cc	9:30 a.m.; 65°F; 1–3 mph; <1% cc
5/17/2017	Western Burrowing Owl Survey #2	B. Procsal, A. Fromer	7:15 a.m.; 59°F; 2–4 mph; 35% cc	9:00 a.m.; 62°F; 1–3 mph; 75% cc
6/15/2017	Western Burrowing Owl Survey #3	A. Fromer	7:00 a.m.; 65°F; 0–1 mph; 0% cc	9:30 a.m.; 73°F; 1–3 mph; 0% cc
7/7/2017	Western Burrowing Owl Survey #4	A. Fromer	7:00 a.m.; 73°F; 0–1 mph; 15% cc	9:15 a.m.; 80°F; 1–2 mph; 10% cc

°F = degrees Fahrenheit; mph = miles per hour; % = percent; cc = cloud cover.

Existing Conditions

The project site consists of an undeveloped lot surrounded by State Route 905 to the south, Otay Mesa Road (State Route 125) to the north, La Media Road to the west, and undeveloped, private land to the east (see Figure 4). The project site is adjacent to commercial development to the north and west. Two soil types occur within the project area: Salinas clay, 0 to 2 percent slopes, and Stockpen gravelly clay loam, 2 to 5 percent slopes (U.S. Department of Agriculture 1973).

The project site supports two land cover types: non-native grassland and disturbed land (Figure 5). The non-native grassland is dominated by Mediterranean barley (*Hordeum marinum*), ripgut grass (*Bromus diandrus*), red brome (*Bromus madritensis*), and oats (*Avena* sp.). The disturbed land is dominated by prickly sow thistle (*Sonchus asper*), London rocket (*Sisymbrium irio*), cheeseweed (*Malva parviflora*), crown daisy (*Glebionis coronaria* [=*Chrysanthemum coronarium*]), and sourclover (*Melilotus indicus*).

The vegetation near the western end of the project site (non-native grassland) is approximately one to two feet in height and provides high habitat value for the western burrowing owl (Photographs 1 and 2; see Figure 5). Active western burrowing owl burrows were detected at the toe of a bank located along the western project site boundary. As the surveys progressed from spring into summer, this vegetation dried out and became more open. The vegetation occurring on the majority of the site (non-native grassland and disturbed land) is very dense, ranging from three to eight feet in height during the first survey (Photograph 3). These areas provide low to moderate habitat value for western burrowing owl (see Figure 5). As the surveys continued, this vegetation died and provided a very thick thatch (Photograph 4). No burrows occur within these areas of disturbed land, and this habitat type provides low to moderate habitat for the western burrowing owl. A vehicular path leading from the northeastern corner of the project site to the southeastern corner is present; no burrows were detected in this area.

Focused Western Burrowing Owl Surveys Results

Focused western burrowing owl surveys were conducted on four separate dates: April 4, May 17, June 15, and July 7, 2017. All four surveys were conducted between morning civil twilight and 10:00 a.m. Meandering transects were walked through all suitable habitat identified within the project area. The 150-meter buffer was surveyed using binoculars. One individual, presumably a male, was detected on all surveys and an additional western burrowing owl adult and four juveniles were observed during the fourth survey (see Figure 5). A burrow complex comprised of three burrows was observed along the toe of the bank along the western project site boundary in proximity to where the male western burrowing owl was observed (see Figure 5).

Conclusion and Mitigation Requirements

Western burrowing owls were detected within the project area during the focused surveys. These observations are recorded on California Native Species Field Survey Forms and will be submitted to CNDDB (Attachment 1). Formal consultation with the City of San Diego and CDFW will be required in order to develop appropriate mitigation plans for the La Media Retail Project. Mitigation measures such as translocation of western burrowing owls, artificial burrow construction, avoidance, burrow exclusion and closure, and/or habitat preservation may be required.

As part of the mitigation measures, Take-Avoidance (Pre-Construction) Surveys will be required at least 14 days prior to ground disturbance to detect the presence of western burrowing owls and inform necessary take-avoidance actions. These surveys will include all areas where suitable habitat is present within the survey area (CDFW 2012).

If you have any questions concerning the contents of this letter, please contact me at (619) 308-9333 extension 111 or Gerry Scheid at (619) 308-9333 extension 171.

Sincerely,

E. Procsal

Beth Procsal
Associate Biologist

EAP:eab:sh

References Cited

California Department of Fish and Wildlife (CDFW)
2012 Staff Report on Burrowing Owl Mitigation. March.

Haug, E. A., B. A. Millsap, and M. S. Martell
1993 Burrowing Owl. *The Birds of North America, No. 61*. Edited by A. Poole and F. Gill.

Holland, R. F.
1986 Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, California Department of Fish and Game. October.

Oberbauer, T., M. Kelly, and J. Buegge
2008 Draft Vegetation Communities of San Diego County. March. Based on Preliminary Descriptions of the Terrestrial Natural Communities of California, Robert F. Holland, Ph.D., October 1986.

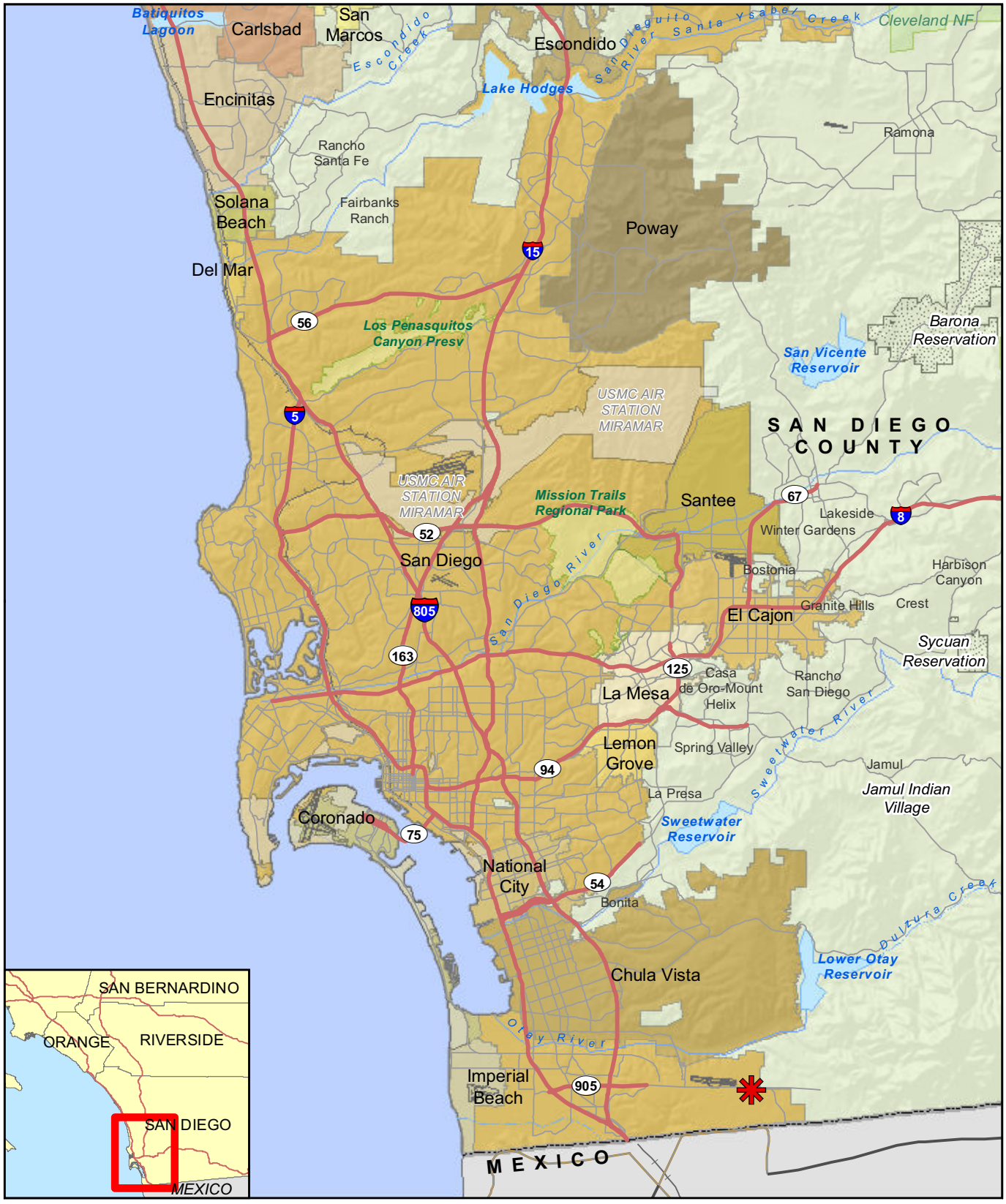
RECON Environmental, Inc.
2016 Biological Resources Report for the La Media Retail Project. December.

Sawyer, J. O., T. Keeler-Wolf, and J. Evens
2009 *A Manual of California Vegetation*, 2nd ed. California Native Plant Society. Sacramento.

U.S. Department of Agriculture (USDA)
1973 Soil Survey, San Diego Area, California. Soil Conservation Service and Forest Service. Roy H. Bowman, ed. San Diego. December.

United States Geological Survey (USGS)
1996 Otay Mesa 7.5 Minute Topographic Map.

Unitt, Philip
2004 San Diego County Bird Atlas. October.



RECON

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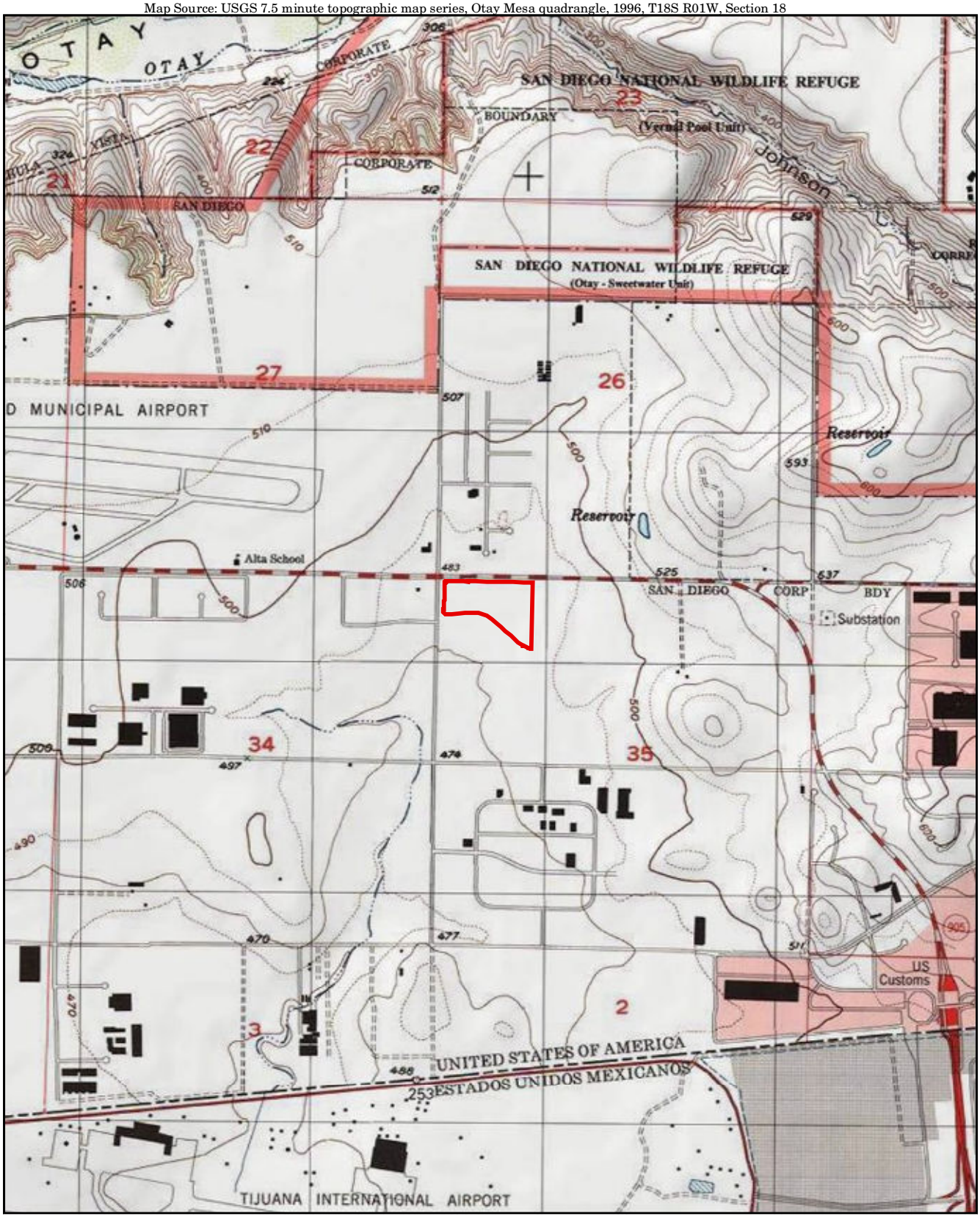
FIGURE 1
Regional Location

Map Source: USGS 7.5 minute topographic map series, Otay Mesa quadrangle, 1996, T18S R01W, Section 18



0 Feet 2,000

Project Boundary

RECON

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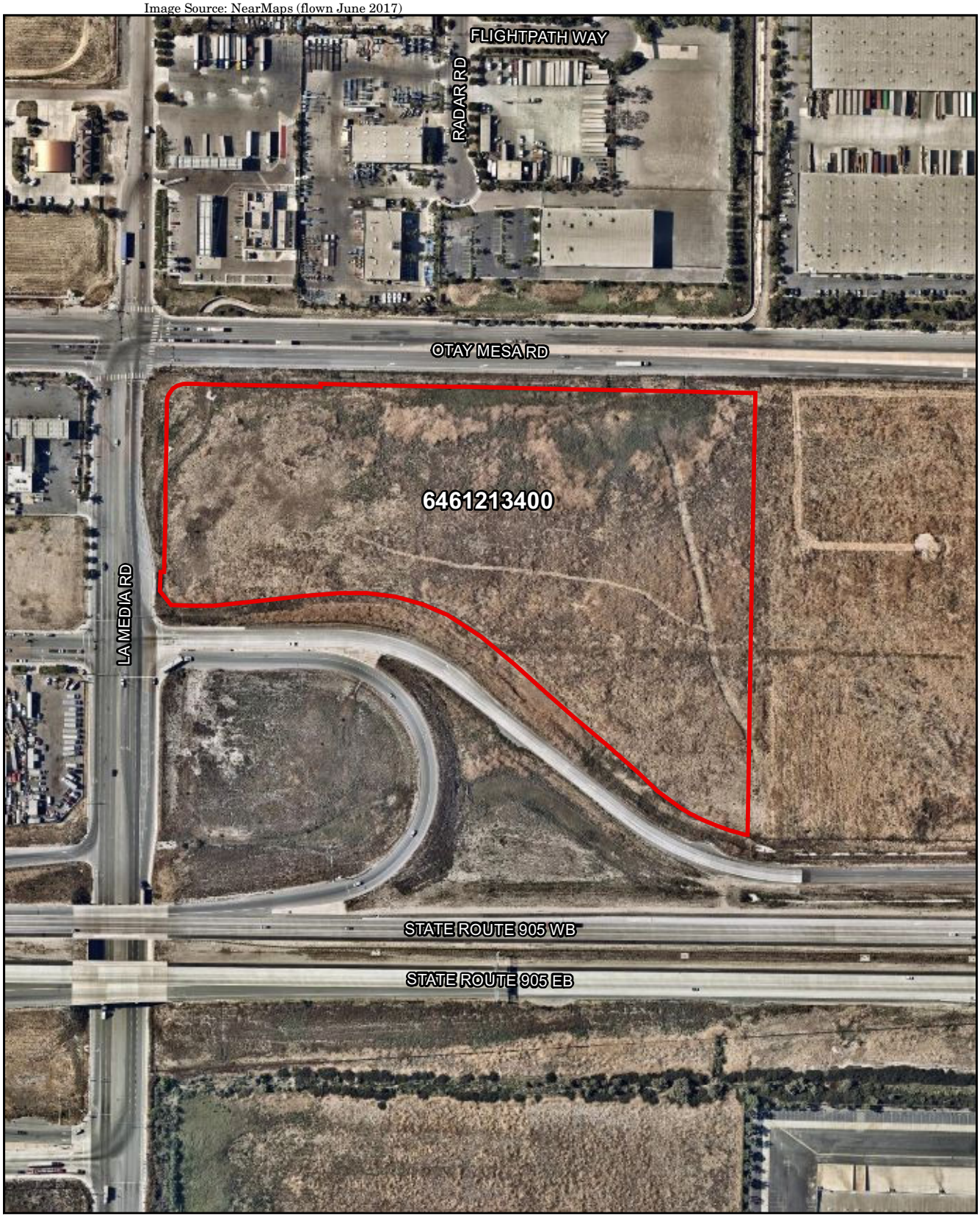
FIGURE 2

Project Location on USGS Map

Image Source: NearMaps (flown June 2017)



Project Boundary

FIGURE 3

Project Location on Aerial Photograph

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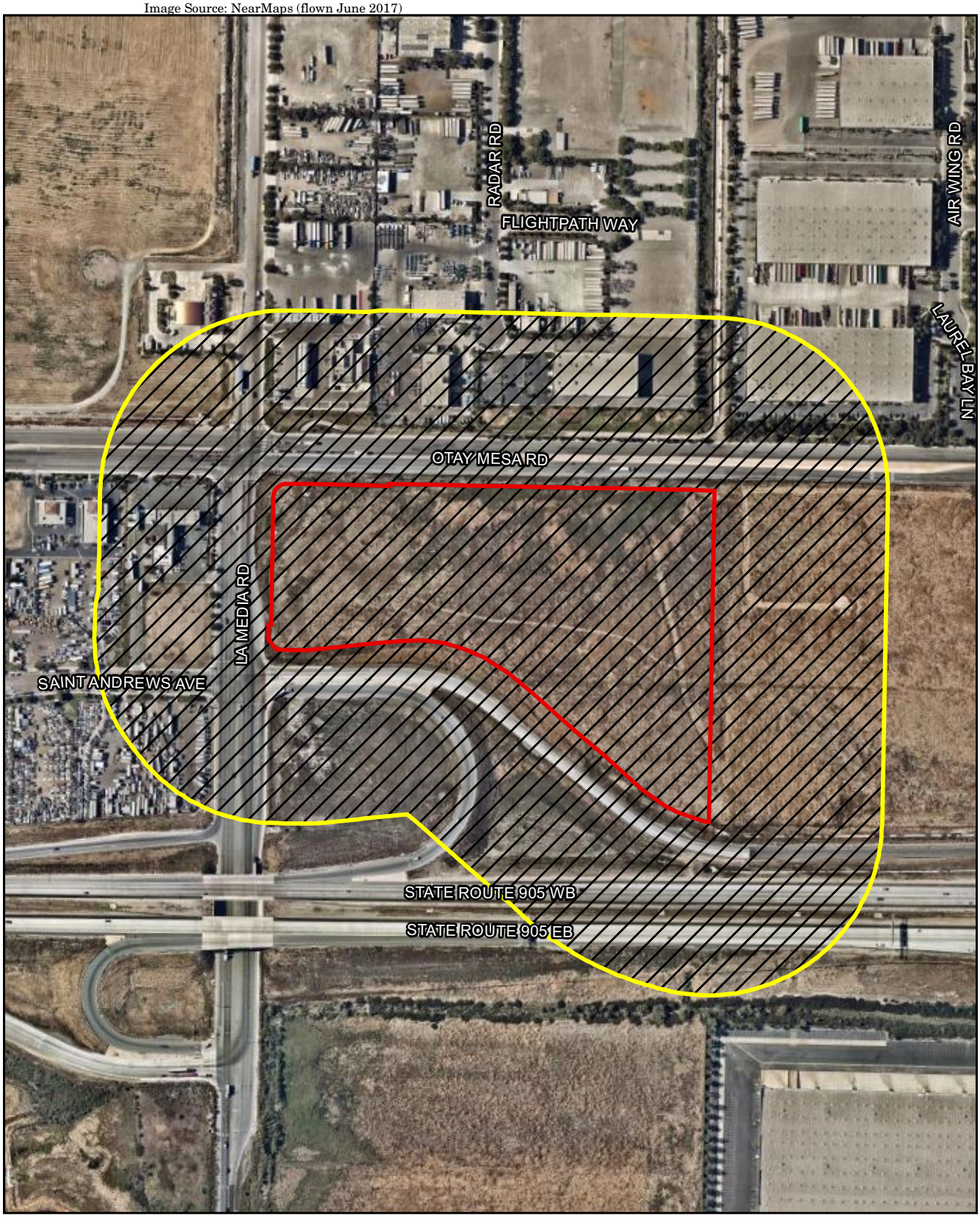
Image Source: NearMaps (flown June 2017)



La Media Retail Project Site

150-meter Buffer

La Media Retail Project Survey Area

0 Feet 400

FIGURE 4
La Media Retail Project Burrowing Owl Survey Area on Aerial Photograph

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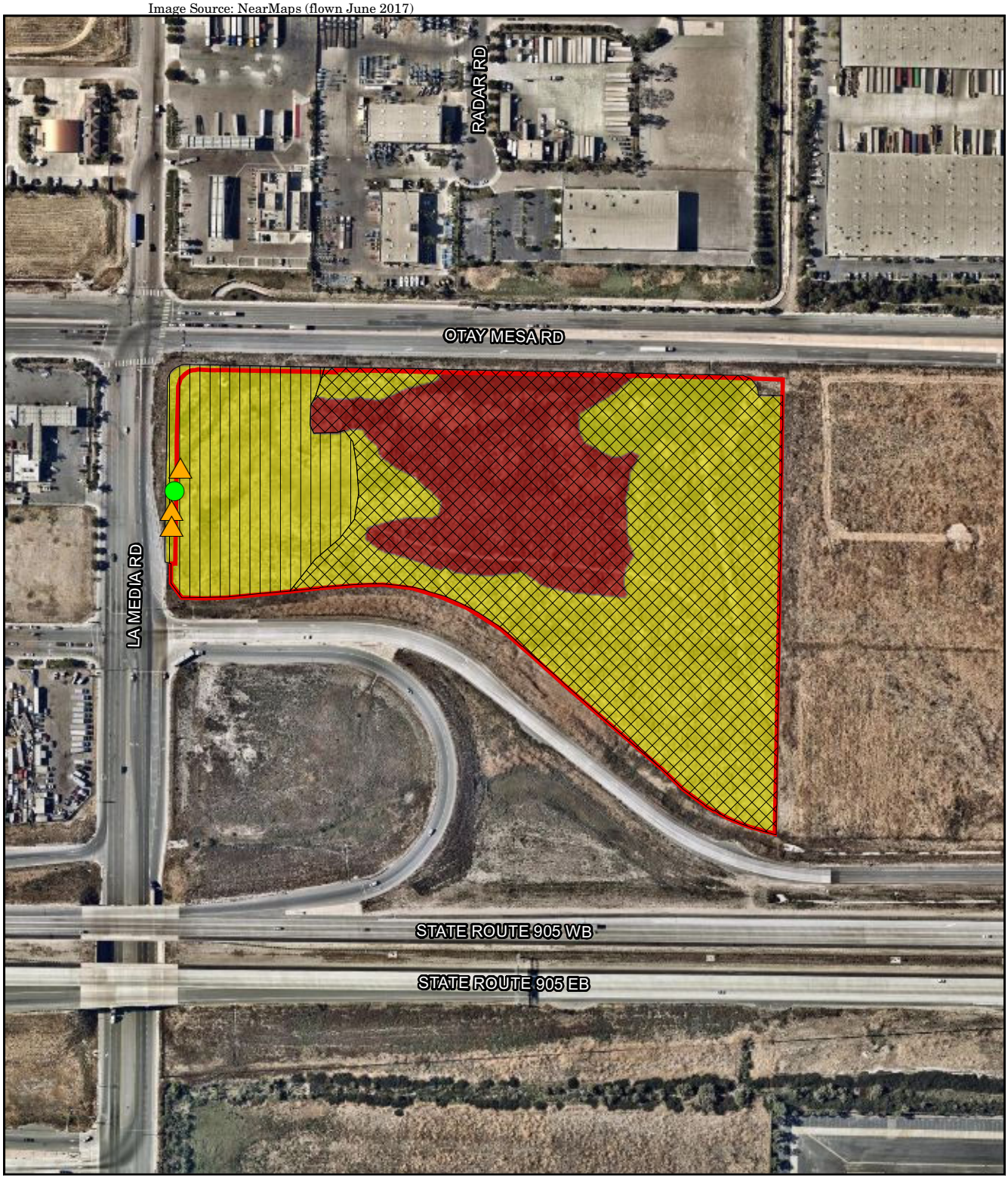
Image Source: NearMaps (flown June 2017)



Project Boundary

Burrowing Owl Observation

Burrow

High Burrowing Owl Habitat Value

Low to Moderate Burrowing Owl Habitat Value

Vegetation Communities

Non-native Grassland

Disturbed Land

RECON

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FIGURE 5
La Media Retail Project
Burrowing Owl Survey Results

PHOTOGRAPH 1
View of Non-native Grassland, Facing North.
Western Burrowing Owl Perched on Debris within
Habitat. Photo Date: April 4, 2017

PHOTOGRAPH 2
View of Non-native Grassland (in the foreground) and Disturbed Land (in the background), Facing South.
Photo Date: April 17, 2017

PHOTOGRAPH 3
View of Disturbed Land, Facing East. Photo Date: April 4, 2017

PHOTOGRAPH 4
View of Disturbed Land, Facing East. Photo Date: April 17, 2017

ATTACHMENT 1

Mail to:
California Natural Diversity Database
California Dept. of Fish & Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: (916) 324-0475 email: CNDDB@wildlife.ca.gov

Date of Field Work (mm/dd/yyyy): 07/07/2017

For Office Use Only
Source Code: _____ Quad Code: _____
Elm Code: _____ Occ No.: _____
EO Index: _____ Map Index: _____

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: *Athene cunicularia hypugaea*

Common Name: western burrowing owl

Species Found? (●) Yes ( ) No _____ If not found, why?

Total No. Individuals: 6 Subsequent Visit? ( ) Yes ( ) No

Is this an existing NDDB occurrence? _____ Yes, Occ. # [X] No [ ] Unk.

Collection? If yes: _____ Number _____ Museum / Herbarium

Reporter: Beth Procsal
Address: 1927 Fifth Ave
San Diego, CA 92117
E-mail Address: bprocsal@reconenvironmental.com
Phone: 619-308-9333

Plant Information

Phenology:

_____ % vegetative _____ % flowering _____ % fruiting

Animal Information

2 # adults 4 # juveniles _____ # larvae _____ # egg masses _____ # unknown

[ ] wintering [X] breeding [X] nesting [ ] rookery [X] burrow site [ ] lek [ ] other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: San Diego Landowner / Mgr: Western Alliance Bank

Quad Name: Otay Mesa Elevation: 478 - 486 feet

T 18S R 01W Sec 18 , ___ 1/4 of ___ 1/4, Meridian: H ( ) M ( ) S ( )

T ___ R ___ Sec ___ , ___ 1/4 of ___ 1/4, Meridian: H ( ) M ( ) S ( )

DATUM: NAD27 ( ) NAD83 (●) WGS84 ( )

Coordinate System: UTM Zone 10 ( ) UTM Zone 11 ( ) *OR* Geographic (Latitude & Longitude) (●)

Coordinates: 32.566822, -116.962118

Source of Coordinates (GPS, topo. map & type): GPS

GPS Make & Model: Trimble

Horizontal Accuracy: 0.3 feet meters/feet

Habitat Description (plants & animals) *plant communities, dominants, associates, substrates/soils, aspects/slope:*
Animal Behavior *(Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):*

Detected in a flat, non-native grassland area on west side of parcel. Dominate plant species include Mediterranean barley (*Hordeum marinum*), ripgut grass (*Bromus diandrus*), red brome (*Bromus madritensis*), and oats (*Avena* sp.), and soils present include Salinas clay, 0 to 2 percent slopes. A male was detected on four burrowing owl surveys (from April to July), and on the July survey, a second adult was detected with four juveniles. The male was always observed perching on debris (a car bumper) near the burrow.

Please fill out separate form for other rare taxa seen at this site.

Site Information Overall site/occurrence quality/viability (site + population): ( ) Excellent ( ) Good ( ) Fair (●) Poor

Immediate AND surrounding land use: immediate use - undeveloped land; surrounding use - undeveloped land + commerical

Visible disturbances: non-native plant species, site is not maintained.

Threats: dense vegetation

Comments:

Determination: *(check one or more, and fill in blanks)*
- [ ] Keyed (cite reference): _____
- [ ] Compared with specimen housed at: _____
- [ ] Compared with photo / drawing in: _____
- [ ] By another person (name): _____
- [ ] Other: _____

Photographs: *(check one or more)*

	Slide	Print	Digital
Plant / animal	[ ]	[ ]	[ ]
Habitat	[ ]	[ ]	[ ]
Diagnostic feature	[ ]	[ ]	[ ]

May we obtain duplicates at our expense? ( ) yes ( ) no

ATTACHMENT 6

Résumés

Gerry Scheid

Senior Biologist/Permitting Specialist

Experience Highlights

- ✓ Expertise in wetland delineations and USACE and CDFW permitting
- ✓ Excellent relationships with resource and regulatory agencies
- ✓ Understanding of local biological resources

Experience

33 years

Education/Registrations

B.S. Biology, Arizona State University

M.S. Ecology, San Diego State University

Certifications/Permits

County of San Diego Approved CEQA Consultants List; Biological Resources

County of Santa Barbara Approved Consultants List: Biological Resources

County of Ventura Approved Consultants List: Biological Resources

USFWS Permit TE-797665 to collect endangered vernal pool and upland plants

Mr. Scheid has extensive experience conducting field surveys to map vegetation communities, assess the potential for and constraints of sensitive biological resources, and performs focused surveys for sensitive plant species. He prepares biological resource reports for projects within southern and central California.

Mr. Scheid also specializes in wetlands issues, conducts jurisdictional wetland delineations according to USACE methodologies and assists clients in securing project approvals from USACE for nationwide permits and individual permits under Section 404 of the Clean Water Act, CDFW under Section 1600 of the Fish and Game Code, and from the RWCQB under Section 401 of the Clean Water Act. He plays a major role in all phases of the permit process, from the preparation of biological assessments as part of Section 7 consultations with the USFWS, to preparing permit applications, mitigation planning, and helping with negotiations with state and federal agencies.

Mr. Scheid has delineated wetlands and atypical wetlands according to USACE methods, including using the supplement for the arid west and ordinary high water mark methodologies. He has assessed USACE jurisdiction over isolated wetland/waters of the U.S. using the significant nexus analysis, and prepared mitigation plans according to USACE guidelines. He maintains an excellent working and negotiating relationship with regulatory staff, and his field surveys, delineations, maps, applications, and written documents are well respected.

The Elms and The Ivy Property, San Diego, CA

Tasks completed by Mr. Scheid for this project include a wetland delineation, preparation of application packages for a 404 permit, 1602 Streambed Alteration Agreement, and a 401 state water quality certification. He also prepared the wetland deviation findings for the Biological Superior Option for impacts to City of San Diego wetlands and participated in meetings with the Resource Agencies and Wetland Advisory Board to gain approval of the deviation from the City of San Diego's Environmentally Sensitive Lands regulations.

Training

Wetland Delineation in Southern California Training, Southern California Chapter of The Wildlife Society

Arid West Supplement Training, Wetland Training Institute

California Rapid Assessment Method Certified

The Glen at Scripps Ranch, San Diego, CA

Mr. Scheid was the senior biologist that conducted the biological resource survey, impact analysis, and developed mitigation for impacts to upland and wetlands. He prepared the wetland permit application packages and helped secure these permits for the applicant from the resource agencies. He continues to provide oversight of the implementation and monitoring of the on-site jurisdictional waters mitigation project. This proposed continuing care retirement community project encompasses 53 acres in San Diego.

Otay Mesa Community Plan Update, San Diego, CA

Mr. Scheid provided technical review of the biological resource documents for quality assurance. He also aided the City of San Diego to update the biological and land use GIS data for the community plan area. In addition, he attended meetings with the City's MSCP, Planning, and GIS personnel during the document review process.

Via de la Valle Road Widening Project, San Diego, CA

Mr. Scheid was the senior biologist that conducted the biological resource surveys, impact analysis, and developed mitigation for impacts to sensitive habitat and environmentally sensitive habitat areas (ESHA) for this project located in the coastal zone. He prepared the coastal sage scrub mitigation plan to restore ESHA within the local coastal zone that was reviewed and approved by the California Coastal Commission.

Riverpark at Mission Gorge, San Diego, CA

Mr. Scheid conducted biology resource surveys and a wetland delineation, and prepared the associated technical reports. He prepared after-the-fact permits (i.e., 404, 401, 1603, Section 7 Endangered Species Act) and negotiated with the resource agencies. A mitigation plan for the creation and restoration of riparian wetland habitats on the San Diego River was also prepared. This project involved an accidental rock fall that resulted in impacts to the San Diego River and City of San Diego sewer line at the Superior Ready Mix quarry in Mission Gorge.

Beth Procsal
Associate Biologist

Experience Highlights

- ✓ Ornithology Specialist
- ✓ Knowledge of local biological resources
- ✓ Threatened and endangered species surveys and monitoring
- ✓ Wetland delineation and permitting

Experience

14 years

Education/Registrations

B.S. Biological Sciences, San Diego State University

Certifications/Permits

CDFW Scientific Collecting Permit

CDFW Flat-Tailed Horned Lizard Training and Certification

OSHA 10-Hour Training Course in Construction Safety and Health

USFWS Permit TE-797665 to conduct surveys for coastal California gnatcatcher and nest monitoring for least Bell's vireo

Ms. Procsal is a knowledgeable biologist who specializes in southwestern U.S. bird identification, avian point counts, and focused surveys for endangered, threatened, and sensitive bird species in a variety of habitats in southern California. Additionally, she manages and conducts general biological and wetland assessments and constraints analyses, vegetation mapping, habitat revegetation/mitigation implementation and monitoring, biological monitoring. Ms. Procsal prepares biological technical reports to document findings and uses GPS to map vegetation and sensitive species habitats.

Ms. Procsal regularly coordinates with agency staff and has a strong understanding of the guidelines and reporting requirements. Additionally, Ms. Procsal has experience managing large-scale projects and has served as lead biologist/manager for construction monitoring activities on several projects. She provides effective coordination of biological staff on projects with complicated environmental constraints.

Friars Road Project, San Diego, CA

Ms. Procsal conducted the biological survey, wrote the biological technical report, and coordinated with the client for a timely submittal for this proposed family residential and condominium development project in the Linda Vista community of the City of San Diego. An open space easement was proposed to protect sensitive biological resources.

Mission Center Property, San Diego, CA

Ms. Procsal served as biological project manager for this 36-acre project. She conducted the general biological survey to document the biological resources present on-site. The survey results were included in a biological letter report to provide the client team an assessment of the biological value of the site for use as mitigation lands. Ms. Procsal coordinated with the client and the City of San Diego Multiple Species Conservation Program staff on mitigation options for the project and helped facilitate this process.

Training

Southwestern Willow Flycatcher Workshop, Kern River Research Center

Certified Wetland Delineation Training, Wetland Training Institute

SDG&E NCCP Training

Affiliations

San Diego Audubon Society

American Ornithological Union

San Diego Natural History Museum

Association of Environmental Professionals

Spectrum 3 and 4 Project, San Diego, CA

As project biologist, Ms. Procsal conducted the general biological survey to assess potential sensitive plant and wildlife impacts for the proposed commercial development. The survey results were included in a biological technical report. Ms. Procsal worked with City of San Diego MSCP and Development Services Department staff regarding the Multi-Habitat Planning Area boundary line adjustment and covenant of easements that are recorded on the property.

Torrey Reserve Phase III and IV, San Diego, CA

As biological project manager, Ms. Procsal coordinated and conducted presence/absence protocol surveys for coastal California gnatcatcher and least Bell's vireo within adjacent, suitable habitats and conducted construction monitoring within the development footprint. Ms. Procsal also conducted noise monitoring next to the occupied gnatcatcher habitat and worked with the City of San Diego Mitigation Monitoring Coordination staff to help keep the project in compliance.

Uptown, North Park, Golden Hill Community Plan Updates EIRs, San Diego, CA

Ms. Procsal assisted in preparing a programmatic level general biological analysis, which included an evaluation of the biological resources within the Uptown, North Park, and Golden Hill communities that could potentially be affected by the respective community plan updates. Proposed revisions to the open space boundaries in each planning area based on updated open space mapping were also evaluated.

The Glen at Scripps Ranch, San Diego, CA

As project biologist, Ms. Procsal conducted the biological surveys; participated in the wetland delineation; wrote technical reports and other supporting documentation; and consulted with the client, regulatory agencies, and City of San Diego Multiple Species Conservation Program (MSCP) staff to determine if there are impacts to the vernal pools. Additionally, Ms. Procsal participated in several focused surveys for San Diego fairy shrimp and the habitat assessment for the Quino checkerspot butterfly, and monitored rainfall and hydrology within the vernal pools. Ms. Procsal coordinated with the client, the project's engineer, and the City of San Diego MSCP staff on mitigation options for the project and helped facilitate this process. This proposed continuing care retirement community project encompasses 53 acres in the City of San Diego.

Alexander Fromer
Biologist

Experience Highlights

- ✓ SDG&E pre-activity survey experience
- ✓ Knowledge of local biological resources
- ✓ Focused surveys for arroyo toad, Quino checkerspot butterfly, general invertebrates

Experience

9 years

Education/Registrations

B.S. Biology, California Polytechnic State University of California, San Luis Obispo

Certifications/Permits

CDFW Scientific Collecting Permit for insects/freshwater invertebrates, rodents/small mammals, reptiles/amphibians

CDFW Flat-Tailed Horned Lizard Training and Certification

OSHA 30-Hour Training Course in Construction Safety and Health

USFWS Permit TE-797665 to conduct focused surveys for Quino checkerspot butterfly

Mr. Fromer is a biologist on RECON's Federal team. He conducts habitat assessments, monitoring, and general wildlife surveys in a variety of habitats in southern California. He uses GPS to map vegetation and sensitive species habitats, monitors construction activities, and prepares biological technical reports to document findings. Mr. Fromer has experience preparing pre-activity survey reports (PSRs) in support of various SDG&E's Natural Community Conservation Plan (NCCP) for operations and maintenance activities. He recently served as project biologist in support of an Operational Range Clearance program planned for several training ranges on Marine Corps Base Camp Pendleton involving range clearance of unexploded ordinance (UXO) and debris. In addition to biological surveys, he prepared the documents detailing the results of the habitat assessments.

Valley Center Road Bridge Replacement Project, San Diego County, CA

Mr. Fromer conducted arroyo toad exclusionary fence installation monitoring, initial arroyo toad surveys, and final arroyo toad surveys at Valley Center Bridge spanning the San Luis Rey River. The project is located in northern San Diego County within the Rincon Band of the Luiseno Indian reservation.

PSR Pole Brush Survey for QCB, 115 Poles, San Diego, CA

Mr. Fromer conducted focused surveys for Quino checkerspot butterfly for a San Diego Gas & Electric pole brushing project.

San Luis Rey River Flood Risk Management, San Diego County, CA

Mr. Fromer has assisted with multiple phases of this 122-acre giant reed removal and restoration project within the flood control channel along the lower reach of the San Luis Rey River in southern California. The project is being completed in several phases over several years for the U.S. Army Corps of Engineers and will eventually lead to the restoration and management of over 100 acres of southern willow scrub habitat. This habitat is occupied by the least Bell's vireo and the southwestern willow flycatcher, two federally listed bird species. Prior to project implementation, Mr. Fromer headed up the vegetation

Training

USFWS-Approved Arroyo Toad Handler

Desert Tortoise Surveying, Monitoring, and Handling Techniques Workshop, Desert Tortoise Council

Acoustic Monitoring of Bats Workshop, The Wildlife Society, Western Section

California Red-legged Frog Workshop, Elkhorn Slough Coastal Training Program

Affiliations

Society of American Military Engineers

mapping for the entire project area using the California Native Plant Society Relevé Protocol. He then conducted the vegetation monitoring within the entire project area after vegetation removal implementation. He also provided biological and site safety monitoring during habitat restoration implementation.

Jamacha Boulevard Phase I and Phase II, San Diego, CA

The Jamacha Boulevard Widening Project involves two phases of a road widening project encompassing a one-mile section of Jamacha Boulevard in the unincorporated community of Spring Valley in the county of San Diego. For Phase 1, Mr. Fromer provided biological and noise monitoring during construction to ensure compliance with a Biological Opinion issued by the U.S. Fish and Wildlife Service for projected adverse effects to the federally endangered least Bell's vireo. For Phase 2, he assisted in conducting protocol surveys for Quino checkerspot butterfly and provided biological and noise monitoring during construction.

Lawson Valley Road Bridge Replacement Project, San Diego, CA

The County proposed the replacement of the 1948 Lawson Valley Road Bridge in Jamul which has become structurally and operationally deficient. Mr. Fromer performed arroyo toad daytime/nighttime protocol surveys for this 1.2-acre project to mitigate for permanent and temporary impacts resulting from the bridge replacement.

Sycamore Canyon Landfill Mitigation, San Diego, CA

Mr. Fromer conducted focused surveys for Quino checkerspot butterfly on the expansion parcels for Sycamore Landfill.

Otay Mesa Energy Center, San Diego, CA

Mr. Fromer assisted in the biological monitoring during construction as part of project compliance for the Otay Mesa Energy Center that includes a power plant, gas pipeline, waste water pipeline, and 9 miles of 230-kV transmission line reconductoring.

Cailin Lyons
Biologist

Experience Highlights

- ✓ CEQA analysis and MSCP compliance
- ✓ Wetland delineation and permitting
- ✓ Restoration planning, implementation, and monitoring

Experience

8 years

Education/Registrations

B.S. Environmental Management and Protection, Minor, Land Rehabilitation, California Polytechnic State University, San Luis Obispo

Certifications/Permits

CDFW Scientific Collecting Permit

OSHA 10-Hour Training Course in Construction Safety and Health

Training

MLA Candidate, Sustainability and Ecosystems Management, Harvard University Extension, expected 2017

Wetland Delineation Training, Wetland Training Institute

Ms. Lyons is a biologist who has extensive experience conducting pre-impact analysis of complex biological and wetland resources in support of CEQA, and conducts third-party review of biological resource reports and habitat restoration plans to ensure compliance with CEQA and the various MSCP subarea plans. She is also experienced in habitat assessments; vegetation mapping; focused surveys for endangered, threatened, and sensitive species; wetland delineation; habitat restoration; and construction monitoring in a variety of habitats in southern California.

Otay Ranch Preserve Trail Alignment Study, San Diego County, CA

Ms. Lyons serves as the project manager and lead biologist for the Otay Ranch Preserve Trail Alignment Study. The study is a multi-jurisdictional planning effort between the County of San Diego, City of Chula Vista, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, the Bureau of Land Management, the City of San Diego, and U.S. Customs and Border Protection to ensure trail connections between Otay Ranch and regional trails within the surrounding area. Ms. O'Meara is responsible for the preparation of the study and all deliverables associated with the effort, as well as assisting the County of San Diego with administrative and project management tasks.

Otay Ranch Preserve Phase 2 Resource Management Plan Update, San Diego County, CA

Ms. Lyons serves as project manager and lead biologist for the Otay Ranch Preserve Phase 2 Resource Management Plan Update. Ms. O'Meara is updating the plan to reflect numerous changes in the planning context of Otay Ranch, including the adoption of the MSCP and numerous land use changes to the Otay Ranch General Development Plan/Subregional Plan (GDP/SRP). The document provides an implementation framework for the Phase 1 Resource Management Plan, and includes an updated Biota Monitoring Program to ensure that biological monitoring within Otay Ranch Preserve is consistent with regional monitoring efforts.

Arid West Supplement to Wetland Delineation Training

Urban and Wildland Forest Pests and Diseases Workshop, U.C. Riverside

CEQA Essentials Workshop, Association of Environmental Professionals

Community-Based Restoration Workshop, California Coastal Commission

California Anostraca and Notostraca Identification Class

Arroyo Toad Identification Workshop, Wildlife Society

Affiliations

Association of Environmental Professionals

Torrey Reserve Phase III and IV, San Diego, CA

Ms. Lyons conducted noise monitoring next to the occupied coastal California gnatcatcher habitat to help keep the project in compliance with City of San Diego mitigation monitoring requirements.

Otay Mesa Community Plan Update, San Diego, CA

Ms. Lyons managed and prepared the technical biological analyses for a comprehensive update of a community plan encompassing 9,324 acres in Otay Mesa. The biology report analyzes impacts related to species and habitats, jurisdictional resources, wildlife movement corridors, and the City of San Diego Multiple Species Conservation Program and Multi-Habitat Planning Area.

Crescent Heights, San Diego, CA

Ms. Lyons conducted construction monitoring adjacent to vernal pools as required by the City of San Diego mitigation monitoring reporting program. In addition, Ms. Lyons conducted the wetland delineation and prepared the Year 1 monitoring report for the wetland restoration portion of the project.

Alta Del Mar, San Diego, CA

Ms. Lyons conducted construction monitoring to ensure environmental compliance during soil disturbance and other construction activities as required by the City of San Diego mitigation monitoring and reporting program. Additionally Ms. Lyons is assisting with the vernal pool restoration and enhancement per the restoration and enhancement plan for the Shaw Lorenz property. The program is designed to mitigate for San Diego fairy shrimp impacts associated with the development. The program includes the restoration of approximately 40 vernal pools for the listed San Diego fairy shrimp. Ms. Lyons conducts hydrology monitoring, monitors weed removal activities, and assists with fairy shrimp surveying at the vernal pool restoration and enhancement site.

Pacific Highlands Ranch, San Diego, CA

Ms. Lyons conducted construction monitoring to ensure environmental compliance during brush clearing and soil disturbance activities adjacent to wetlands and sensitive habitats as required by the City of San Diego mitigation monitoring and reporting program. Ms. Lyons also conducted noise monitoring activities, including coordinating with the client and project's various contractors to implement noise mitigation measures, to ensure compliance with noise restriction requirements.

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An Employee-Owned Company

January 29, 2021

Mr. Tom Simmons
Majestic Realty
13191 Crossroads Parkway North, 6th Floor
City of Industry, CA 91746

Reference: Addendum to the Biological Technical Report for the La Media Retail Project, San Diego, California (RECON Number 7105.1)

Dear Mr. Simmons:

RECON Environmental, Inc. (RECON) has prepared an addendum evaluating potential impacts to biological resources and associated mitigation for the Industrial Alternative to the La Media Retail Project (project). This alternative would develop the project site with two industrial buildings totaling approximately 257,158 square feet. Impacts associated with the commercial/retail project were evaluated in the *Biological Resources Report for the La Media Retail Project* (Biology Report) (RECON 2019). This addendum evaluates potential impacts on biological resources and proposes mitigation options for impacts to western burrowing owl (*Athene cunicularia*) and its habitat.

The 17.6-acre project site is located in the city of San Diego, south of Otay Mesa Road, north of State Route 905, and east of the La Media Road (Figure 1). The project site is found in Section 35, Township 18 South, Range 1 West, of the U.S. Geological Survey (USGS) 7.5-minute topographic map, Otay Mesa quadrangle (Figure 2; USGS 1994). The project is also shown on the City of San Diego (City) 800-scale maps (Figure 3). Commercial/Industrial development occurs to the north, west, and southeast of the project, while vacant land occurs to the south and east (Figure 4). Brown Field Municipal Airport is to the northwest of the project, and State Route 125 is approximately 0.5 mile to the east. A total survey area of 27.5 acres (17.6 acres on-site and 9.9 acres off-site) was evaluated in the Biology Report that was completed in July 2019.

PROJECT DESCRIPTION – LA MEDIA INDUSTRIAL NORTH PROJECT ALTERNATIVE

The industrial alternative proposes to construct two industrial buildings totaling approximately 257,158 square-feet on the 17.6-acre project site (Figure 5). Building 1 would total 113,928 square feet and would be located on the western portion of the project site. Building 2 would total 143,240 square feet and would be located on the eastern portion of the project site. A total of 285 parking spaces would be provided on the site. The industrial alternative also includes the same off-site improvements located on the western and northern boundaries for frontage and roadway improvements as addressed for the commercial/retail project. However, the off-site improvement area to the east of the project site has been entitled under the Sunroad Project, and mitigation for potential impacts to this area have accounted for under that project. Therefore, this addendum does not evaluate impacts to the areas east of the project site.

EXISTING BIOLOGICAL RESOURCES

The following discussion of existing biological resources on the project site is summarized from the existing Biology Report (RECON 2019). The entire project site is vegetated with non-native grassland, some of which is considered disturbed. The additional off-site survey area is comprised of mostly non-native grassland to the east and disturbed land and developed land to the north and west (Figure 6).

Project Location

FIGURE 1
Regional Location

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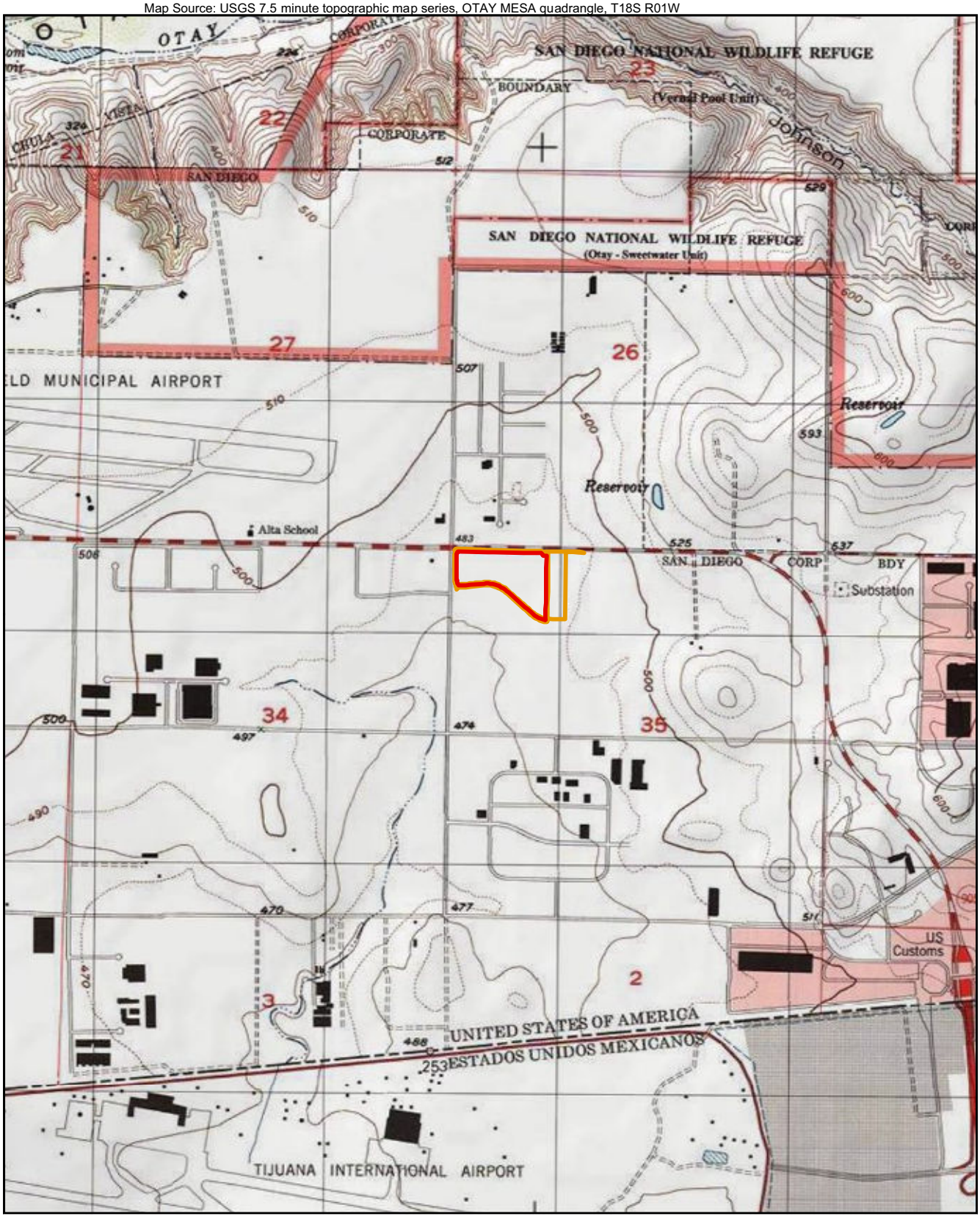
Map Source: USGS 7.5 minute topographic map series, OTAY MESA quadrangle, T18S R01W



Project Boundary

Off-site Survey Area

FIGURE 2

Project Location on USGS Map

RECON

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Map Source: City of San Diego, Engineering and Development Department, City 800' Maps, Number 138-1773

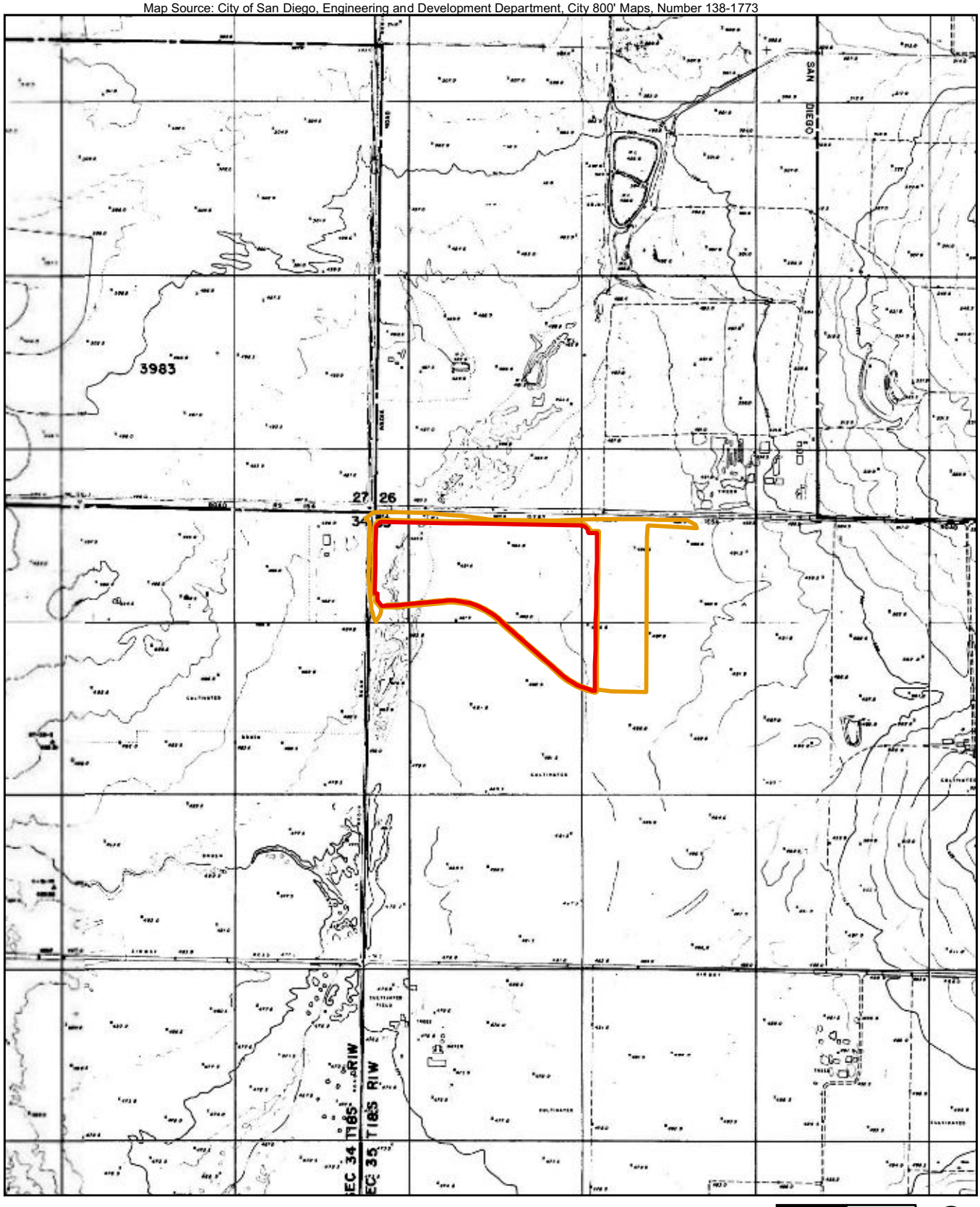

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FIGURE 3

Project Location on City 800' Map

Image source: Nearmap (flown February 2019)

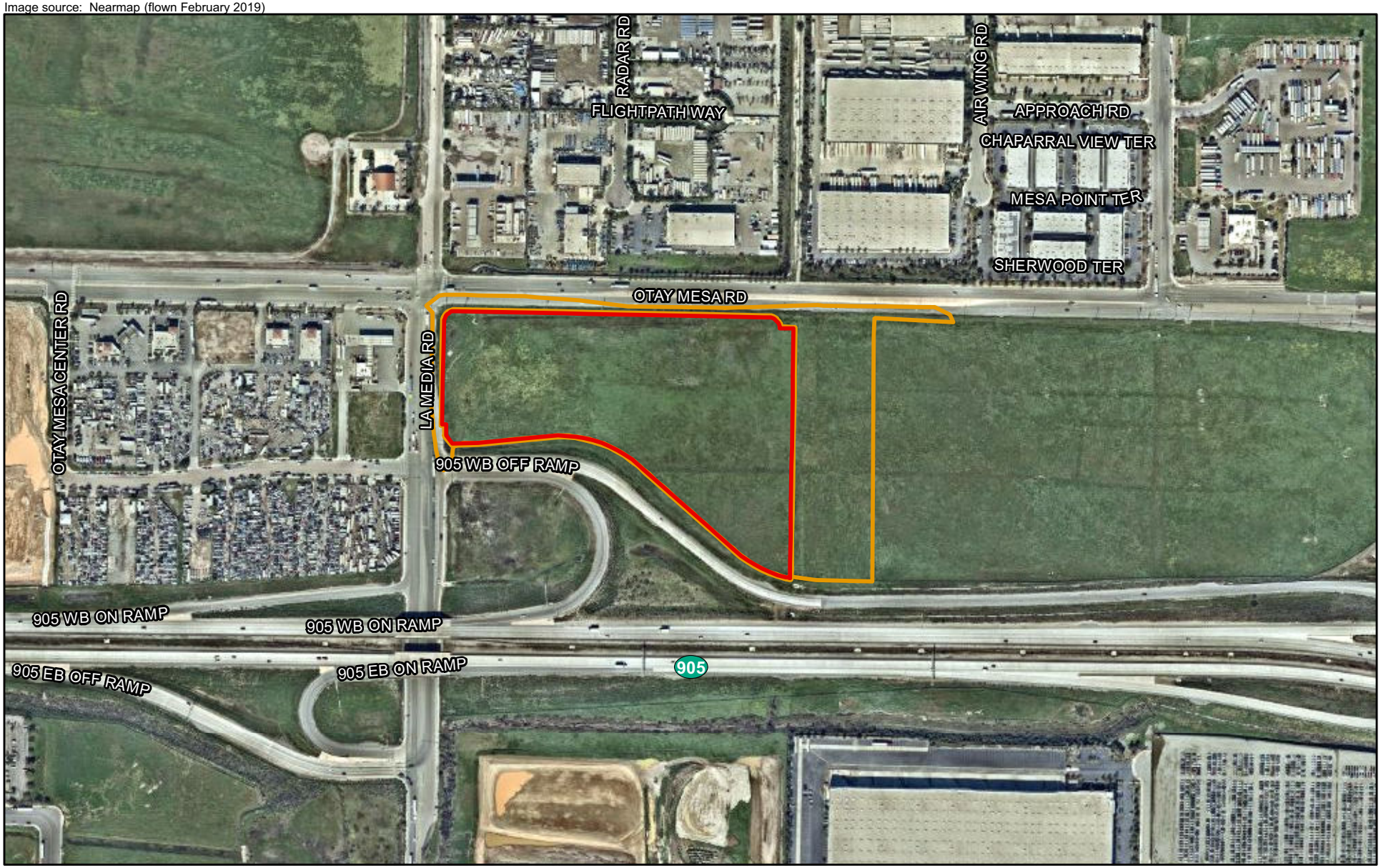

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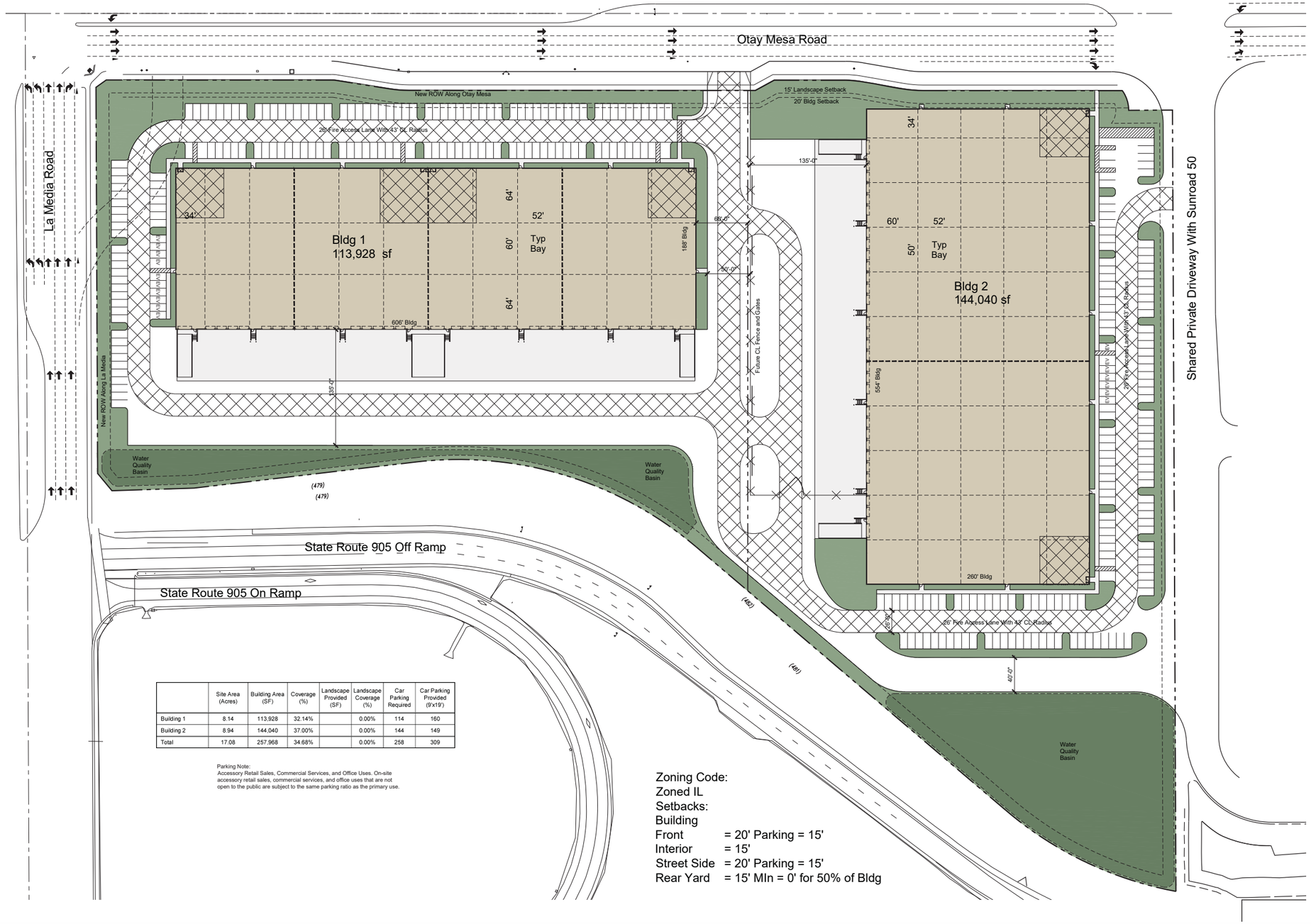
FIGURE 4

Project Location on Aerial Photograph

Map Source: Commerce Construction Co.



	Site Area (Acres)	Building Area (SF)	Coverage (%)	Landscape Provided (SF)	Landscape Coverage (%)	Car Parking Required	Car Parking Provided (9'x19')
Building 1	8.14	113,928	32.14%		0.00%	114	160
Building 2	8.94	144,040	37.00%		0.00%	144	149
Total	17.08	257,968	34.68%		0.00%	258	309

Parking Note:
Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use.

Zoning Code:
Zoned IL
Setbacks:
Building
Front = 20' Parking = 15'
Interior = 15'
Street Side = 20' Parking = 15'
Rear Yard = 15' MIn = 0' for 50% of Bldg

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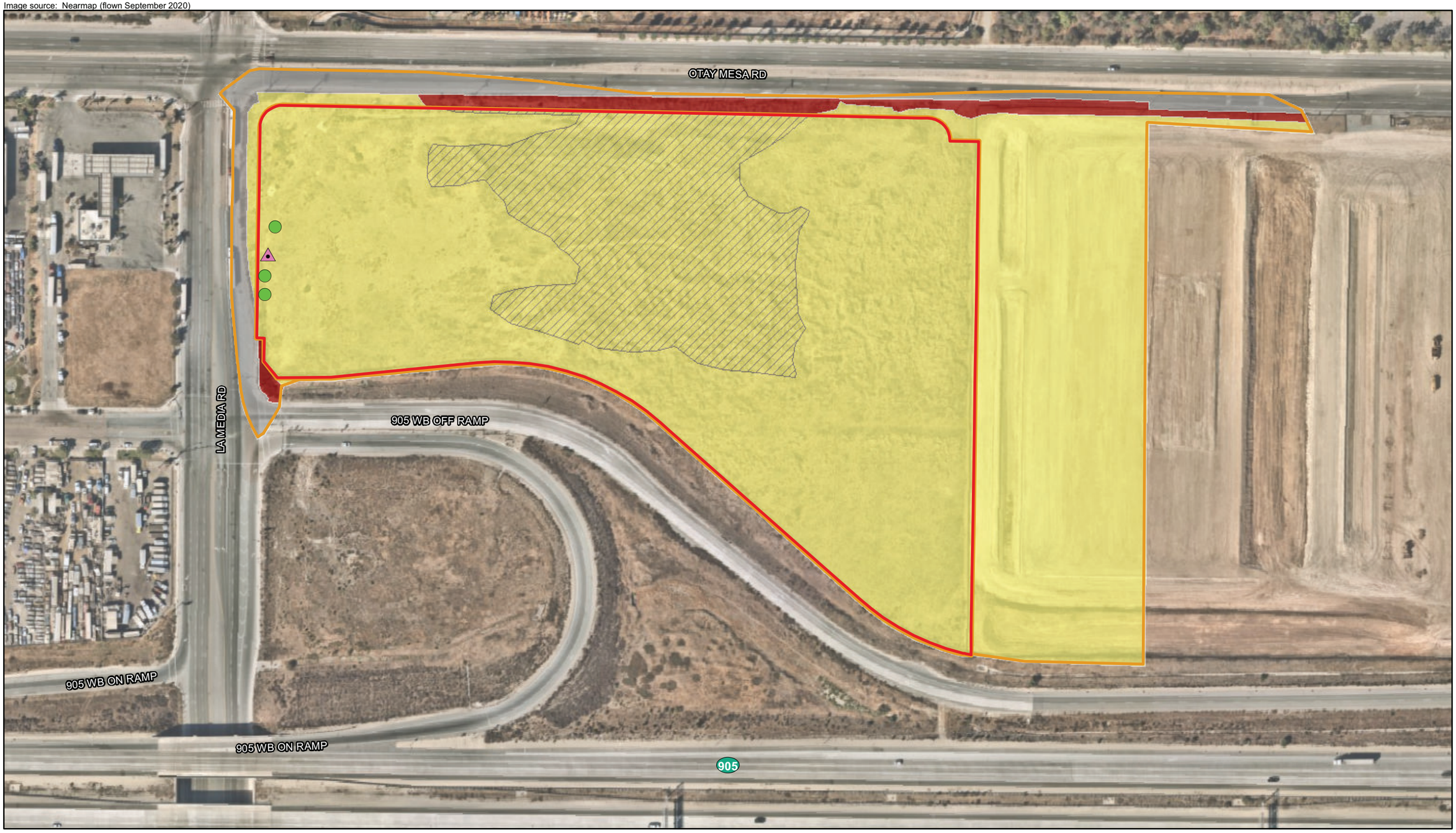
FIGURE 5
Site Plan

Image source: Nearmap (flown September 2020)



Project Boundary

Off-site Survey Area

Wildlife Observations

Western Burrowing Owl (Observed at same location in both 2014 and 2017)

Suitable Burrow Location (Observed in both 2014 and 2017 at same location)

Vegetation Communities and Land Cover Types

Disturbed Non-native Grassland

Non-native Grassland

Disturbed Land

Developed

0 Feet 200

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FIGURE 6

Existing Biological Resources

One sensitive vegetation community, non-native grassland was identified within the survey area. No sensitive plant species were observed and there are no narrow endemic plant species present within the survey area. One sensitive avian species, the western burrowing owl was observed in the survey area (see Figure 6).

PROJECT IMPACTS – INDUSTRIAL ALTERNATIVE

Figure 7 illustrates the location of potential impacts to biological resources associated with the proposed industrial alternative. The on-site impact footprint for the industrial alternative would be identical to the impact footprint of the commercial/retail project evaluated in the existing Biology Report.

While the industrial alternative includes the same off-site improvements located on the western and northern boundaries as the commercial/retail project, the off-site improvement area to the east of the project site has been excluded. The 50-acre site immediately adjacent to the eastern boundary of the project site has been entitled for development. This entitlement has been secured by the project applicant proposing the industrial alternative evaluated in this addendum. Mitigation for impacts to biological resources for the 50-acre site, including burrowing owl, are in the final stages of documentation with the Ramona Grassland Conservancy and Turecek parcel. Therefore, the industrial alternative would not result in impacts to, or be responsible for, mitigation for the off-site improvement area east of the project site. It is anticipated that the industrial alternative project would be built as a follow-up phase to the project on the 50-acre site, which would be built first.

Impacts to sensitive vegetation communities associated with the industrial alternative would be the same as what would occur under the commercial/retail project. Both project designs would impact 17.6 acres of non-native grassland. Off-site impacts from frontage and road improvements to the north and west of the project site would also be the same as what would occur under the commercial/retail project. Both project designs would impact 0.9-acre of disturbed land and 1.4 acres of developed land. Impacts to non-native grassland are considered significant.

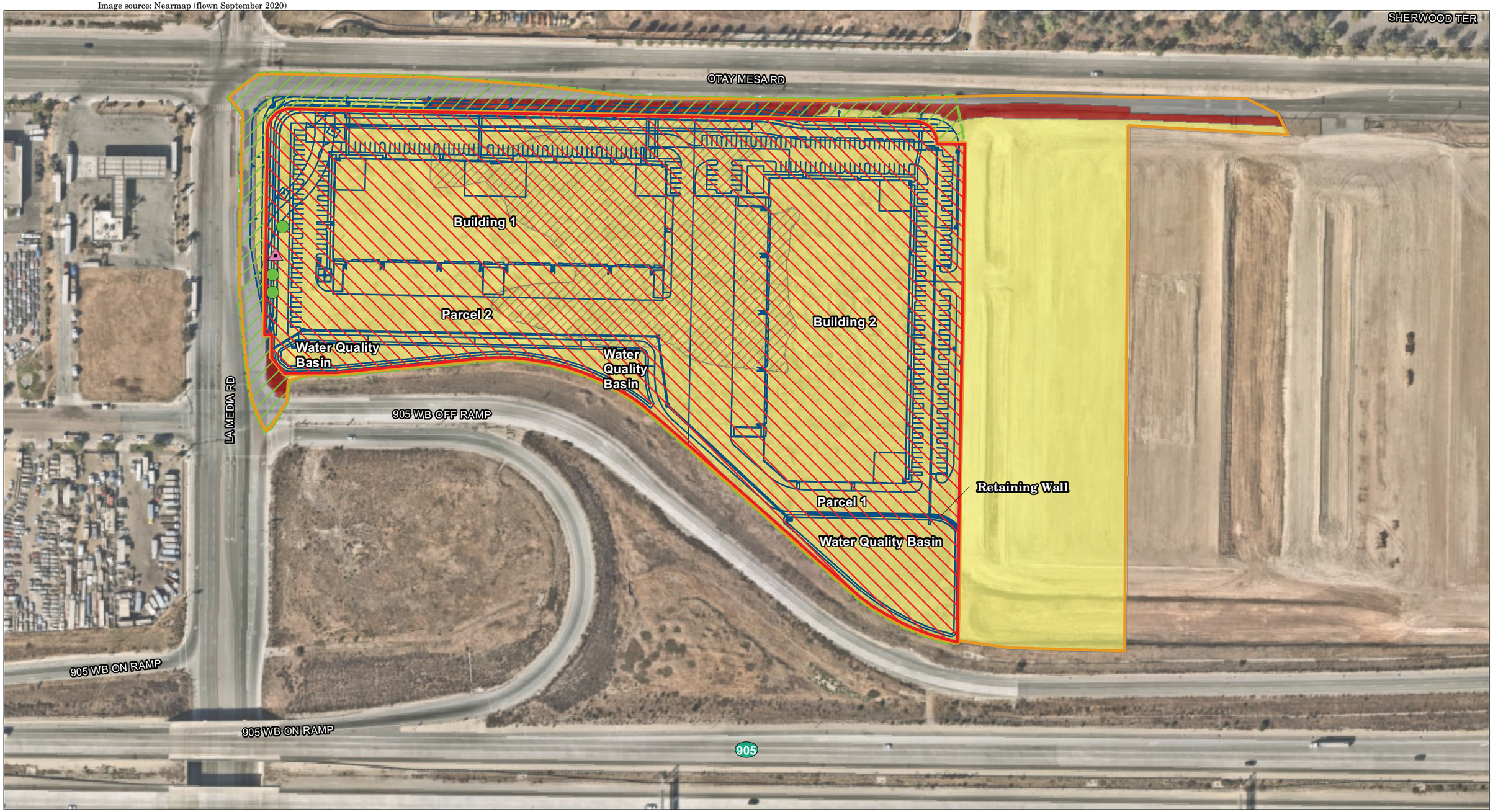
Impacts to general wildlife and nesting birds associated with the industrial alternative would be the same as what would occur under the commercial/retail project. Impacts to on-site non-native grassland habitat under the industrial alternative would also result in the loss of the same amount of western burrowing owl habitat as would occur under the commercial/retail project. Impacts to nesting birds and western burrowing owl would be considered significant and require mitigation.

Potential indirect impacts on listed and sensitive bird species within the survey area and adjacent off-site habitats associated with construction noise with the industrial alternative would be the same as what would occur under the commercial/retail project. Indirect impacts to sensitive wildlife may be significant without mitigation measures. These potential indirect impacts are the same as evaluated for the commercial/retail project.

MITIGATION

Mitigation for direct and indirect impacts to sensitive biological resources from the industrial alternative project would be the same as what was previously documented in the Biology Report. The industrial alternative would be required to comply with the mitigation measures contained in the Otay Mesa Community Plan (City of San Diego 2013), the City's Environmentally Sensitive Lands regulations and Biology Guidelines (City of San Diego 2018), as well as the Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego 1997). In addition, all City standard mitigation measures for the protection of biological resources prior to, during, and post construction would apply to the industrial alternative. The commercial/retail project was determined to be subject to the same requirements.

Image source: Nearmap (flown September 2020)



Project Boundary
Off-site Survey Area
On-site Impact
Off-site Impact

Wildlife Observations

Western Burrowing Owl (Observed at same location in both 2014 and 2017)
Suitable Burrow Location (Observed in both 2014 and 2017 at same location)
Site Plan Lines

Vegetation Communities and Land Cover Types

Non-native Grassland
Disturbed Non-native Grassland
Disturbed Land
Developed

0 Feet 160

RECON

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FIGURE 7

Impacts to Biological Resources Industrial Alternative

Mitigation for impacts to non-native grassland would be achieved through mitigation for impacts to western burrowing owl, which was observed utilizing the non-native grassland habitat on the project site. Mitigation for impacts to western burrowing owl would require compliance with conditions of coverage under the MSCP Subarea Plan (City of San Diego 1997), the City Biology Guidelines (City of San Diego 2018), and the Mitigation Framework contained in the Otay Mesa Community Plan (City of San Diego of 2013) as contained in the existing Biology Report. All of these mitigation measures would equally apply to both the industrial alternative and commercial/retail project.

In addition, compliance with the Mitigation Framework for western burrowing owl presented in the Biology Report would be required for the industrial alternative. Compliance with mitigation measures for substantial conformance review and the following Mitigation Measures (MM): MM-1, MM-2, MM-3, MM-5, MM-6, MM-7, MM-8, and MM-9 contained in the Mitigation Framework presented in the Biology Report would all be required for the industrial alternative. In addition, an alternative mitigation framework option has been added in this addendum that addresses a multi-project land conservation mitigation option proposed by the Wildlife Agencies.

PROPOSED WESTERN BURROWING OWL MITIGATION OPTIONS

Consistent with the requirements of MM-4 Burrowing Owl Mitigation, the applicant for the industrial alternative searched for potential mitigation lands that would be suitable for western burrowing owl and considered mitigation banks. The results of this process of exploring mitigation options 1 and 2 from the burrowing owl Mitigation Framework are described below.

Mitigation Option 1: Conservation of Land – Results of Search for Potential Burrowing Owl Mitigation Land on Otay Mesa

In an effort to determine the feasibility of Mitigation Option 1 of the Burrowing Owl Mitigation Framework contained in the Biology Report (RECON 2019), a search and evaluation of parcels located on Otay Mesa for potential use as mitigation land for burrowing owl was conducted. A total of 255 parcels were identified and evaluated for the following factors: ownership, availability, location within or adjacent to the Multi-Habitat Planning Area (MHPA), and presence of non-native grassland of sufficient acreage to meet mitigation requirement. A list of the parcels evaluated and a map showing the location of primary search areas is provided in Attachment 1.

The results of the evaluation of potential parcels for use as mitigation land for burrowing owl did not identify any parcels that would meet the specific mitigation requirement for the project site. Some parcels were eliminated because of unavailability due to ownership (i.e., government-owned land) or parcels already conserved for mitigation. A large number of parcels were considered unavailable as the lands are either currently pursuing development projects or are anticipated for planned future development. A few parcels did not qualify as potential mitigation land as they were not within or adjacent to the MHPA, did not contain enough acreage of non-native grassland, or the parcels were not of sufficient acreage. An area on western Otay Mesa contains a number of adjacent parcels all approximately one acre in size that were considered not feasible for mitigation due to the difficulty in compiling a contiguous group of at least eighteen parcels under multiple ownerships. Larger parcels available to the east within the County of San Diego contained substantially more acreage than required for the mitigation needs of the project.

Based on the results of the search for potential mitigation lands on Otay Mesa to meet the specific project mitigation requirements for burrow owl mitigation for the project site, it was concluded that an area other than Otay Mesa needed to be considered. Therefore, compliance with Mitigation Option 2 from the Mitigation Framework was investigated.

Mitigation Options 2 and 3: Mitigation Bank Credits (2) and Multi-Project Conservation of Land

Two mitigation option have been developed to mitigate for impacts to western burrowing owl. These two mitigation options are discussed below.

Mitigation Option 2: Mitigation Bank Credits – Western Burrowing Owl Mitigation

The industrial alternative project proposes to achieve mitigation for impacts to burrowing owl and its habitat through the purchase of mitigation bank credits. Each condition under this option contained in the Burrowing Owl Mitigation Framework, along with how the project proposes to comply is presented.

Conditions of Mitigation Option 2

(1) Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading or building, or beginning any construction-related activity on-site, to the maximum extent practicable, the applicant shall provide documentation that mitigation for burrowing owl, that mitigates for the loss of 17.6 acres of on-site suitable occupied burrowing owl habitat, through the purchase of a minimum of 17.6 acres from an approved mitigation bank.

Proposed Compliance: The project proponent proposes to purchase 17.6 acres of non-native grassland occupied by burrowing owl as mitigation credits from the Ramona Grassland Conservation Bank. The Ramona Grasslands Conservation Bank is comprised of 210 acres on two separate parcels located near Ramona, California in San Diego County. The northern parcel is 60 acres and is primarily set aside for vernal pool and Stephen's kangaroo rat conservation. The south parcel is 150 acres of primarily grassland habitat that is being managed for burrowing owl habitat.

Required Documentation:

a. A copy of the executed purchase or option contract referencing the project name and numbers for which the habitat credits will be purchased.

   Compliance: A copy of the Ramona Grassland Conservation Bank Credit Purchase Agreement and Acknowledgement is provided as Attachment 2.

b. If not stated explicitly in the purchase or option contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.

   Compliance: The Ramona Grasslands Conservation Bank is managed by the San Diego Habitat Conservancy.

c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

   Compliance: The Ramona Grasslands Conservation Bank is protected by an existing Conservation Easement.

d. An accounting of the status of the mitigation bank must be provided that shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

   Compliance: An accounting of the status of the mitigation bank will be provided once the mitigation proposal is approved by the City and Resource Agencies (i.e., California Department of Fish and Wildlife, U.S. Fish and Wildlife Service) and the purchase agreement with the mitigation bank finalized.

e. That the mitigation bank has the appropriate number and resource type of credits available.

Compliance: The copy of the purchase agreement from the Ramona Grasslands Conservation Bank provided as Attachment 2 is documentation that the bank has the appropriate number and resource type credits available.

(2) The mitigation bank credits to be purchased must be occupied by burrowing owl and support fossorial mammals. A conservation easement for the protection of burrowing owl/habitat shall be in place over the mitigation bank land.

Compliance: The Ramona Grasslands Conservation Bank land supports burrowing owl and is protected under an existing Conservation Easement (San Diego Zoo Institute for Conservation Research 2017). The grasslands within the conservation bank support a prey population of ground squirrel and gopher that provide food and natural burrows for burrowing owl. The conservation bank lands are located adjacent to the 3,500-acre Ramona Grasslands Preserve, which also supports burrowing owl and abundant grassland habitat.

(3) Documentation that the mitigation bank lands purchased are under a Long-term Mitigation Land Management Plan for the on-going maintenance and monitoring shall be provide to the City of San Diego and Wildlife Agencies. The management plan must be completed prior to the issuance of a grading permit and shall identify the long-term funding mechanism (e.g., an endowment) for the maintenance of the mitigation bank lands for burrowing owl.

Compliance: Documentation that a long-term management plan is being implemented for the Ramona Grasslands Conservation Bank will be provided once the mitigation proposal is approved by the City and Resource Agencies and the purchase agreement with the mitigation bank finalized.

Financial Assurance for Mitigation

(1) Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, surety or performance bonds, letters of credit, investment grade corporate guarantees, set aside letters from a federally insured lending institution or other security acceptable to EAS, MSCP and the Wildlife Agencies ("Financial Assurances") shall be provided by the applicant to the City of San Diego in sufficient amounts guaranteeing the implementation of Mitigation Option 2 prior to grading permit issuance and provide proof thereof to EAS, MSCP, and the Wildlife Agencies.

Compliance: The required financial assurance documentation will be provided prior to the Notice to Proceed as described above.

(2) Within thirty (30) days after implementation of Mitigation Option 2, the City of San Diego shall release the Financial Assurances.

(3) Mitigation Option 2 shall be completed prior to issuance of the grading permit.

Compliance: All of the documentation for the mitigation credit purchase as described above will be completed prior to the issuance of the grading permit.

Mitigation Option 3 – Multi-Project Conservation of Land Option

The Wildlife Agencies expressed an interest in the potential for multiple projects being proposed on Otay Mesa to meet their mitigation needs for burrowing owl through the conservation of a larger parcel where each project contributed to the purchase of the parcel with the cost of the specific mitigation acreage needed for their specific project. In consultation with the City, Planning Department, MSCP staff and the federal and state Resource Agencies, the following option was developed.

The City of San Diego has identified parcels, with willing property owners, on Otay Mesa for purchase as additional land for the preservation of flora and fauna, based upon the City's MSCP. The applicant has agreed to contribute a maximum of $1,350,000 (equivalent to 18 acres at $75,000/acre for Ramona Grassland Conservation Bank credits) towards the purchase of said parcels. Upon approval of the Site Development Permit, the applicant will establish an escrow account with the funds to supplement the City's funding; however, should the City be unsuccessful in acquiring sufficient land to include the project, on or before March 31, 2021, the City shall direct the applicant to withdraw the funds for the purchase of Grassland Credits at the Ramona Grassland Conservation Bank which will then wholly satisfy the owl mitigation requirements.

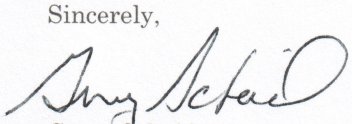
For the La Media Industrial Project one of the following conditions would apply:

(1) Prior to the issuance of a Notice to Proceed for the subdivision, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, the applicant shall provide funding to cover the specific mitigation acreage of the portion of a larger parcel designated by EAS, MSCP, and the Wildlife Agencies to be used for mitigation for impacts to burrowing owl habitat from multiple projects consistent with the ratios in the approved Conceptual Burrowing Owl Mitigation Plan and other conditions as described above under Mitigation Option 1 – Conservation of Land. The amount of funding to be contributed would not exceed the cost for a similar acreage if credits were purchased from the Ramona Grassland Conservation Bank.

(3) The La Media Industrial Project portion of the multi-project conservation land option shall include the mitigation for the loss of 17.6 acres of on-site suitable occupied burrowing owl habitat through the preservation of a minimum 8.8 acres of suitable occupied burrowing owl habitat comparable or better than the habitat being impacted at the chosen City and Wildlife Agency approved off-site location. This assumes that a 0.5:1 ratio is applied for mitigation lands located inside the MHPA and/or as agreed by the City and Wildlife Agencies.

(4) If after the agreed upon time period the City and Wildlife Agencies have not identified the parcel for the multi-project conservation of land to satisfy burrowing owl mitigation, then the La Media Industrial Project may proceed with the purchase of mitigation bank credits as described under Mitigation Option 2 – Mitigation Bank Credits as outlined above.

Sincerely,



Gerry Scheid
Senior Biologist

GAS:jg

REFERENCES CITED

RECON Environmental, Inc.
2019 Biological Resources Report for the La Media Retail Project, San Diego, California. Prepared for La Media & Airway LLC and Arizona LLC. July 24.

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

2013 Final Program Environmental Impact Report for the Otay Mesa Community Plan Update, City of San Diego. Project Number 30330/304032 SCH No. 2004651076. December 18.

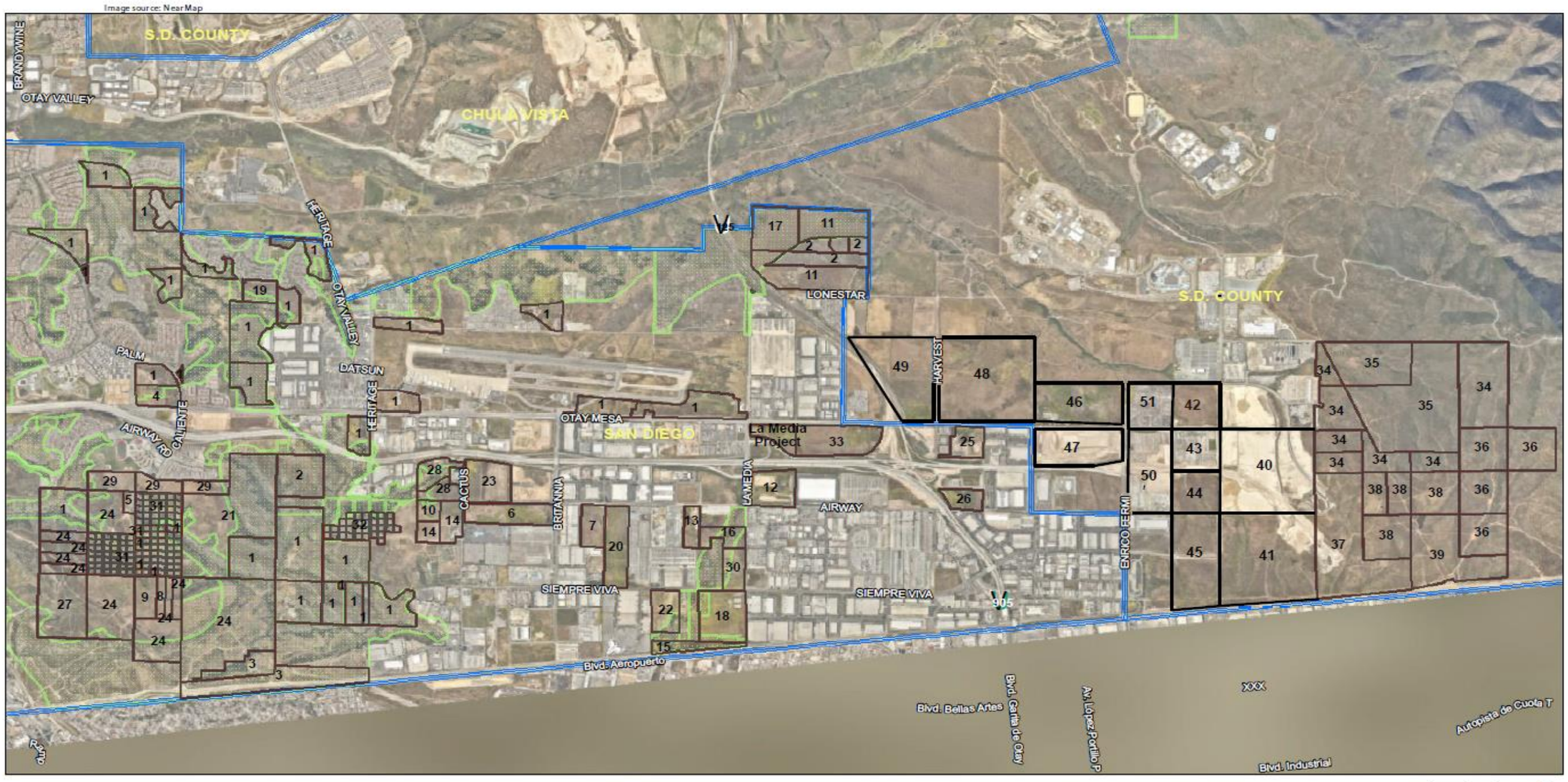
2018 San Diego Municipal Code – Land Development Code: Biology Guidelines. February.

San Diego Zoo Institute for Conservation Research
2017 Burrowing Owl Conservation and Management Plan for San Diego County. San Diego, CA. 86pp.

U.S. Geological Survey (USGS)
1994 Otay Mesa Quadrangle 7.5-Minute Topographic Map.

ATTACHMENT 1

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results



Potential Mitigation Parcels
MHPA
Municipal Boundary

0 Feet 2,000

RECON

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POTENTIAL MITIGATION PARCELS
LA MEDIA INDUSTRIAL

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
1	64504050	23.9	CITY OF SAN DIEGO	Government property, unavailable for acquistion.
	64504207	20.4		
	64505104	20.1		
	64506102	58.3		
	64507406	1.3		
	64507408	1.3		
	64507409	1.3		
	64507412	1.3		
	64507418	1.3		
	64507419	1.3		
	64507421	1.3		
	64507506	1.3		
	64507507	1.3		
	64507508	1.3		
	64507509	1.3		
	64507513	1.3		
	64507520	1.3		
	64507606	1.3		
	64508004	55.4		
	64508006	55.8		
	64508012	97.1		
	64509016	23.3		
	64511307	32		
	64523129	35.1		
	64524203	23.2		
	64524205	28.6		
	64528023	37.3		
	64529101	26.5		
	64538011	72.6		
	64605010	25.6		
	64605015	29.3		
	64605017	55.7		
	64605021	22.5		
	64605025	23.4		
	66704002	57.2		
	66704003	27.2		
	66704004	1.6		

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
1	66704005	21.4	CITY OF SAN DIEGO	Government property, unavailable for acquistion
	66704006	7.1		
	66705066	44.1		

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
2	64509024	55.8	STATE OF CALIFORNIA	Government property, unavailable for acquisition.
	64603018	22.3		
	64607043	35.9		
3	66704012	96.5	UNITED STATES OF AMERICA	Government property, unavailable for acquisition.
	66704014	35.9		
4	64504041	26	BLUE MERCED R 1414 LLC	Currently pursuing a retail development project
5	64506105	7.1	CANDLELIGHT PROPERTIES LLC	Unavailable. Currently pursuing development project.
6	64610074	51.8	CHANG JAW MIN TR	Subject to purchase offers. Welf half is proposed park, east half is proposed industrial development. Not within or adjacent to the MHPA.
7	64611019	28.1	CROWN ENTERPRISES INC	Unavailable. Also not within or adjacent to the MHPA.
8	66701021	10.1	DEXSTAR INC	Unavailable. In addition parcel is of insufficient size for project needs and is not within or adjacent to the MHPA.
9	66701014	27.5	BDM TWENTY LLC	Unavailable. Currently pursuing development project.
10	64610021	14.1	CR LUMINA GROUP LLC COLRICH	Unavailable. Currently pursuing development project (ColRich).
11	64603026	56.4	KEARNY PCCP OTAY 311 LLC	Unavailable for purchase. Already components of other project mitigation.
	64607038	87.2	RANCHO VISTA DEL MAR	
12	64612135	46.7	LA MEDIA&AIRWAY LLC	33 acres in Escrow for Industrial Development
13	64611028	13.13	TMF AIRWAY LLC	In Escrow for Industrial Development.
14	64610018	14.1	CR LUMINA GROUP LLC COLRICH	Unavailable. Currently pursuing development project (ColRich).
	64610020	26.1		
15	66706028	23.4	METROPOLITAN AIRPARK LLC	Unavailable. Anticipating future development project.
16	64611008	24	PERRY, KENNETH BRADFORD	Potential wetlands mitigation area = owner wants $200,000 per acre. Not economically feasible as owner will not sell portion.
17	64603025	57.3	OTAY BUSINESS PARK LLC	Unavailable. Already a component of other project mitigation.
18	66706010	55	OTAY - TJ NORTH LLC (CBX)	Unavailable. Anticipating future mitigation and development project.
19	64505004	21.7	OTAY MESA CROSSING LLC	Unavailable. Already a component of other project mitigation.
20	64611039	54.8	OTAY MESA DEVELOPMEMT	Unavailable. Currently processing a development project. Also, Unavailable. Also not within or adjacent to the MHPA.
La Media Project	64612134	24.3	LAS VEGAS SUNSET PROPERTIES	17 acres in Escrow for Industrial Development (subject mitigation site)

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
21	64508003	222	OTAY MESA LLC	Unavailable. Currently anticipating future development project (Bachmann).
22	66706011	34.1	OTAY - TJ NORTH LLC (CBX)	Unavailable. Currently pursuing development project.
23	64610077	53.4	PAEZ JOSEPH JR	Unavailable. Future residential project - See Central Village Plan
24	64506104	49.3	PARDEE HOMES	Unavailable. See Southwest Village Specific Plan
	64506106	14.3		
	64506107	14.3		
	64506108	14.4		
	64506109	14.4		
	66701006	86.4		
	66701015	57.2		
	66701019	10.9		
	66701020	9.5		
	66704013	230.8		
25	64613056	27.7	R FAMILY PROPERTIES II LLC	Unavailable. Negotiating for Energy Storage Project. Also, not within or adjacent to the MHPA.
26	64613055	21	SAN DIEGO DEVELOPMENT GROUP	Unavailable. In Escrow for industrial development. Surrounded by development, not within or adjacent to the MHPA, insufficient NNG habitat for project needs.
27	66701022	89.1	SAN YSIDRO 96 LLC	Insufficient NNG available for project needs. Slide zone - unstable land.
28	64610075	25.1	ADAMO JABIR	Unavailable. Insufficient NNG for project needs. Contamination site has a closure letter, small area maybe industrial.
28	64610076	20.9	CR LUMINA GROUP LLC COLRICH	Unavailable. Currently pursuing development project (ColRich).
29	64506032	25.4	SOUTHVIEW LLC	Unavailable. Currently pursuing development project (Candlelight).
	64506035	19.8		
	64508008	18.1		
30	64611011	26.9	NATIONAL ENTERPRISES INC	Unavailable. Just sold to David Wick/Roque. Frontage to be expanded for La Media Road.

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
31	64507101	1.2	GARDENIA COMPANY INC	West Otay Mesa "1-acre Parcels." Multiple owners either unavailable to contact or unwilling to sell. Unrealistic to cobble together sufficient acreage to meet project needs.
	64507102	1.2		
	64507103	1.2		
	64507104	1.2	MONTEJANO DANIEL	
	64507105	1.2	LAKSHMIPATHY ARUN	
	64507106	1.2	GARDENIA COMPANY INC	
	64507107	1.2		
	64507108	1.2	AVALOS FAMILY TRUST	
	64507109	1.2	SANDOVAL GUILLERMO F	
	64507110	1.2	VENZON FAMILY TRUST 11-20-99	
	64507111	1.2	SANDOVAL LUIS F	
	64507112	1.2	GARDENIA COMPANY INC	
	64507113	1.2	SAWAGED SAVANNAH H	
	64507114	1.2	WOLFGRAMM FAMILY TRUST 05-01-03	
	64507201	1.2	PREACHER RONDA R	
	64507202	1.2	GUZMAN-NEVAREZ MARCO A&LOMELI RAMON C	
	64507203	1.2	LOMELI FAMILY TRUST 03-19-99	
	64507204	1.2	ORTIZ FAMILY TRUST 12-09-96	
	64507205	1.2		
	64507206	1.2	OROZCO JOSE M&MARTHA E	
	64507207	1.2	GARCIA FAMILY TRUST 09-17-01	
	64507208	1.2	GARCIA CARLOS R&ELIZABETH	
	64507209	1.2	PHAM HUNG VAN&THUOC THI REVOCABLE 2006 TRUST 11-08-06	
	64507210	1.2	VELEZ BARBARA A 2016 TRUST 04-07-16	
	64507211	1.2	WHEELER JOHN F&VIVIAN REVOCABLE INTERVIVOS TRUST 05-23-83	
	64507212	1.2	RAMOON HOLDINGS LLC	
	64507213	1.2	MORENO TRUST	
	64507214	1.2	PARDEE HOMES	
	64507301	1.2	AGUILAR MIGUEL <AKA MEJIA MIGUEL>	
	64507302	1.2	SALERNO RALPH N TRUST 04-26-06	
	64507303	1.2	PARDEE HOMES	
	64507304	1.2	MERCADO PEDRO G&JOSEFINA C	
	64507305	1.2	PARDEE HOMES	
	64507306	1.2		
	64507307	1.2	ALGERT JAMES H LIVING TRUST 01-05-06	

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
31	64507308	1.2	PARDEE HOMES	West Otay Mesa "1-acre Parcels." Multiple owners either unavailable to contact or unwilling to sell. Unrealistic to cobble together sufficient acreage to meet project needs.
	64507309	1.2	FUENTES ROSA A RODRIGUEZ	
	64507310	1.2	PARDEE HOMES	
	64507311	1.2		
	64507312	1.2	SALERNO RALPH N TRUST 04-26-06	
	64507313	1.2	BURROLA ERNESTINA LIVING TRUST	
	64507314	1.2	ROMERO JUAN A&PILAR C	
	64507401	1.3	ROWE CELESTE M	
	64507402	1.3	FITZGERALD JOHN D&ELAINE M FAMILY TRUST	
	64507403	1.3	ALCARAZ TERESITA L TR	
	64507404	1.3	PARDEE HOMES	
	64507405	1.3		
	64507407	1.3	VALDIVIA HILARIO G&MARIA G REVOCABLE 1997 TRUST 06-13-97	
	64507410	1.3	VELEZ BARBARA A 2016 TRUST 04-07-16	
	64507411	1.3	GARCIA JOSE A&ROSA&GARCIA GUADALUPE D P	
	64507413	1.3	SHIBUYA YOSHINDO&BETTY T TRUST 06-16-82	
	64507414	1.3	NGUYEN THUAN D	
	64507415	1.3	SALAZAR SALVADOR E	
	64507416	1.3	LUNA ROBERTO A&GOMEZ MARCIA A	
	64507417	1.3	SANCHEZ JOSE M	
	64507420	1.3	MANZANO FRANCISCO J A&DEAGUILAR ELENA C	
	64507422	1.3	PARDEE HOMES	
	64507423	1.3		
	64507424	1.3	WINANS JOHN R TR	
	64507425	1.3	HUERTA CARMEN TRUST 06-14-07	
	64507426	1.3	ARROYO FAMILY TRUST 10-06-05	
	64507501	1.3	GANEM ALBERT F LIVING TRUST 01-07-92	
	64507502	1.3	LOMELI FAMILY TRUST 02-22-07	
	64507503	1.3	PARDEE HOMES	
	64507504	1.3		
	64507505	1.3		
	64507510	1.3	CASTRO RAMON&ROSA 2017 TRUST 08-23-17	
	64507511	1.3	SHIBUYA YOSHINDO&BETTY T TRUST 06-16-82	
	64507512	1.3	PULIDO LIVING TRUST 12-12-06	
	64507514	1.3	ARELLANO BURGUENO CORP	
	64507515	1.3	ALVAREZ ERNESTO & MARIA G	

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
31	64507516	1.3	RODRIGUEZ FAMILY TRUST 10-09-02	West Otay Mesa “1-acre Parcels.” Multiple owners either unavailable to contact or unwilling to sell. Unrealistic to cobble together sufficient acreage to meet project needs.
	64507517	1.3	SALAZAR SALVADOR E	
	64507518	1.3	NDIBA SAMUEL&NGETHE TERISIA N	
	64507519	1.3	VALDIVIA LETICIA	
	64507521	1.3	PARDEE HOMES	
	64507522	1.3	BRAMBILA GUILLERMO&ROSIE	
	64507523	1.3	PARDEE HOMES	
	64507524	1.3	NELSON RICK V	
	64507525	1.3	GAMBOA MANUEL&SONIA	
	64507526	1.3	HUERTA M M TRUST 08-13-15	
	64507526	1.3	VILLAESCUSA TITO	
	64507601	1.3	FUZET MONIQUE TRUST 07-21-16	
	64507602	1.3	PARDEE HOMES	
	64507603	1.3	MUTSCHLER JOAN <AKA HOLTEL MARY J>	
	64507604	1.3	DODD CHARLES	
	64507605	1.3	GARCIA LILIA ESCOBAR	
	64507607	1.3	PARDEE HOMES	
	64507608	1.3	ALVAREZ JOSE	
	64507609	1.3	SAN YSIDRO LAND TRUST 07-19-07	
	64507610	1.3	LOZANO RAYMOND S&MARTHA	
	64507611	1.3	NGUYEN NHATNAM	
	64507612	1.3	GONZALES JUAN&RODRIGUEZ EMILIA	
	64507613	1.3		
	64507614	1.3	BENTON PAUL&LORRAINE	
	64507615	1.3	BENTON ANDREW W&MELISSA D	
	64507616	1.3	ORTIZ MARCELINO&TERESA	
	64507617	1.3	FELCO CONSTRUCTION INC	
	64507618	1.3	LEE MICHAEL	
	64507619	1.3	AISPURO TRUST 05-01-14	
	64507620	1.3	PARDEE HOMES	
	64507621	1.3	HATTIE DAVISSON PROPERTIES LP	
	64507622	1.3	PARDEE HOMES	
	64507623	1.3	GUTIERREZ FAMILY LIVING TRUST 06-14-17	
	64507624	1.3	NAVARRO CARLOTA L	
	64507625	1.3	FLORES JOSEPH V&GUADALUPE	
	64507625	1.3	LANGARICA HERIBERTO P	
	64507625	1.3	PERIMBETI PRAKASH	

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
31	64507625	1.3	SALAZAR SALVADOR E	West Otay Mesa "1-acre Parcels." Multiple owners either unavailable to contact or unwilling to sell. Unrealistic to cobble together sufficient acreage to meet project needs.
	64507626	1.3	AYALA LUCIA M	

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
32	64510105	1.4	HATTIE DAVISSON PROPERTIES	Otay Mesa “Davisson” parcels. Unavailable. Part of Central Village Specific Plan - Residential Development.
	64510106	1.4		
	64510107	1.4		
	64510108	1.4		
	64510204	1.4		
	64510205	1.4		
	64510206	1.4		
	64510207	1.4		
	64510208	1.4		
	64510209	1.4		
	64510210	1.4		
	64510303	1.4		
	64510304	1.4		
	64510309	1.4		
	64510310	1.4		
	64609105	1.3		
	64609106	1.3		
	64609107	1.3	CLARA DAVISSON PROPERTIES	
	64609108	1.3		
	64609109	1.3		
	64609110	1.3		
	64609111	1.3	HATTIE DAVISSON PROPERTIES	
	64609112	1.3		
	64609114	1.3		
	64609205	1.3		
	64609208	1.3		
	64609209	1.3	CLARA DAVISSON PROPERTIES	
	64609210	1.3	HATTIE DAVISSON PROPERTIES	
33	64629028-31	48.1	MAJESTIC SUNROAD II, LLC	Unavailable. Under industrial development with Majestic.

La Media North - City of San Diego/Otay Mesa
NNG Mitigation Parcel Search Results

Map No.	APN	Acres	Owner	Results
34	64804039	14.37	D & D LANDHOLDINGS	Planned industrial development and future land fill.
	64604040	34.27		
	64608013	20		
	64608014	20		
	64808025	24.31		
	64608026	20		
	64805012	82.93		
35	64805013	176.44	OTAY HILLS LLC	Planned industrial development and future land fill.
	64805014	64.74		
36	64808021	40	OTAY INTERNATIONAL LLC	Planned industrial development and future land fill.
	64808022	40		
	64808010	40		
	64809001	40		
37	64808027	151.63	OTAY 8 & 9 LLC	Planned industrial development and future land fill.
38	64808008	40	RANCHO, VISTA MAR	Planned industrial development and future land fill.
	64808016	20		
	64808017	20		
	64808018	40	RANCHO, VISTA MAR	Potential mitigation land but too large at 40 acres and has no plans to subdivide. Also has a small amount of rural residential.
39	64808019	74.55	OTAY MESA PROPERTY LP	Potential mitigation land but too large at 70 acres and has no plans to subdivide. Also has a small amount of rural residential.
40	Multiple APN	Multple lot sizes	OTAY MESA CROSSINGS LLC	Lots for sale. Not available for mitigation purposes.
41	64807021	159.36	OTAY MESA BUSINESS PARK LLC	Working on tentative map. Plans for development.
42	64804013	35.31	HARTFORD APARTMENT VENTURES NO 1 LLC	Unavailable. Currently grading for future development.
43	64807033	35.81	DEPARTMENT OF TRANSPORTATION	Government land. Not for sale.
44	64807014	39.09	ARJANK&EMAN CHOLAGH	Unavailable. Future freeway extension.
45	64807017	73.41	INMOBILIARIA HAWANO SA DE CV	Working on tentative map. Plans for development.
46	64608011	62.98	RABAGO IVESTMENT GROUP LLC	Has plans for development. Not for sale.
47	64613201-10	48.85	AMAZON COM SERVICES LLC	Under construction.
48	64608032 64631017	77.45	SUNROAD OTAY PARTNERS LP	Has specific plan. Slated for development.
49	64624081	28.76	OTAY MESA CROSSINGS LLC	Lot for sale. Not available for mitigation purposes.
50	64807009	81.3	TPO LLC	Unavailable. Already developed.
51	64804014	36.35	OTAY ENRICO INDUSTRIAL LLC	Unavailable. Already developed.

ATTACHMENT 2

RAMONA GRASSLANDS CONSERVATION BANK CREDIT PURCHASE AGREEMENT AND ACKNOWLEDGMENT

THIS CONSERVATION BANK CREDIT PURCHASE AGREEMENT AND ACKNOWLEDGMENT ("Agreement") is entered into this 7th day of April, 2020 ("Effective Date") by and among JUDD RR INVESTMENTS, LLC, a California limited liability company, and/or KEARNY PCCP OTAY 311, LLC, a Delaware limited liability company ("Seller") and MAJESTIC REALTY CO (or its assignee), a California corporation ("Buyer").

RECITALS

A. Pursuant to that certain Conservation Bank Enabling Instrument regarding the Establishment, Operation and Use of the **Ramona Grasslands Conservation Bank** dated August 4, 2014 (the "CBEI"), by and among Judd RR Investments, LLC and/or Kearny PCCP Otay 311, LLC; the California Department of Fish and Wildlife ("CDFW"); and the United States Fish and Wildlife Service ("USFWS") (CDFW and USFWS are referred to collectively hereinafter as the "Agencies"). The Agencies have acknowledged the creation of the Ramona Grasslands Conservation Bank (the "Conservation Bank") and the right of Seller to sell "Conservation Credits" as provided therein. Each Conservation Credit is equivalent to 1 acre of mitigation.

B. Buyer desires to mitigate the loss of certain upland habitat values on real property located in the City of San Diego, California commonly known as **La Media North (APN 646-121-34-00)** (the "Buyer's Property").

C. Buyer has agreed to purchase from Seller, and Seller has agreed to sell to Buyer **18 Conservation Credits** (the "Conveyed Credits") from the Conservation Bank on the terms and conditions set forth herein. The 18 credits represents 18 acres of valid U.S. Fish and Wildlife and California Department of Fish and Wildlife mitigation for upland resources, all credits being fully consistent with the CBEI.

NOW, THEREFORE, in consideration of the agreements and acknowledgments set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Buyer hereby agree and acknowledge as follows:

1. Purchase Price. The purchase price for the 18 Conservation Credits shall be One Million Three Hundred Fifty Thousand Dollars (**$1,350,000.00**). The Purchase Price shall be paid in good funds as follows:

a. Upon execution of this Agreement by Buyer, Buyer shall deliver to Escrow Agent, Cash in the amount of Twenty-five Thousand Dollars ($25,000.00) ("Deposit"). The entire Deposit shall be refundable until the Contingency Date. The Deposit shall apply to the Purchase Price at the Close of Escrow.

b. Buyer shall deliver to Escrow Agent on or before the Closing Date, Cash representing the balance of the Purchase Price due.

c. In the event Buyer fails to close on this transaction after the Contingency Date for any reason other than Seller's default, the Deposit shall become Liquidated Damages as defined as follows:

LIQUIDATED DAMAGES. THE PARTIES ACKNOWLEDGE AND AGREE THAT SELLER WILL SUFFER DAMAGES IF BUYER FAILS TO COMPLETE THE PURCHASE OF THE CONVEYED CREDITS BY THE CLOSING DATE IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT FOR ANY REASON. THE PARTIES REALIZE THAT IT WILL BE DIFFICULT AND IMPRACTICAL, IF NOT IMPOSSIBLE, TO ASCERTAIN WITH ANY DEGREE OF CERTAINTY THE ACTUAL AMOUNT OF SELLER'S DAMAGES IN THE EVENT OF SUCH FAILURE TO PERFORM BY BUYER. THEREFORE, THE PARTIES HEREBY AGREE THAT THE DEPOSIT PAID BY BUYER REPRESENTS A REASONABLE ESTIMATE OF SUCH DAMAGES, CONSIDERING ALL THE CIRCUMSTANCES EXISTING ON THE DATE OF EXECUTION OF THIS AGREEMENT. SELLER SHALL HAVE THE RIGHT TO RETAIN THE DEPOSIT AS LIQUIDATED DAMAGES PURSUANT TO CALIFORNIA CIVIL CODE SECTION 1671, AS SELLER'S SOLE AND EXCLUSIVE REMEDY AS A RESULT OF BUYER'S FAILURE TO PURCHASE THE CONVEYED CREDITS IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT BY SIGNING THEIR INITIALS BELOW, EACH PARTY CONFIRMS ITS CONSENT TO AND AGREEMENT WITH THE PROVISIONS OF THIS PARAGRAPH:

Seller's Initial _____ Buyer's Initial _____

2. Opening of Escrow. Concurrently with the execution of this Agreement, the Buyer and Seller shall open an Escrow at Chicago Title Insurance Company, (Attn: Meg Kilfoil Dick, Escrow Officer) ("Escrow" or "Escrow Agent"). The parties agree to execute such additional supplemental

escrow instructions not inconsistent with this Agreement as Escrow Agent may reasonably require in order to facilitate the consummation of the transactions contemplated in this Agreement, and otherwise to conform to the usual practice of Escrow Agent, provided such instructions do not conflict with the provisions hereof. If such an escrow instruction is contrary to, or inconsistent with, a provision of this Agreement, the provision of this Agreement controls. The parties shall each pay one-half of (1/2) Escrow Agent's fees.

3. Contingency Period. The "Contingency Date" shall mean 5:00 p.m. on **June 22, 2020**. Buyer, in its sole and absolute discretion, shall have until the Contingency Date to approve all matters relating to the purchase of the Conveyed Credits. If Buyer fails to give written notice to Seller and Escrow Agent of its disapproval of all such matters on or before the Contingency Date, then Buyer shall be deemed to have approved the matters subject to its due diligence review. If Buyer delivers a timely written notice of disapproval pursuant to this Section, then this Agreement shall terminate, the Deposit shall be returned to Buyer, and neither party shall have any further rights or obligations hereunder, except for any liability or obligation of Buyer and Seller, if any, pursuant to those provisions which survive termination of this Agreement under the express terms of this Agreement.

4. Acknowledgment of Sale. On the Closing Date, Seller shall deliver a fully executed original of the Acknowledgment of Sale of Conservation Credits ("Acknowledgment"), a form of which is attached hereto as Exhibit A and such other documents and instruments as may be required by any of the Agencies to evidence and recognize the transfer of the Conveyed Credits to Buyer. Moreover, Seller agrees that to the extent such have not been provided to Buyer at the closing, then if requested by Buyer subsequent to the closing, Seller will provide Exhibit A as may be required by any of the Agencies to evidence and recognize the transfer of the Conveyed Credits within ten (10) days following Buyer's request. The provisions of this Paragraph 4 shall survive the closing and termination of this Agreement.

5. Closing. The closing will occur on **July 10, 2020** or such other date to which the Buyer and Seller may mutually agree in writing (the "Closing Date"). Notwithstanding the foregoing, Buyer may accelerate the Closing Date upon two (2) business days written notice to Seller and Escrow Agent.

6. AS-IS Sale. Buyer acknowledges and agrees that: (a) it is the Buyer's sole responsibility to determine the acceptance of the Conveyed Credits by the Agencies as mitigation for impacts to upland values, and any completed sale of any Conveyed Credits shall be final; (b) the purchase and sale of the Conveyed Credits shall be made on an "AS IS, WHERE IS, WITH ALL FAULTS" basis; and c) no representations or warranties have been made or are made and no responsibility has been or is assumed by Seller or by any officer, agent, affiliate, attorney, or representative acting or purporting to act on behalf of Seller as to (i) the mitigation value of the property conveyed to the Agencies in establishing the Conservation Bank; (ii) the mitigation value or mitigation requirements of Buyer's Property, (iii) the acceptance of the Conveyed Credits by the Agencies or any other governmental agency as mitigation for the loss of habitat values associated with Buyer's Property, or (iv) any other fact or circumstances which might affect the Conservation Bank, the

Buyer's Property, or the Conveyed Credits.

7. Termination. Time is of the essence in this Agreement. In the event the closing does not occur by the Closing Date, Seller, at its election, and in its sole and absolute discretion, by written notice to Buyer, may terminate this Agreement, retain the Deposit and neither party shall have any further obligations hereunder except as expressly provided herein.

8. Brokers. Seller shall pay a commission to Rancho Buho, LLC pursuant to the terms of a separate written agreement if and only if the sale closes. Seller and Buyer each represent to the other that it has not had any other contract, agreement or dealings regarding the Conveyed Credits with, nor any communication in connection with the subject matter of this transaction through, any consultant, broker, agent, finder or other person who can claim a right to a consultant fee, commission or finder's fee in connection with the sale contemplated herein. In the event that other consultant, broker or finder makes a claim for a consultant fee or commission or finder's fee based upon any such contract, agreement, dealings or communication, the party through whom such claim is made shall be solely responsible for and shall indemnify, defend, and hold harmless the other party from and against said commission or fee and all costs and expenses (including without limitation reasonable attorneys' fees) incurred by the other party in defending against such claim. The provisions of this Paragraph 8 shall survive the termination of this Agreement.

9. Integration. Buyer and Seller agree that all negotiations, discussions, understandings and agreements heretofore made between them or their respective agents or representatives are merged in this Agreement and the Exhibits attached hereto, and this written Agreement alone fully and completely expresses their agreement with respect to the subject matter hereof and supersedes all prior agreements and understandings between the parties relating to the subject matter of this Agreement. Buyer and Seller further agree that Buyer has no responsibilities or obligations whatsoever regarding the Conveyed Credits or the CBEI except as are expressly stated in this Agreement.

10. Notices. All deposits and any notice required or permitted to be made or given under this Agreement shall be made and delivered to the parties at the addresses set forth below each party's respective signature. All notices shall be in writing and shall be deemed to have been given when delivered by courier, when transmitted by facsimile (upon confirmation of successfully completed transmission), or delivered by email message, or upon the expiration of two (2) business days after the date of deposit of such notice in the United States mail, registered or certified mail, postage prepaid.

11. Attorneys' Fees. This Agreement shall be governed and construed in accordance with the laws of the State of California and interpreted as if prepared by both parties hereto. In the event a dispute arises concerning the meaning or interpretation of any provision of this Agreement, or in the event of any litigation arising out of or related to this Agreement, the party not prevailing in such dispute or litigation shall pay any and all costs and expenses incurred by the other party in establishing or defending its rights hereunder, including, without limitation, court costs, expert witness fees, and reasonable attorneys' fees.

12. Limited Representations and Warranties. Seller is two limited liability companies duly formed, presently existing and in good standing under the laws of the States of California and Delaware, are qualified to transact business in the State of California, and has the power and authority to own, and does own, the Conservation Credits, and the power and authority to consummate the sale of Conveyed Credits as contemplated by this Agreement, and the persons executing this Agreement has the full authority to bind Seller. This Agreement and all instruments, including assignment and/or conveyance documents to be executed by Seller in connection herewith are or when delivered to Buyer will be duly authorized, executed and delivered by Seller and will be valid, binding and enforceable obligations of Seller. Neither this Agreement nor any instrument, including assignment and/or conveyance documents to be executed by Seller in connection herewith does now or will hereafter constitute a breach or default or invalidate, make inoperative or interfere with any contract, agreement, right or interest affecting or relating in any manner to the Conveyed Credits. The Conveyed Credits shall be assigned/conveyed to Buyer at the closing free and clear of all liens or other encumbrances of any type, monetary or non-monetary.

13. Counterparts. This Agreement may be executed and delivered in any number of identical counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

14. Assignment. Buyer's rights and obligations hereunder shall be assignable only with the prior written consent of Seller, which consent may be withheld at Seller's sole discretion.

WHEREUPON, this Agreement has been executed as of the date first-above written.

SELLER:

JUDD RR INVESTMENTS, LLC, a California limited liability company

By: The Judd Company, a California corporation
Its: Manager

By: _____
Name: Judd Halenza
Its: President

The Judd Company
PO Box 2626
Del Mar CA 92024
Attention: Tatiana Southard
Telephone: (858) 442-2473 Email: tatiana@thejuddco.com

KEARNY PCCP OTAY 311, LLC, a Delaware limited liability company

By: _____
Name: Jeff Givens
Its: Vice President, Kearny PCCP Otay 311, LLC

c/o Kearny Real Estate Company
402 W. Broadway, Suite 180
San Diego, CA 92101
Phone: (619) 702-8130 Email: jgivens@kearny.com

BUYER:

MAJESTIC REALTY CO., a California corporation

By: _____
Name: Edward P. Roski, Jr
Its: President and Chairman of the Board

13191 Crossroads Parkway North, 6th Floor
City of Industry, CA 91746
Attention: Tom Simmons
Telephone: (562) 948-4347
Email: TSimmons@majesticrealty.com

CDFW: n/a
USACE: n/a
RWQCB: n/a
City of San Diego: PTS 334235