

# Biological Resources Technical Report

32nd & Broadway Project - Project No. 637438

City of San Diego, California

## FINAL REPORT



***Prepared for:***

**Brian F. Smith and Associates, Inc.**

14010 Poway Road, Suite A

Poway, California 92064

Contact: Brian F. Smith, President (858) 484-0915

***Prepared by:***

**Cadre Environmental**

701 Palomar Airport Road, Suite 300

Carlsbad, CA 92011

Contact: Ruben Ramirez, Research Biologist (949) 300-0212

*Certification "I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge"*

Handwritten signature of Ruben Ramirez.

November 2020

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## ACRONYMS

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ACOE	Army Corps of Engineers
BMP	Best Management Practices
CDFG	California Department of Fish and Game (CDFW effective Jan 1 <sup>st</sup> 2013)
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Ranking
CWA	Clean Water Act
ESL	Environmentally Sensitive Lands Regulations
FESA	federal Endangered Species Act
GIS	Geographic Information System
GPS	Global Positioning System
HCP	Habitat Conservation Plan
MBTA	Migratory Bird Treaty Act
MHPA	Multi-Habitat Planning Area (90% Preserve Area of the MSCP)
MSCP	Multiple Species Conservation Program
NCCP	California Natural Communities Conservation Planning
NPDS	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
OHWM	Ordinary High-Water Mark
RPO	Resource Protection Ordinance
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SCR	Sensitive Coastal Resource Overlay Zone
SSC	California Species of Special Concern
SWRCB	State Water Resources Control Board
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WDR	State Waste Discharge Requirements

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## MANAGEMENT SUMMARY/ABSTRACT

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The 1.23-acre (1.19-acre offsite easement) proposed 32<sup>nd</sup> & Broadway No.637438 Residential Condominium project site (Project Site) is not located within or adjacent to a Multi-Habitat Planning Area (MHPA), open space or conserved land. Therefore, no conservation or landuse adjacency guidelines (Section 1.4.3) are applicable. The Project Site is not located within or adjacent to the Sensitive Coastal Resource Overlay Zone.

A total of 0.23-acre of Diegan coastal sage scrub located outside of the MHPA will be directly impacted as a result of project implementation. A mitigation ratio of 1:1 for impacts to Tier II (uncommon uplands, coastal sage scrub, coastal sage scrub/chaparral) will be required. Prior to issuance of a grading permit, the project applicant will provide monetary compensation to the Cities Habitat Acquisition Fund (HAF) as established by the City Council. The HAF cost is currently \$35,000 per acre plus a 10% administrative fee. This cost is subject to change and may increase over time as determined by the City's Real Estate Assets Department.

Two sensitive shrubs were documented onsite including two (2) Nuttall's scrub oaks (*Quercus dumosa*) California Rare Plant Ranking (CRPR) 1B.1 (Multiple Species Conservation Program (MSCP) non-covered species), and three (3) wart-stemmed ceanothus (*Ceanothus verrucosus*) CRPR 2B.2 (MSCP covered species). Direct impacts to three wart-stemmed ceanothus shrubs, and two Nuttall's scrub oaks, not located within an MHPA would not conflict with the City of San Diego MSCP Subarea plan reserve design or long-term protection for these species. No mitigation proposed.

Cooper's hawk is expected to occasionally forage onsite and nest within the adjacent mature Eucalyptus trees. Implementation of the proposed project may also result in direct impacts to bird and raptor foraging and nesting habitat. The loss of an active bird or raptor nest would be considered a violation of the California Department of Fish and Game (CDFG) Code, Section 3503, 3503.5, 3513 and federal Migratory Bird Treaty Act (MBTA). The project applicant will comply with standard nesting bird/raptor survey and avoidance measures presented in the following report. Potential impacts would be less than significance.

A perennial urban drainage ditch extending southwest from an existing residential development is located immediately southeast of the Project Site and extends under SR 94 through a culvert. No riparian scrub, forest, woodland or wetland dependent vegetation is located within or adjacent to the drainage ditch. The urban drainage ditch does not meet definition of wetlands as defined by the Per the City of San Diego Biology Guidelines (City of San Diego 2012). The project will include the development of one (1) onsite bioretention basin for the capture, treatment and release of project related runoff to the adjacent perennial urban drainage ditch. The proposed project will not directly impact the drainage ditch. As warranted, the project will comply with all applicable water quality regulations, including obtaining and complying with those conditions established in State Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits.

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## INTRODUCTION

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The following biological resources technical report describes a detailed assessment of potential sensitive natural resources located within and immediately adjacent to the proposed 32<sup>nd</sup> & Broadway Street Project No.637438 Residential Condominium project site (Project Site). Specifically, the report has been prepared to support the California Environmental Quality Act (CEQA), California Natural Communities Conservation Planning (NCCP) Act of 1992 City of San Diego Subarea Plan, and Environmentally Sensitive Lands Regulations (ESL) compliance review process conducted by the City of San Diego, California. As discussed below, the assessment included a thorough literature review, site reconnaissance characterizing baseline conditions including floral, faunal, and dominant vegetation communities, sensitive species observations, impact analysis, and proposed mitigation measures.

### PROJECT LOCATION

The 1.23-acre Project Site (1.19-acre offsite easement) is located north of State Route (SR 94) within the City of San Diego, California extending east of the 32<sup>nd</sup> Street right-of-way (ROW) and north of the Broadway ROW as shown in Figure 1, *Regional Location Map*, and Figure 2 *Project Site Map*. The Project Site includes Accessor Parcel Numbers (APNs) 539-563-10, 593-563-07, 539-563-06, portions of APN 539-563-01, 539-564-02, and 32<sup>nd</sup> Street, Broadway ROW's (offsite assessment area).

The Project Site is located completely within the Multiple Species Conservation Program (MSCP) planning area and is located within the City of San Diego MSCP Subarea Plan.

#### Multi-Habitat Planning Area

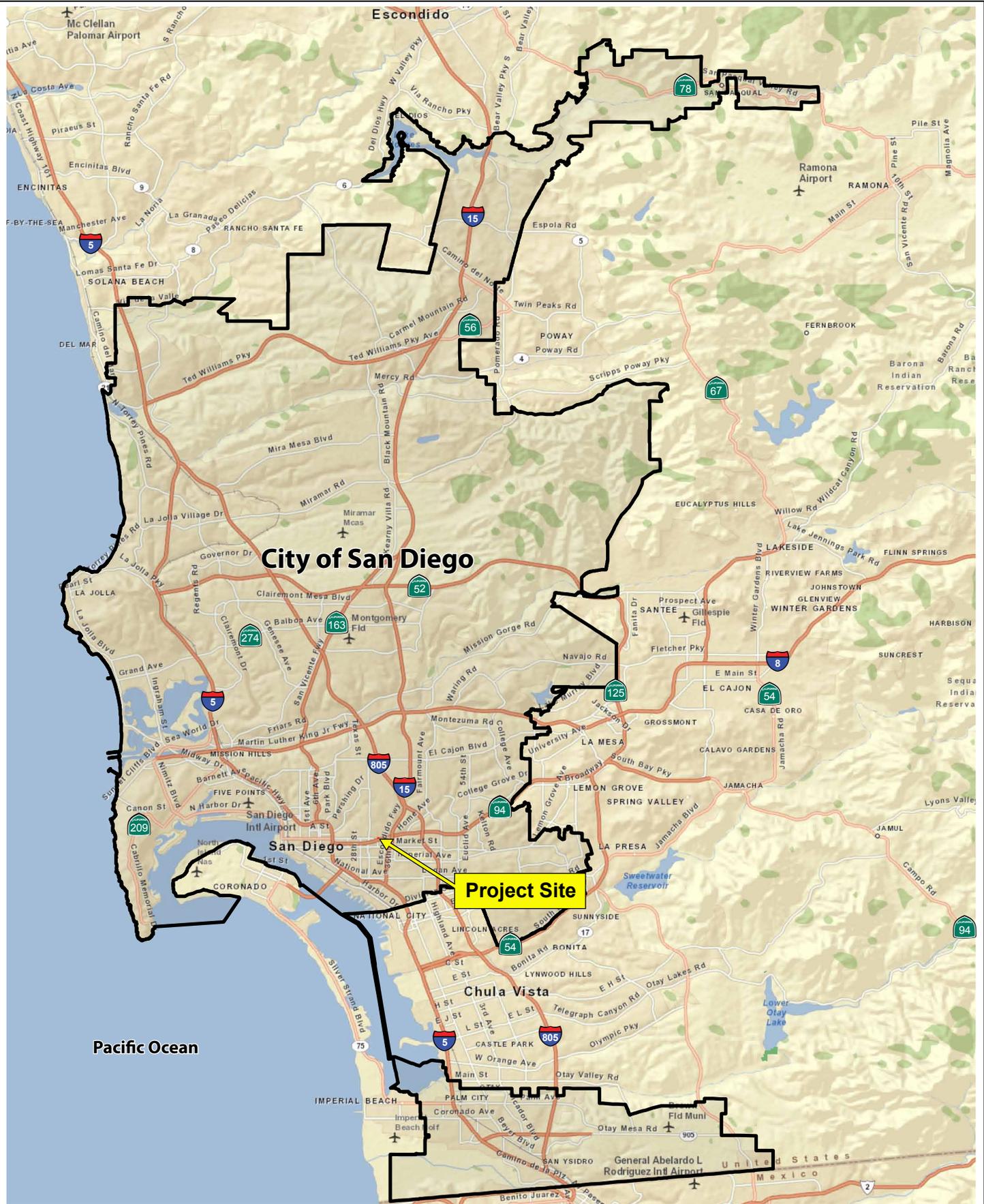
The Project Site is not located within or adjacent to a Multi-Habitat Planning Area (MHPA) or hardline. Therefore, no conservation or landuse adjacency guidelines (Section 1.4.3) are applicable.

#### Sensitive Coastal Resource Overlay Zone

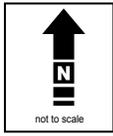
The Project Site is not located within or adjacent to the Sensitive Coastal Resource Overlay Zone (SCR).

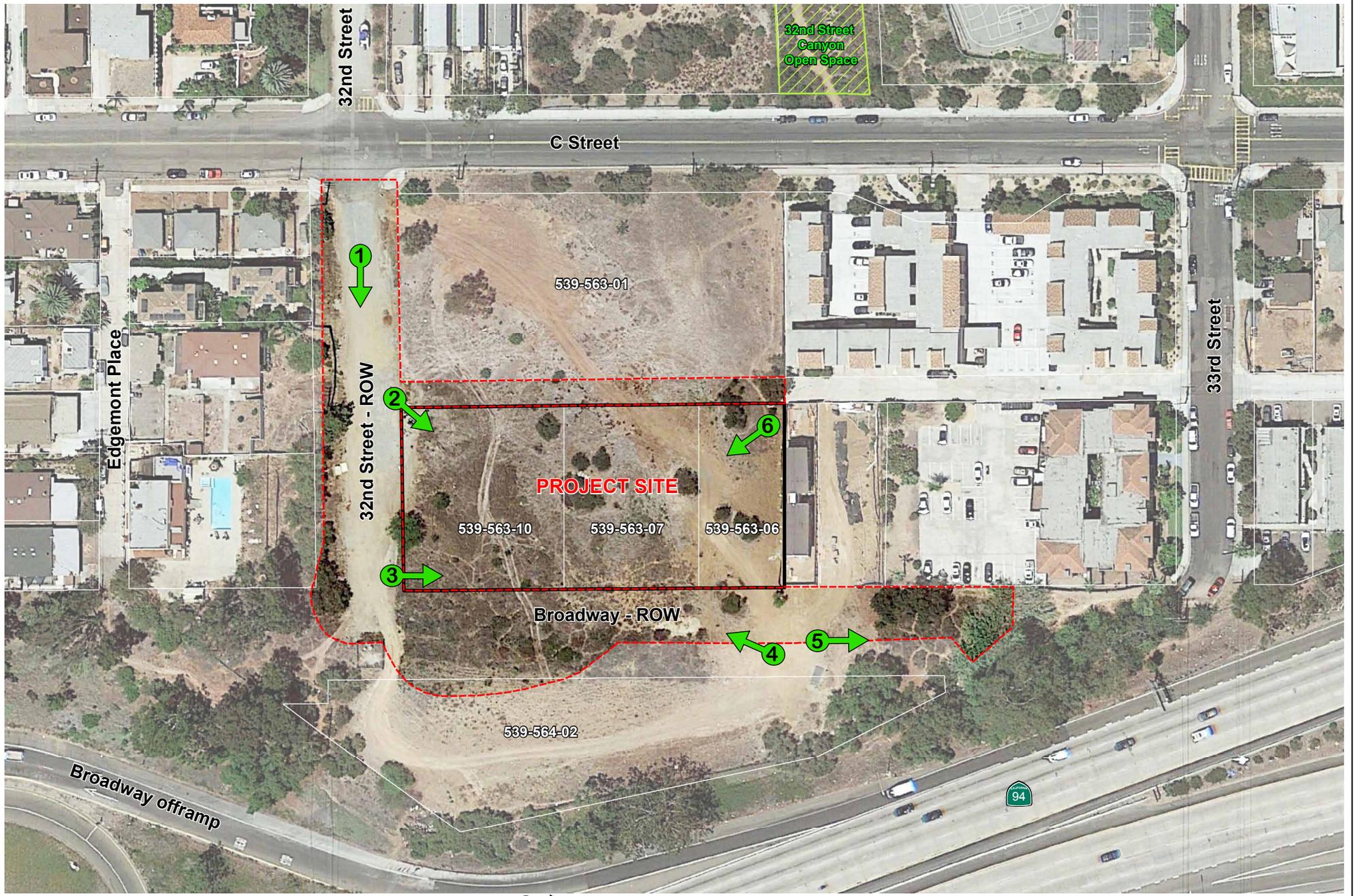
#### Wetlands

A perennial urban drainage ditch extending southwest from an existing residential development is located immediately southeast of the Project Site and extends under SR 94 through a culvert. No riparian scrub, forest, woodland or wetland dependent vegetation is located within or adjacent to the drainage ditch. The urban drainage ditch does not meet definition of wetlands as defined by the Per the City of San Diego Biology Guidelines (City of San Diego 2018)



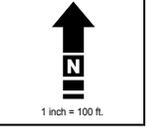
**Figure 1 - Regional Location Map**  
*Biological Resources Technical Report*  
*32nd & Broadway Project*





Project Site Boundary    
  Offsite Impact Area    
 # → Photo Point & Direction

**Figure 2 - Project Site Map**  
*Biological Resources Technical Report*  
 32nd & Broadway Project



## **DESCRIPTION**

The proposed project includes the creation of 42 residential condominium unit ownerships and improvements to 32<sup>nd</sup> Street extending south of C Street. Included in the proposed project is the vacation of the northern 40 feet of public ROW of Broadway Avenue adjacent and south of the Project Site. There are currently no improvements within the proposed vacation and access and utilities are available to the adjacent owner to the south.

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## **METHODOLOGY**

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### **LITERATURE REVIEW**

Existing biological resource conditions within and adjacent to the Project Site were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) were reviewed in conjunction with anticipated federally listed species potentially occurring within the Project Site. The California Natural Diversity Database (CNDDDB), a California Department of Fish and Wildlife (CDFW) Natural Heritage Division species account database, San Diego Association of Governments (SANDAG) and San Diego Natural History Museum resources, were also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the reviewed sources provided an excellent baseline from which to inventory the biological resources potentially occurring in the area. Other sources of information included the review of unpublished biological resource letter reports and assessments.

### **FIELD SURVEYS**

A reconnaissance survey of the Project Site was conducted on May 20<sup>th</sup> 2019 (8am – 10:30am) by Ruben Ramirez of Cadre Environmental (USFWS permit 780566-14, CDFW permit 2243) in order to characterize and identify potential sensitive plant and wildlife habitats, and to establish the accuracy of the data identified in the literature search. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, vegetation and rare plant maps prepared for previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within or adjacent to the Project Site. Habitat assessments were conducted for, but not limited to the following target species/groups.

- narrow endemic species
- sensitive plants
- sensitive wildlife
- riparian, wetland and vernal pool resources

## **Vegetation Communities/Habitat Classification Mapping**

Natural community names and hierarchical structure follows the modified Holland system of classification (SANDAG 2011).

### **Floristic Plant Inventory**

A general plant survey was conducted throughout the Project Site during the initial reconnaissance in a collective effort to identify all species occurring onsite.

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Hickman (1993). Scientific nomenclature and common names used in this report generally follow Jepson eFlora for updated taxonomy (Jepson Herbarium 2019). Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

### **Wildlife Resources Inventory**

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were recorded onto a 1:200 scale orthorectified color aerial photograph or documented using a global positioning system (GPS). In addition to species actually detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species.

Vertebrate taxonomy followed in this report is according to the Center for North American Herpetology (2019 for amphibians and reptiles), the American Ornithologists' Union (1988 and supplemental) for birds, and Baker et al. (2003) for mammals. Both common and scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

### **Regional Connectivity/Wildlife Movement Corridors**

The analysis of wildlife movement corridors associated with the Project Site and immediate vicinity is based on information compiled from literature, analysis of the aerial photograph data, and direct observations made in the field during the reconnaissance site visit.

A literature review was conducted that includes documents on island biogeography (studies of fragmented and isolated habitat "islands"), reports on wildlife home range sizes and migration patterns, and studies on wildlife dispersal. Wildlife movement studies conducted in southern California were also reviewed. Use of field-verified digital data, in conjunction with the Geographic Information System (GIS) database, allowed proper identification of regional vegetation communities and drainage features. This information was crucial to assessing the relationship of the Project Site to large open space areas in the immediate vicinity and was also evaluated in terms of connectivity and habitat linkages. Relative to corridor issues, the discussions in this report are

intended to focus on wildlife movement associated within the Project Site and the immediate vicinity.

## **Jurisdictional Resources Assessment**

The Project Site was assessed for potential jurisdiction resources regulated by the United States Army Corps of Engineers (USACE), CDFW, and Regional Water Quality Control Board (RWQCB) in May 2019 to determine if a formal delineation is warranted.

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## **EXISTING ENVIRONMENTAL SETTING**

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### **SURROUNDING LAND USES/TOPOGRAPHY/SOILS**

The 1.23-acre Project Site (1.19-acre offsite easement) is dominated by disturbed ruderal/urban/ornamental, and Diegan coastal sage scrub vegetation communities which are described in this report, illustrated in Figure 3, *Vegetation Communities Map*, Figures 4-6, *Current Project Site Photographs*, and tabulated in Table 1 – *Project Site Vegetation Community Acreages*.

The Project Site and adjacent offsite impact areas are bordered to the east and west by high density residential development and north and south by high traffic roadways (SR 94 and C Street).

Soils mapped by the Soil Conservation Service (SCS)<sup>1</sup> within the Project Site consist primarily of cobbly loam substrates (NRCS 2019). The Soil Survey of the San Diego Area has the following soils mapped within the boundary of the property as illustrated in Figure 7, *Soils Association Map*:

- Olivenhain cobbly loam (OhF), 30 to 50 percent slopes
- Urban land (Ur)

### **VEGETATION COMMUNITIES**

Natural community names and hierarchical structure follows the modified Holland system of classification (SANDAG 2011).

#### **Disturbed**

The majority of the Project Site is characterized as disturbed (ruderal) habitat dominated by crown daisy (*Glebionis coronaria*), wild radish (*Raphanus sativus*), ripgut grass (*Bromus diandrus*), fountain grass (*Pennisetum setaceum*), wild oat (*Avena fatua*), slender wild oat (*Avena barbata*), foxtail chess (*Bromus madritensis* ssp. *rubens*), cheeseweed (*Malva parviflora*), red-stemmed filaree (*Erodium cicutarium*), white-stemmed filaree (*Erodium moschatum*), Russian thistle (*Salsola tragus*), tocalote (*Centaurea melitensis*), prickly lettuce (*Lactuca serriola*), black mustard (*Brassica nigra*), sow thistle (*Sonchus oleraceus*), puncture vine (*Tribulus terrestris*), horseweed (*Erigeron canadensis*), scarlet pimpernel (*Lysimachia arvensis*), Australian saltbush

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<sup>1</sup> SCS is now known as the National Resource Conservation Service (NRCS).

(*Atriplex semibaccata*), nettle-leaved goosefoot (*Chenopodium murale*), white nightshade (*Solanum americanum*), clustered fasciculata (*Deinandra fasciculata*), Prostrate knotweed (*Polygonum aviculare*), smilo grass (*Piptatherum miliaceum*), and white ramping-fumitory (*Fumaria capreolata*) as shown in Figure 3, *Vegetation Communities Map*, and Figures 4-6, *Current Project Site Photographs*. Scattered trees documented within this vegetation community include Peruvian pepper (*Schinus molle*) laurel sumac (*Malosma laurina*) and Golden wattle (*Acacia pycnantha*).

A patch of giant reed (*Arundo donax*), Mexican fan palm (*Washingtonia robusta*) and scattered Peruvian Pepper are located within and adjacent to a. urban drainage ditch located offsite and immediately southeast to the Project Site boundary.

### Diegan Coastal Sage Scrub

Two (2) patches of Diegan coastal sage scrub vegetation are located within the Broadway ROW (offsite impact area) and are codominated by ruderal invasive species as described above. Coastal sage scrub species documented within this vegetation community include bush sunflower (*Encelia californica*), coastal prickly pear (*Opuntia littoralis*), California buckwheat (*Eriogonum fasciculatum*), coast goldenbush (*Isocoma menziesii*), deerweed (*Acmispon glaber*), California sagebrush (*Artemisia californica*) and lemonade berry (*Rhus integrifolia*).

**Table 1**  
**Project Site Vegetation Community Acreages**

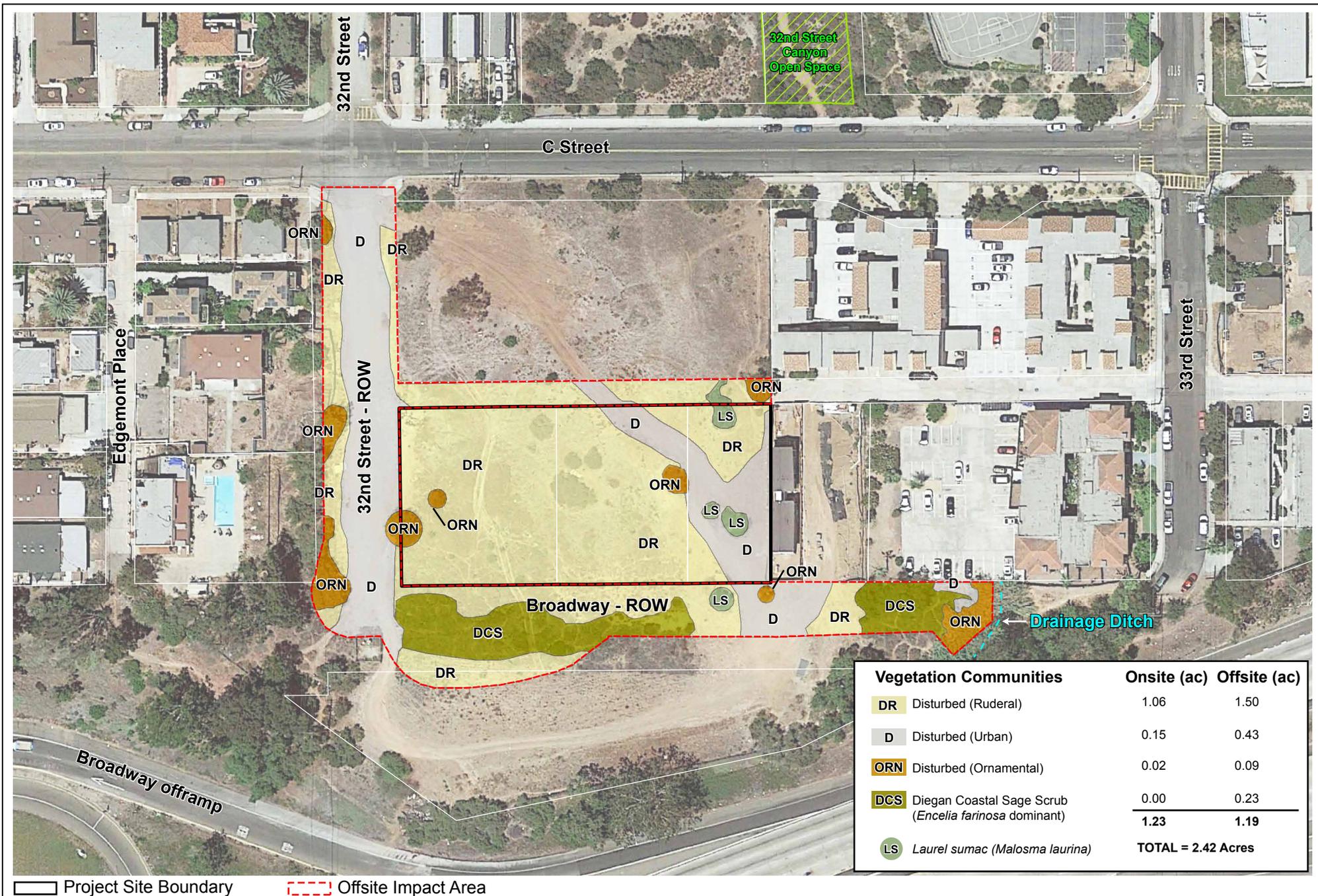
Vegetation Community	City of San Diego MSCP Tier	Project Site Onsite (ac)	Offsite (ac)	Total Assessment Area (ac)
Disturbed (Ruderal)	Tier IV	1.06	0.44	1.50 (62%)
Disturbed (Urban)	Tier IV	0.15	0.43	0.58 (24%)
Disturbed (Ornamental)	Tier IV	0.02	0.09	0.11 (4%)
Diegan Coastal Sage Scrub	Tier II	0.00	0.23	0.23 (10%)
<b>TOTAL</b>		<b>1.23</b>	<b>1.19</b>	<b>2.42</b>

Source: Cadre Environmental 2019.

### GENERAL PLANT & WILDLIFE SPECIES

A complete list of plant species documented within the Project Site are presented in the previous section.

General wildlife species documented onsite or within the vicinity during the site assessment include red-tailed hawk (*Buteo jamaicensis*), rock dove (*Columba livia*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), California towhee (*Melospiza crissalis*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), yellow-rumped warbler (*Setophaga coronata*), lesser goldfinch (*Carduelis psaltria*), house finch (*Carpodacus mexicanus*), and house sparrow (*Passer domesticus*).



**Figure 3 - Vegetation Communities Map**  
 Biological Resources Technical Report  
 32nd & Broadway Project



PHOTOGRAPH 1 - Southward view of 32nd Street right-of-way extending from C Street to the Project Site.



PHOTOGRAPH 2 - Southeast view of Project Site dominated by disturbed (ruderal) vegetation.



PHOTOGRAPH 3 - Eastward view of Project Site from 32nd Street right-of-way.



PHOTOGRAPH 4 - Northwest view of Project Site from southeast corner near the Broadway right-of-way.

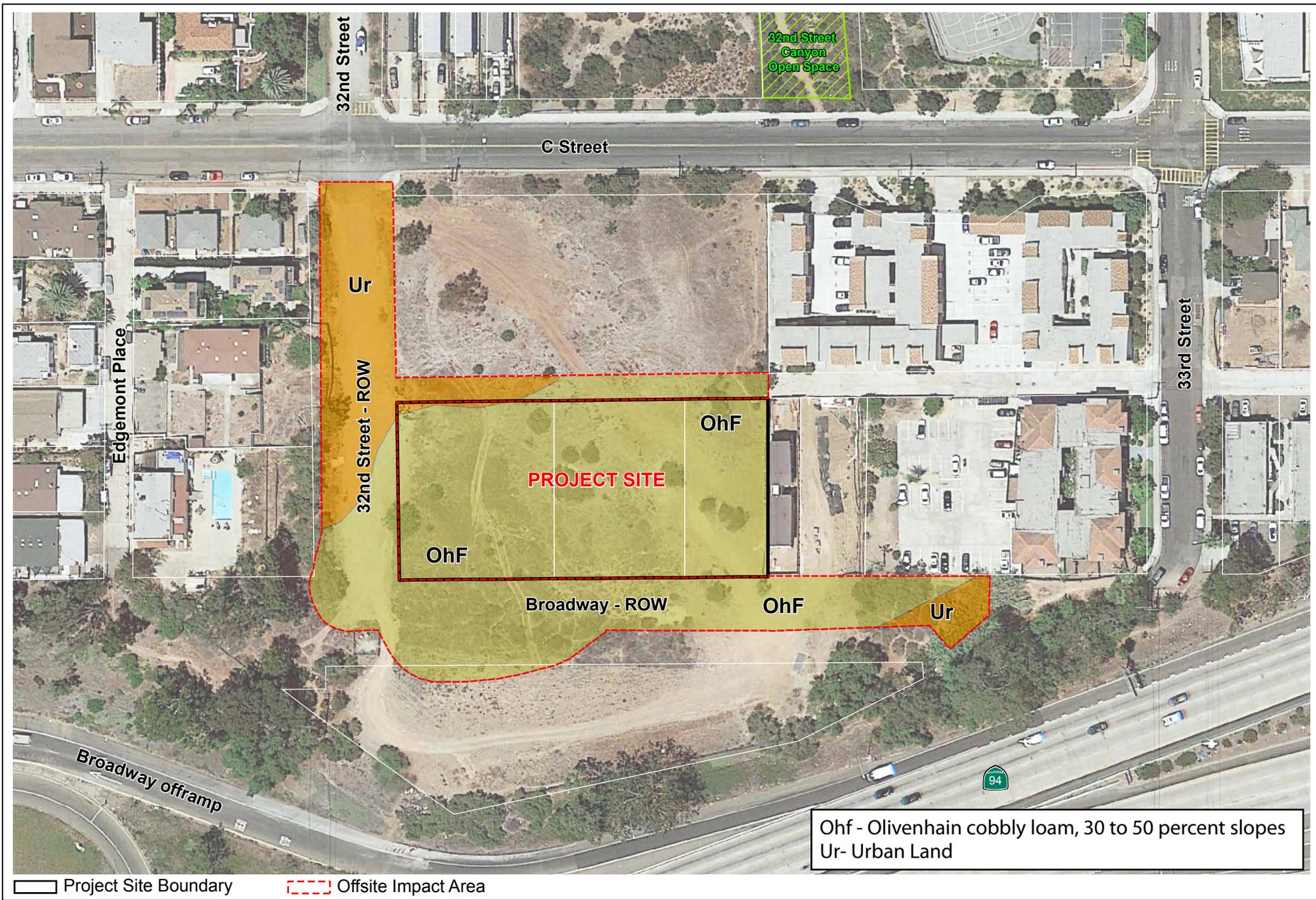
**Figure 5 - Current Project Site Photographs**  
*Biological Resources Technical Report*  
*32nd & Broadway Project*



PHOTOGRAPH 5 - Eastward view of offsite impact area extending to an existing drainage channel.



PHOTOGRAPH 6 - Southwest view of Project Site from northeast corner.



**Figure 7 - Soils Association Map**

*Biological Resources Technical Report  
32nd & Broadway Project*



1 inch = 100 ft.

## JURISDICTIONAL RESOURCES ASSESSMENT

A perennial urban drainage ditch is located immediately southeast of the Project Site and extends under SR 94 through a culvert. No riparian scrub, forest, woodland or wetland dependent vegetation is located within or adjacent to the drainage ditch. As described above, this feature is dominated by giant reed, Mexican fan palm and Peruvian pepper. The urban drainage ditch does not meet definition of wetlands as defined by the Per the City of San Diego Biology Guidelines (City of San Diego 2018).

Although the feature may be regulated by the USACE, CDFW, and/or RWQCB, the feature will not be directly impacted as a result of project initiation as shown in Figure 3, *Vegetation Communities Map*.

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### SENSITIVE BIOLOGICAL RESOURCES

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The following discussion describes the plant and wildlife species present, or potentially present within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by state and/or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal endangered species act. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the USFWS. CDFW uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, USFWS, and special groups like the CNPS maintain watch lists of such resources. For the purpose of this assessment sources used to determine the sensitive status of biological resources are:

**Plants:** USFWS (2019), CNDDDB (2019a), CDFW (2019c, 2019d), and CNPS (Skinner and Pavlik 1994).

**Wildlife:** California Wildlife Habitat Relationships Database System (CWHRDS 1991), USFWS (2019), CNDDDB (2018a), CDFW (2018, 2019b),

**Habitats:** CNDDDB (2018a), CDFW (2018e).

## FEDERAL PROTECTION AND CLASSIFICATIONS

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range..." Threatened species are defined as "any species which is likely to become an

endangered species within the foreseeable future throughout all or a significant portion of its range.” Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to “take” any listed species. “Take” is defined as follows in Section 3(18) of the FESA: “...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Further, the USFWS, through regulation, has interpreted the terms “harm” and “harass” to include certain types of habitat modification as forms of a “take.” These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document, but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.

For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

The designation of critical habitat can also have a significant impact on the development of land designated as “*critical habitat*.” The FESA prohibits federal agencies from taking any action that will “*adversely modify or destroy*” critical habitat (16 U.S.C. § 1536(a)(2)). This provision of the FESA applies to the issuance of permits by federal agencies. Before approving an action affecting critical habitat, the federal agency is required to consult with the USFWS who then issues a biological opinion evaluating whether the action will “*adversely modify*” critical habitat. Thus, the designation of critical habitat effectively gives the USFWS extensive regulatory control over the development of land designated as critical habitat.

The Migratory Bird Treaty Act of 1918 (MBTA) makes it unlawful to “*take*” any migratory bird or part, nest, or egg of such bird listed in wildlife protection treaties between the United States and Great Britain, the Republic of Mexico, Japan, and the Union of Soviet

States. For purposes of the MBTA, “take” is defined as to pursue, hunt, capture, kill, or possess or attempt to do the same.

The Bald Eagle and Golden Eagle Protection Act explicitly protects the bald eagle and golden eagle and imposes its own prohibition on any taking of these species. As defined in this act, take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb. Current USFWS policy is not to refer the incidental take of bald eagles for prosecution under the Bald Eagle and Golden Eagle Protection Act (16 U.S.C. 668-668d).

## **STATE PROTECTION AND CLASSIFICATIONS**

California's Endangered Species Act (CESA) defines an endangered species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” The State defines a threatened species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.” Candidate species are defined as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.” Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike FESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of CESA addresses the taking of threatened or endangered species by stating “No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided...” Under CESA, “take” is defined as “...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Exceptions authorized by the state to allow “take” require “...permits or memorandums of understanding...” and can be authorized for “...endangered species, threatened species, or candidate species for scientific, educational, or management purposes.” Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. CSC (“special” animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management (BLM) and US Forest Service (USFS) sensitive species, species considered to be declining or rare by the CNPS or National

Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFW's CNDDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites. For the purposes of this assessment, the following acronyms are used for State status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected
SR	State Rare
SSC	California Species of Special Concern
SWL	California Watch List

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and endangered by CDFW. The CNPS has developed five categories of rarity (CRPR):

CRPR 1A	Presumed extinct in California
CRPR 1B	Rare, threatened, or endangered in California and elsewhere
CRPR 2A	Plants presumed extirpated in California but common elsewhere
CRPR 2B	Plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3	Plants about which we need more information – a review list
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat

As stated by the CNPS:

*“Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B's, 2's, 4's, and the majority of California Rare Plant Rank 3's. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant*

a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension.” (CNPS 2010)

0.1	Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

## SENSITIVE HABITATS

As stated by CDFW:

“One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe’s Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled” (CDFW 2010)

Diegan coastal sage scrub (*Encelia californica* – *Artemisia californica* (G3)), documented onsite is considered a sensitive vegetation community. Natural communities with ranks of 1-3 are considered sensitive.

## SENSITIVE PLANTS

A comprehensive assessment for City of San Diego Subarea Plan Narrow Endemic (NE) sensitive plant species known to occur within the region and the potential for occurrence within the Project Site is presented in Table 2, *Narrow Endemic Sensitive Plant Species with the Potential for Occurrence*.

**Table 2.**  
**Narrow Endemic Sensitive Plant Species with the Potential for Occurrence**

Common Name Scientific Name	Listing Status	Comments
Aphanisma <i>Aphanisma blitoides</i>	CRPR 1B.2 NE	Occurs in sandy or gravelly substrates within coastal bluff scrub or dune habitats and generally blooms from February to June.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable habitats.  Low Potential

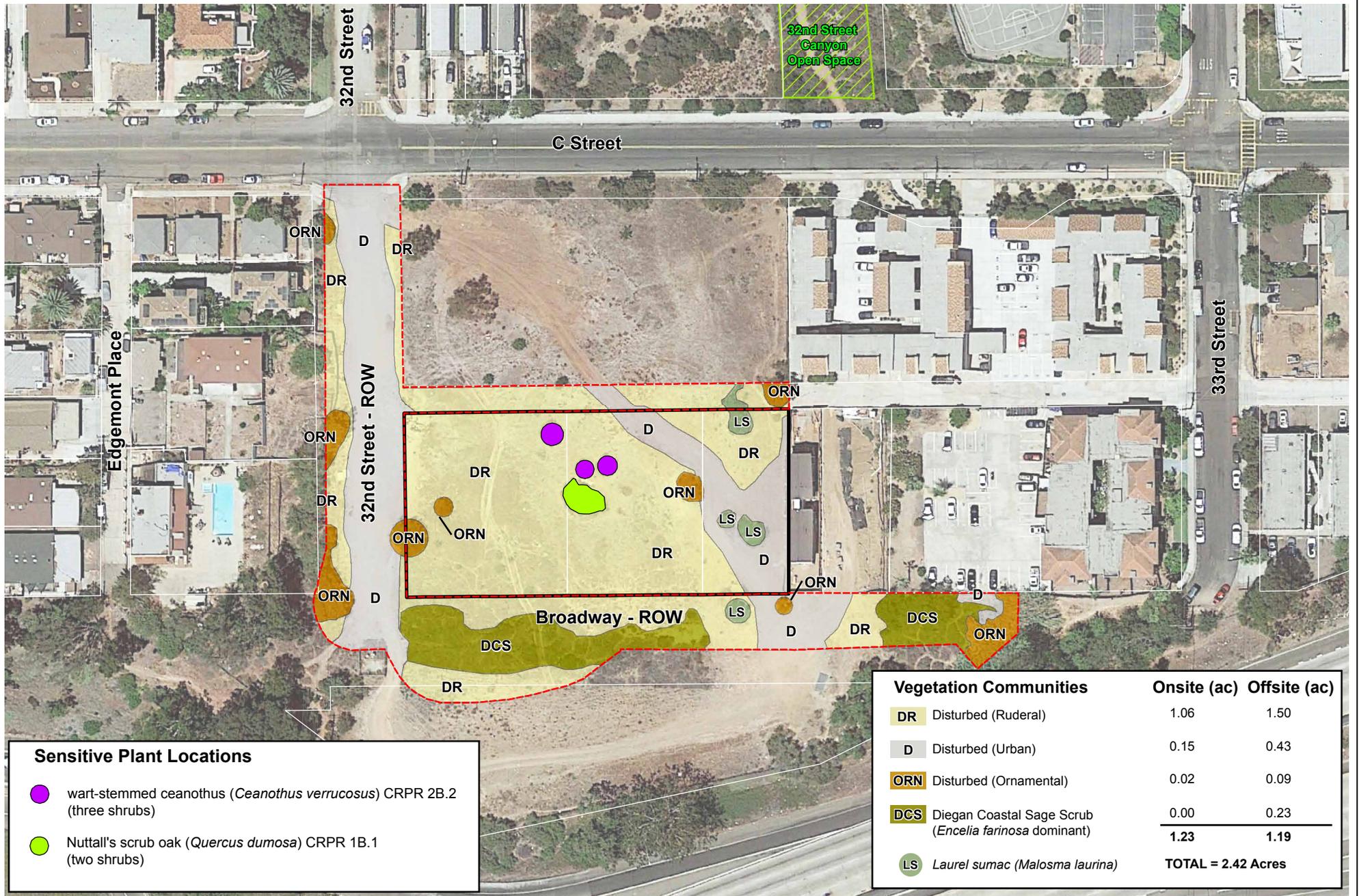
<b>Common Name</b> <i>Scientific Name</i>	<b>Listing Status</b>	<b>Comments</b>
California Orcutt Grass <i>Orcuttia californica</i>	FE/SE CRPR 1B.1 NE	Occurs in vernal pools.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable vernal pool habitat.  Low Potential
Coastal Dunes Milk Vetch <i>Astragalus tener var. titi</i>	CRPR 1B.1 NE	Occurs in vernal mesic areas within coastal bluff scrub, dunes and prairie habitats and generally blooms from March to May.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable habitats.  Low Potential
Encinitas Baccharis <i>Baccharis vanessae</i>	FT/SE CRPR 1B.1 NE	Occurs in sandstone maritime chaparral habitat.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable habitats.  Low Potential
Otay Mesa Mint <i>Pogogyne nudiuscula</i>	FE/SE CRPR 1B.1 NE	Occurs in vernal pools.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable vernal pool habitat.  Low Potential
Otay Tarplant <i>Deinandra conjugens</i>	FT/SE CRPR 1B.1 NE	Occurs in clay substrates in association with coastal scrub and grassland habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable substrates.  Low Potential
San Diego Ambrosia <i>Ambrosia pumila</i>	FE CRPR 1B.1 NE	Occurs in sandy loam or clay substrates within chaparral, coastal sage scrub, vernal pool and grassland habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable habitats.  Low Potential

<b>Common Name</b> <i>Scientific Name</i>	<b>Listing Status</b>	<b>Comments</b>
San Diego Button-Celery <i>Eryngium aristulatum</i> var. <i>parishii</i>	FE/SE CRPR 1B.1 NE	Occurs within mesic coastal scrub, grassland and vernal pool habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable mesic habitats.  Low Potential
San Diego Mesa Mint <i>Pogogyne abramsii</i>	FE/SE CRPR 1B.1 NE	Occurs in vernal pools.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable vernal pool habitat.  Low Potential
San Diego Thorn-mint <i>Acanthomintha ilicifolia</i>	FT/SE CRPR 1B.1 NE	Occurs in clay substrates within chaparral, coastal scrub, grassland and vernal pool habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable habitats.  Low Potential
Shaw's agave <i>Agave shawii</i> var. <i>shawii</i>	2B.1 NE	Perennial succulent blooming from September to May within Maritime succulent scrub and coastal sage scrub habitats.  Not detected onsite.  Low Potential
Short-leaf Live Forever <i>Dudleya blochmaniae</i> ssp. <i>brevifolia</i>	CRPR 1B.1 NE	Occurs in Torrey sandstone substrates within maritime chaparral and coastal scrub habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable substrates.  Low Potential
Variegated Dudleya <i>Dudleya variegata</i>	CRPR 1B.2 NE	Occurs in clay substrates within chaparral, coastal scrub, grassland and vernal pool habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable substrates.  Low Potential

<b>Common Name</b> <i>Scientific Name</i>	<b>Listing Status</b>	<b>Comments</b>
Snake Cholla <i>Cylindropuntia californica</i>	CRPR 1B.1 NE	Perennial succulent occurring in chaparral and coastal scrub habitat.  Not detected onsite.  Low Potential
Spreading Navarretia <i>Navarretia fossalis</i>	FT CRPR 1B.1 NE	Occurs within marsh, playa and vernal pool habitats.  Not detected or expected to occur onsite based on the disturbed condition of the Project Site and lack of suitable substrates and habitat.  Low Potential
<p><b>California Native Plant Society (CNPS): California Rare Plant Rank (CRPR)</b>  CRPR 1A – plants presumed extinct in California  CRPR 1B – plants rare, threatened, or endangered in California, but more common elsewhere  CRPR 2A – plants presumed extirpated in California but common elsewhere  CRPR 2B – plants rare, threatened, or endangered in California but more common elsewhere  CRPR 3 – plants about which we need more information, a review list  CRPR 4 – plants of limited distribution, a watch list  .1 – Seriously endangered in California  .2 – Fairly endangered in California  .3 – Not very endangered in California</p> <p><b>Federal (USFWS) Protection and Classification</b>  FE – Federally Endangered  FT – Federally Threatened  FC – Federal Candidate for Listing</p> <p><b>State (CDFW) Protection and Classification</b>  SE – State Endangered  ST – State Threatened</p> <p>NE - City of San Diego MSCP Narrow Endemic Species</p>		

No City of San Diego MSCP Subarea Plan narrow endemic plant species were detected or are expected to occur onsite based on a lack of detection, disturbed condition of the Project Site, and lack of suitable soils/vegetation respective of individual plant species.

Two sensitive shrubs were documented onsite including two (2) Nuttall's scrub oaks (*Quercus dumosa*) CRPR 1B.1 (MSCP non-covered species), and three (3) wart-stemmed ceanothus (*Ceanothus verrucosus*) CRPR 2B.2 (MSCP covered species), as shown in Figure 8, *Sensitive Species Occurrence Map*.



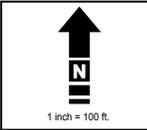
**Sensitive Plant Locations**

- wart-stemmed ceanothus (*Ceanothus verrucosus*) CRPR 2B.2 (three shrubs)
- Nuttall's scrub oak (*Quercus dumosa*) CRPR 1B.1 (two shrubs)

Vegetation Communities		Onsite (ac)	Offsite (ac)
<span style="background-color: yellow;">■</span> DR	Disturbed (Ruderal)	1.06	1.50
<span style="background-color: grey;">■</span> D	Disturbed (Urban)	0.15	0.43
<span style="background-color: orange;">■</span> ORN	Disturbed (Ornamental)	0.02	0.09
<span style="background-color: green;">■</span> DCS	Diegan Coastal Sage Scrub ( <i>Encelia farinosa</i> dominant)	0.00	0.23
<span style="background-color: lightgreen;">■</span> LS	Laurel sumac ( <i>Malosma laurina</i> )		
		<b>1.23</b>	<b>1.19</b>
		<b>TOTAL = 2.42 Acres</b>	

Project Site Boundary      Offsite Impact Area

**Figure 8 - Sensitive Species Occurrence Map**  
*Biological Resources Technical Report*  
 32nd & Broadway Project



## SENSITIVE WILDLIFE

A comprehensive assessment of MSCP covered sensitive wildlife species known to occur within the region and the potential for occurrence within the Project Site is presented in Table 3, *Sensitive Wildlife Species with the Potential for Occurrence*.

**Table 3**  
**Sensitive Wildlife Species with the Potential for Occurrence**

Common Name <i>Scientific Name</i>	Listing Status	Comments
<b>INVERTEBRATES</b>		
Riverside Fairy Shrimp <i>Streptocephalus woottoni</i>	FE MC	Occurs in vernal pools and seasonal depressions.  Not expected to occur onsite based on a lack of suitable habitat.  Low Potential
San Diego Fairy Shrimp <i>Branchinecta sandiegoensis</i>	FE MC	Occurs in vernal pools and seasonal depressions.  Not expected to occur onsite based on a lack of suitable habitat.  Low Potential
<b>AMPHIBIANS/REPTILES</b>		
Orange-throated Whiptail <i>Aspidoscelis hyperythra</i>	SSC MC	Occurs in coastal sage scrub and chaparral habitats.  Not detected or expected to occur onsite based on a lack of suitable habitat and disturbed conditions documented onsite.  Low Potential
San Diego Horned Lizard <i>Phrynosoma coronatum blainvillei</i>	SSC MC	Occurs in open coastal sage scrub and chaparral habitats in association with sandy substrates.  Not detected or expected to occur onsite based on a lack of suitable habitat, soils and disturbed conditions documented onsite.  Low Potential
Southwestern Pond Turtle <i>Actinemys marmorata pallida</i>	SSC MC	Occurs within and adjacent to creeks and open water.  Not expected to occur onsite based on a lack of suitable habitat.  Low Potential

<b>Common Name</b> <i>Scientific Name</i>	<b>Listing Status</b>	<b>Comments</b>
Western Spadefoot <i>Spea hammondi</i>	SSC MC	Breeds within vernal pools and seasonal depressions – aestivates in adjacent grassland habitats.  Not expected to occur onsite based on a lack of suitable breeding habitat.  Low Potential
<b>BIRDS</b>		
Burrowing Owl <i>Athene cunicularia hypuaea</i>	SSC MC	No potential burrows documented within or adjacent to Project Site.  Not expected to occur onsite based on a lack of suitable nesting habitat.  Low Potential
Coastal Cactus Wren <i>Campylorhynchus brunneicapillus sandiegensis</i>	SSC MC	Occurs within cactus scrub vegetation.  Not detected or expected to occur onsite based on a lack of suitable foraging and nesting habitat.  Low Potential
California Least Tern <i>Sterna antillarum browni</i>	FE/SE/SWL SFP MC	Feeds and breeds in shallow estuaries or lagoons.  Not expected to occur onsite based on a lack of suitable foraging and nesting habitat.  Low Potential
Coastal California Gnatcatcher <i>Polioptila californica californica</i>	FT/SSC MC	Occurs within coastal sage scrub and coastal sage scrub/chaparral habitat types.  Not detected onsite by USFW permitted biologist (780566-14) or expected to occur within the two (2) small fragmented Diegan coastal sage scrub habitat patches documented in the southern region of the Project Site.  Low Potential
Cooper's Hawk <i>Accipiter cooperi</i>	SWL MC	May occasionally forage and nest adjacent to the Project Site within the mature Eucalyptus trees.  Moderate Potential
Least Bell's Vireo <i>Vireo bellii pusillus</i>	FE/SE MC	Occurs within riparian scrub, forest and woodland habitats.  Not detected or expected to occur onsite based on a lack of riparian habitat.  Low Potential

<b>Common Name</b> <i>Scientific Name</i>	<b>Listing Status</b>	<b>Comments</b>
Northern Harrier <i>Circus cyaneus</i>	SSC MC	Not expected to breed onsite based on a lack of suitable nesting habitat.  Low Potential
Southern California Rufous-crowned Sparrow <i>Aimophila ruficeps canescens</i>	CWL MC	Occurs within coastal sage scrub and coastal sage scrub/chaparral habitat types  Not detected or expected to occur onsite based on a lack of suitable habitat and disturbed conditions documented onsite.  Low Potential
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i>	FE/SE MC	Occurs within riparian scrub, forest and woodland habitats.  Not detected or expected to occur onsite based on a lack of riparian habitat.  Low Potential
Tri-colored blackbird <i>Agelaius tricolor</i>	SSC/SPE MC	Occurs within freshwater marsh habitat dominated by cattails and bulrush habitat associations.  Not detected or expected to occur onsite based on a lack of suitable habitat.  Low Potential
Western Snowy Plover <i>Charadrius alexandrinus nivosus</i>	FT/SSC MC	Nests on beaches and banks of lagoons and estuaries.  Not expected to occur onsite based on a lack of suitable nesting habitat.  Low Potential
<b>MAMMALS</b>		
American Badger <i>Taxidea taxus</i>	SSC MC	Occurs in open scrub and grassland habitat types.  No potential burrows were detected. Species not expected to occur onsite.  Low Potential
Mountain Lion <i>Felis concolor</i>	MC	Not expected to occur onsite due to a lack of connectivity with large open space lands. The small Project Site is bordered by high density residential development and high traffic roads and SR94. No culverts or movement routes exist within or adjacent to the Project Site.  Low Potential
Southern mule deer <i>Odocoileus hemionus</i>	MC	Not expected to occur onsite due to a lack of connectivity with large open space lands. The small Project Site is bordered by high density residential development and high traffic roads and SR94. No culverts or movement routes exist within or

Common Name <i>Scientific Name</i>	Listing Status	Comments
		adjacent to the Project Site.  Low Potential
<b>Federal (USFWS) Protection and Classification</b> FE – Federally Endangered FC – Federal Candidate for Listing  <b>State (CDFW) Protection and Classification</b> SE – State Endangered SPE – State Proposed Endangered SSC – State Species of Special Concern CWL – California Watch List SFP – State Fully Protected  MC - MSCP Covered		

Cooper’s hawk is expected to occasionally forage onsite and nest within the adjacent offsite mature Eucalyptus trees.

The Project Site is not located within a USFWS designated critical habitat for any federally listed or proposed listed species.

## REGIONAL CONNECTIVITY/WILDLIFE MOVEMENT CORRIDORS

### Overview

Wildlife corridors link areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated “islands” of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967; Soule 1987; Harris and Gallager 1989; Bennett 1990). Corridors effectively act as links between different populations of a species. A group of smaller populations (termed “demes”) linked together via a system of corridors is termed a “metapopulation.” The long-term health of each deme within the metapopulation is dependent upon its size and the frequency of interchange of individuals (immigration vs. emigration). The smaller the deme, the more important immigration becomes, because prolonged inbreeding with the same individuals can reduce genetic variability. Immigrant individuals that move into the deme from adjoining demes mate with individuals and supply that deme with new genes and gene combinations that increases overall genetic diversity. An increase in a population’s genetic variability is generally associated with an increase in a population’s health.

Corridors mitigate the effects of habitat fragmentation by:

- (1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity;

- (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and
- (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss 1983; Fahrig and Merriam 1985; Simberloff and Cox 1987; Harris and Gallagher 1989).

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as “wildlife corridor”, “travel route”, “habitat linkage”, and “wildlife crossing” to refer to areas in which wildlife moves from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this study, these terms are defined as follows:

*Travel Route:* A landscape feature (such as a ridge line, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another; it contains adequate food, water, and/or cover while moving between habitat areas; and provides a relatively direct link between target habitat areas.

*Wildlife Corridor:* A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as “habitat or landscape linkages”) can provide both transitory and resident habitat for a variety of species.

*Wildlife Crossing:* A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These are often “choke points” along a movement corridor.

### **Wildlife Movement within Project Site**

The Project Site and adjacent offsite impact areas are bordered to the east and west by high density residential development and north and south by high traffic roadways (SR 94 and C Street).

The Project Site is not located within or represents a wildlife movement route, corridor or linkage area.

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## REGIONAL AND REGULATORY SETTING

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The following section describes local, federal and state regulations respective of the biological resources documented within and adjacent to the Project Site.

### LOCAL

As stated by AECOM:

*The City of San Diego adopted a Multiple Species Conservation Program (MSCP) Subarea plan in 1997. The goal of the City of San Diego's MSCP was to create a habitat preserve system known as the Multi-Habitat Planning Area (MHPA) in order to coordinate conservation efforts on a regional scale while allowing development projects to occur.*

*The City of San Diego's MSCP Subarea Plan (City of San Diego 1997a) was prepared pursuant to the general outline developed by USFWS and CDFW to meet the requirements of the California Natural Communities Conservation Planning Act of 1992. It serves as the Natural Communities Conservation Plan necessary under the Endangered Species Act for the issuance of an Incidental Take Permit for MSCP "covered" species. The MSCP identifies certain species as considered "covered," that is adequately conserved, within the MHPA. The Subarea plan specifies conditions of coverage for each covered species that must be applied when those species occur in a project area. In addition, through the Biology guidelines in the Land Development Code (City of San Diego 2012a), the City regulates development activities according to project location, within or outside of the MHPA. Upon project compliance with the MSCP Subarea plan and the Biology guidelines, the City is able to issue "take" authorization for covered species. Prior to the adoption of the MSCP, this "take" authorization would have required project-by-project review with the regulatory agencies. Thus, the MSCP provides for the preservation of a network of habitat and open space, protecting biodiversity, and enhancing the region's quality of life. The plan is designed to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. By identifying priority areas for conservation and other areas for future development, the MSCP streamlines permit procedures for development projects that impact habitat. It also provides an economic benefit by reducing constraints on future development and decreasing the costs of compliance with federal and state laws that protect biological resources. In addition to the City of San Diego's MSCP Subarea Plan, other local planning policy documents include the City of San Diego Guidelines for Conducting Biology Surveys (City of San Diego 2002) and the City's Biology Guidelines (City of San Diego 2012a), referenced above. Within these guidelines, the City of San Diego established Environmentally Sensitive Land (ESL) regulations to ensure protection of resources consistent with CEQA and the City of San Diego's MSCP. ESLs include lands within the MHPA, wetlands, sensitive vegetation*

*communities, habitat for listed species, lands supporting narrow endemics, and steep slopes. The regulations encourage avoidance and minimization of impacts to ESLs. The City's Biology Guidelines define the survey and impact assessment methodologies and mitigation requirements for unavoidable impacts (City of San Diego 2012a)."* (AECOM 2015)

## **Environmentally Sensitive Lands Regulations**

As stated by the City of San Diego:

*"Development on a site containing sensitive biological resources requires the approval of a Neighborhood Development Permit or Site Development Permit, unless exempted pursuant to LDC Section 143.0110(c). The required findings for a Neighborhood Development Permit or Site Development Permit are listed in C Section 126.0504 (a). In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing sensitive biological resources requires that an additional set of six supplemental findings, as listed in C Section 126.0504 (b), be made. They are as follows:"* (City of San Diego 2018)

*1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;*

The Project Site is dominated by disturbed (ruderal/urban/ornamental) vegetation communities. A total of 0.23-acre of Diegan coastal sage scrub (Tier II) would be impacted as a result of project initiation. The impact to 0.23-acre of environmentally sensitive land would not conflict with the provisions of the ESL regulations following implementation of appropriate mitigation.

*2. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, and fire hazards; [This finding is primarily applicable to sites that contain steep hillsides; refer to Steep Hillside Guidelines]*

The proposed project is not subject to the steep hillside guidelines and would not conflict with the provisions of the ESL regulation.

*3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;*

The Project Site is not located adjacent to any existing environmentally sensitive lands. The Project Site and adjacent offsite impact areas are bordered to the east and west by high density residential development and north and south by high traffic roadways (SR 94 and C Street).

*4. The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.*

As described in the report, the proposed project after implementation of the appropriate mitigation and conservation measures will be consistent with all City of San Diego MSCP Subarea Plan requirements.

*5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

The proposed project is not located within or adjacent to the Sensitive Coastal Resource Overlay Zone.

*6. The nature and extent of mitigation required as a condition of the permit is reasonably related to and calculated to alleviate negative impacts created by the proposed development.*

Proposed mitigation measures are presented below (Environmental Impacts Section) based on the Land Development Manual – Biology Guidelines (City of San Diego 2018).

## **FEDERAL**

### **Federal Endangered Species Act**

The MSCP and City of San Diego SubArea Plan serve as an HCP pursuant to Section 10(a)(1)(B) of the FESA of 1973, allowing participating jurisdictions to authorize "take" of plant and wildlife species. The MSCP has been issued under this Section and provides incidental take for all covered species.

### **Clean Water Act**

The USACE Regulatory Program regulates activities pursuant to Section 404 of the federal Clean Water Act (CWA).

Although not expressly defined it is assumed that the USACE Manual (Environmental Laboratory 1987) for delineating wetlands should be used in determining the presence of wetland indicators in vernal pools. With the exception of wetlands created for the purpose of providing wetlands habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions.

As stated by the USACE: "(a) The term *waters of the United States* means, (1) all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) all interstate waters including interstate wetlands; and (3) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters" (33 C.F.R. § 328.3).

The USACE generally takes jurisdiction within rivers and streams to the "ordinary high water mark," determined by erosion, the deposition of vegetation or debris, and changes in vegetation or soil characteristics (33 C.F.R. § 328.4). However, if there is no federal nexus to navigable waters, these waters are considered "isolated" and thus not subject to their jurisdiction.

### **Migratory Bird Treaty and Bald and Golden Eagle Protection Acts**

Migratory birds including resident raptors and passerines are protected under the federal MBTA and CDFG Code Section 3503. The MBTA of 1918 implemented the 1916 convention between the United States and Great Britain for the protection of birds migrating between the U.S. and Canada. Similar conventions between the United States and Mexico (1936), Japan (1972) and the Union of Soviet Socialist Republics (1976) further expanded the scope of international protection of migratory birds. Each new treaty has been incorporated into the MBTA as an amendment and the provisions of the new treaty are implemented domestically. These four treaties and their enabling legislation, the MBTA, established Federal responsibilities for the protection of nearly all species of birds, their eggs and nests.

The MBTA and CDFG Code 3503 make it illegal for people to "take" migratory birds, their eggs, feathers or nests. Take is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof. The Bald and Golden Eagle Protection Act affords additional protection to all bald and golden eagles.

## **STATE**

### **California Endangered Species Act**

The CESA is similar to FESA in that it contains a process for listing of species regulating potential impacts to listed species. Section 2081 of the CESA authorizes the CDFW to enter into a memorandum of agreement for take of listed species for scientific, educational, or management purposes. The MSCP and City of San Diego SubArea Plan serve as an HCP pursuant the Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001, allowing participating jurisdictions to authorize "take" of plant and wildlife species.

### **Native Plant Protection Act**

The Native Plant Protection Act (NPPA) enacted a process by which plants are listed as rare or endangered. The NPPA regulates collection, transport, and commerce in plants that are listed. The CESA follows the NPPA and covers both plants and wildlife determined to be threatened with extinction or endangered. Plants listed as rare under the NPPA are designated as threatened under the CESA.

### **Porter-Cologne Water Quality Control Act**

The RWQCB regulates activities pursuant to Section 401(a)(1) of the federal CWA as well as the Porter Cologne Water Quality Control Act of 1969 (California Water Code

section 13260). Section 401 of the CWA specifies that certification from the State is required for any applicant requesting a federal license or permit to conduct any activity including but not limited to the construction or operation of facilities that may result in any discharge into navigable waters. The certification shall originate from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable water at the point where the discharge originates or will originate. Any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA. The Porter Cologne Act requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge (an application for waste discharge requirements (WDRs))" (Water Code § 13260(a)(1)). Discharge of fill material into "waters" of the State which does not fall under the jurisdiction of the USACE pursuant to Section 404 of the CWA may require authorization through application for WDRs or through waiver of WDRs.

### **Streambed Alteration Agreement**

The CDFW regulates activities within streambeds, lakes, and wetlands pursuant to Division 2, Chapter 6, Section 1600 of the California Fish and Game Code (Streambed Alteration) and has jurisdiction of "waters" of the State. Regulated activities are those that "will substantially divert, obstruct, or substantially change the natural flow or bed, channel or bank of any river, stream, or lake or extends to the limit of the adjacent riparian vegetation designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit." (California. Fish & Wildlife Code, § 1602).

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## **ENVIRONMENTAL IMPACTS**

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The following sections include an analysis of the direct impacts, indirect impacts, and cumulative effects of the proposed action on sensitive biological resources. This analysis characterizes the project related activities that are anticipated to adversely impact the species, and when feasible, quantifies such impacts. Direct effects are defined as actions that may cause an immediate effect on the species or its habitat, including the effects of interrelated actions and interdependent actions. Indirect effects are caused by or result from the proposed actions, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the area directly affected by the proposed action.

Cumulative impacts refer to incremental, individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor but may be collectively significant. Cumulative effects include future tribal, local, or private actions that are reasonably certain to occur in the proposal vicinity considered in this report. A cumulative impact to biological resources may occur if a project has the potential to collectively degrade the quality of the environment, substantially reduce the habitat of wildlife species or cause a population to drop below self-sustaining levels, thereby threatening to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal species.

## THRESHOLD OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance criteria which mirror the policy statement contained in the CEQA at Section 21001 (c) of the Public Resources Code. This section reflects that the legislature has established it to be the policy of the state to:

*“Prevent the elimination of fish and wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...”*

The following CEQA definitions apply to the significance criteria for biological resources:

- *“Endangered”* means that the species is listed as endangered under state or federal law.
- *“Threatened”* means that the species is listed as threatened under state or federal law.
- *“Rare”* means that the species exists in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens.
- *“Region”* refers to the area within southern California that is within the range of the individual species.
- *“Sensitive habitat”* refers to habitat for plants and animals (1) which plays a special role in perpetuating species utilizing the habitat on the property, and (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.
- *“Substantial effect”* means significance loss or harm of a magnitude which, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

The following outline defines sensitive biological resources based on the City of San Diego Municipal Codes:

- Lands that have been included in the Multi-Habitat Planning Area as identified in the City of San Diego Multiple Species Conservation Program Subarea Plan (City of San Diego, 1997)
- Wetlands (as defined by the Municipal Code, Section 113.0103).
- Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual.

- Lands supporting species or subspecies listed as rare, endangered, or threatened.
- Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development manual
- Lands containing habitats of Covered Species as listed in the Biology Guidelines of the Land Development manual.

Impacts to biological resources may result in a significant adverse impact if one or more of the following conditions would result from implementation of the proposed project (City of San Diego CEQA checklist).

- A substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Less than significant.
- A substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS. Less than significant with mitigation incorporated.
- A substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means. No Impact.
- Interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites. Less than significant.
- A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region. Less than significant with mitigation incorporated.
- Introducing land use within an area adjacent to the MHPA that would result in adverse edge effects. No Impact.
- A conflict with any local policies or ordinances protecting biological resources. Less than significant with mitigation incorporated.
- An introduction of invasive species of plants into a natural open space area. No Impact.

Also, the determination of impacts has been made according to the federal definition of “take”. FESA prohibits the “taking” of a member of an endangered or threatened wildlife species or removing, damaging, or destroying a listed plant species by any person (including private individuals and private or government entities). FESA defines “take” as “to harass, harm, pursue, hunt, shoot, would, kill, trap, capture or collect” an endangered or threatened species, or to attempt to engage in these activities.

## DIRECT IMPACTS

### Vegetation Communities

A total of 1.23 acres of onsite and 1.19 acre offsite (2.42 acre total) vegetation communities will be directly impacted as a result of project implementation as summarized in Table 4, *Vegetation Community Impacts*, and illustrated on Figure 9, *Impact Assessment Map*. Direct impacts to disturbed (ruderal/urban/ornamental) do not require mitigation. Direct impacts to 0.23 acre of Diegan coastal sage scrub will be mitigated to a level of less than significant by implementing Biological Mitigation Measure (BIO-MM1).

**Table 4 –Vegetation Community Impacts**

Vegetation Community	City of San Diego MSCP Tier	Project Site Onsite (ac)	Offsite (ac)	Total Assessment Area (ac)
Disturbed (Ruderal)	Tier IV	1.06	0.44	1.50 (62%)
Disturbed (Urban)	Tier IV	0.15	0.43	0.58 (24%)
Disturbed (Ornamental)	Tier IV	0.02	0.09	0.11 (4%)
Diegan Coastal Sage Scrub	Tier II	0.00	0.23	0.23 (10%)
<b>TOTAL</b>		<b>1.23</b>	<b>1.19</b>	<b>2.42</b>

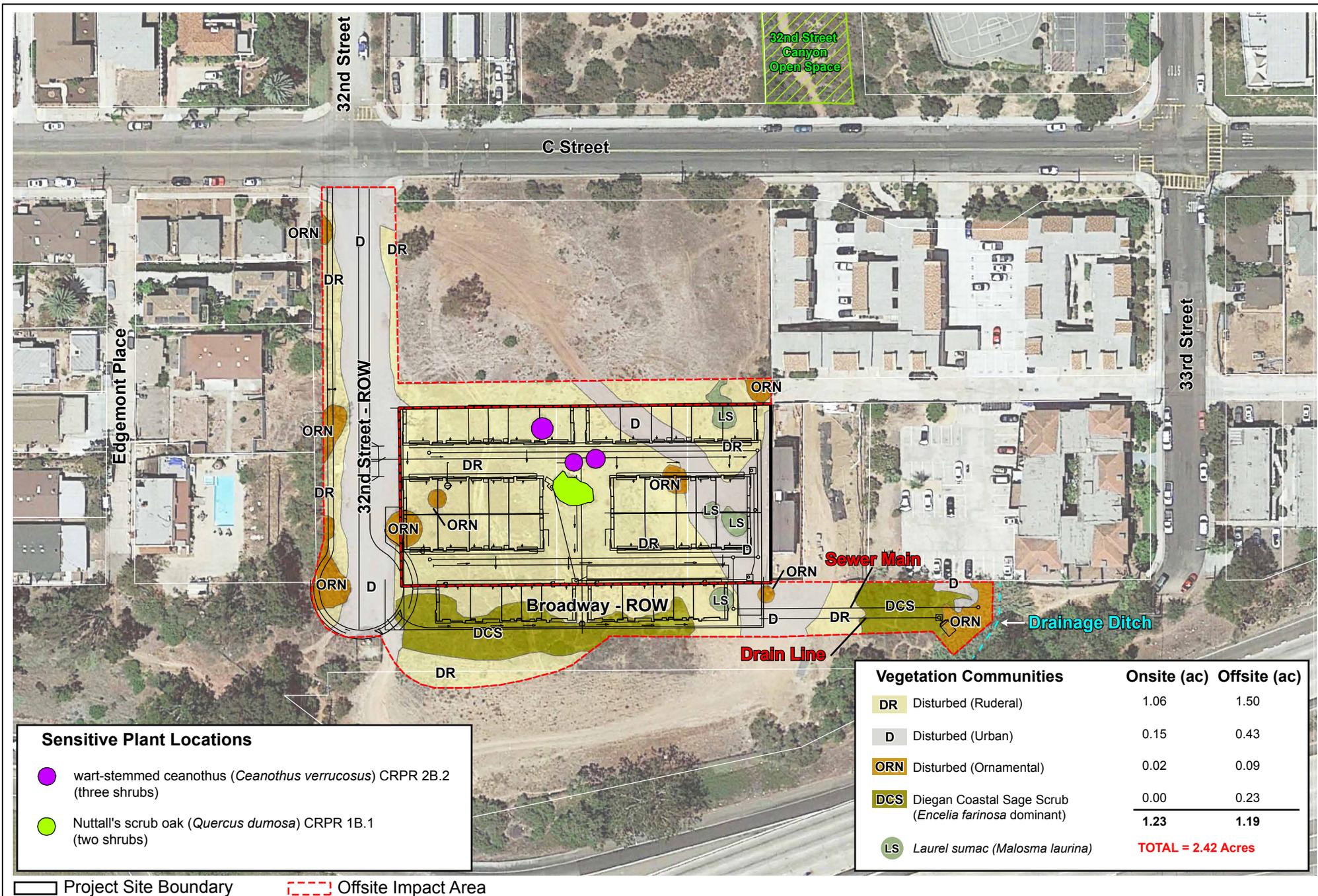
Source: *Cadre Environmental 2019*.

### Sensitive Plants

No City of San Diego MSCP Subarea Plan narrow endemic plant species were detected or are expected to occur onsite based on a lack of detection, disturbed condition of the Project Site, and lack of suitable soils/vegetation respective of individual plant species.

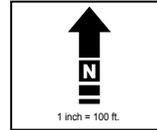
Two sensitive shrubs were documented onsite including two (2) Nuttall’s scrub oaks CRPR 1B.1 (MSCP non-covered species), and three (3) wart-stemmed ceanothus CRPR 2B.2 (MSCP covered species), as shown in Figure 8, *Sensitive Species Occurrence Map*.

Direct impacts to three wart-stemmed ceanothus shrubs (covered species), and two (2) Nuttall’s scrub oaks (non-covered species), not located within an MHPA would not conflict with the City of San Diego MSCP Subarea plan reserve design or long-term protection for these species. No mitigation proposed.



**Figure 9 - Impact Assessment Map**

Biological Resources Technical Report  
32nd & Broadway Project



## Sensitive Wildlife

Cooper's hawk is expected to occasionally forage onsite and nest within the adjacent mature Eucalyptus trees. Implementation of the proposed project may result in direct impacts to bird and raptor foraging and nesting habitat. Raptor species are expected to utilize the large trees located within the adjacent Eucalyptus trees for roosting and potentially nesting including the red-tailed hawk. The loss of an active bird or raptor nest would be considered a violation of the CDFW Code, Section 3503, 3503.5, 3513 and MBTA. Potential impacts would be less than significance following compliance with CDFG Codes and the federal MBTA as outlined below.

Construction outside the nesting season (between September 16<sup>th</sup> and January 31<sup>st</sup> do not require pre-removal nesting bird surveys. If construction is proposed between February 1<sup>st</sup> and September 15<sup>th</sup>, a qualified biologist will conduct a nesting bird survey(s) no more than three (3) days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project Site.

The survey(s) would focus on identifying any bird or raptor nests that would be directly or indirectly affected by construction activities. If active nests are documented, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be deterred until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur

## Wetlands & Jurisdictional Resources

No wetlands, wetland dependent vegetation, riparian habitat or vernal pools regulated by the USACE, CDFW, or RWQCB or meeting the definition of wetlands as defined by the City of San Diego Biology Guidelines were documented within the Project Site. As stated by the City of San Diego:

*“Seasonal drainage patterns that are sufficient enough to etch the landscape (i.e. ephemeral/intermittent drainages) may not be sufficient enough to support wetland dependent vegetation. These types of drainages would not satisfy the City’s wetland definition unless wetland dependent vegetation is either present in the drainage or lacking due to past human activities. Seasonal drainage patterns may constitute “waters of the United States” which are regulated by the Army Corps of Engineers and/or the California Department of Fish and Game (City of San Diego 2018).”*

The project will include the development of one (1) onsite bioretention basin for the capture, treatment and release of project related runoff to the adjacent perennial urban

drainage ditch extending southwest from an existing residential development. Although the feature may be regulated by the USACE, CDFW, and/or RWQCB, the feature will not be directly impacted as a result of project initiation.

As warranted, the project will comply with all applicable water quality regulations, including obtaining and complying with those conditions established in State Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits. Both of these permits include the treatment of all surface runoff from paved and developed areas, the implementation of applicable Best Management Practices (BMPs) during construction activities and the installation and proper maintenance of structural BMPs to ensure adequate long-term treatment of water before entering into any stream course or offsite conservation areas.

### **Wildlife Movement within Project Site**

The Project Site and adjacent offsite impact areas are bordered to the east and west by high density residential development and north and south by high traffic roadways (SR 94 and C Street). The Project Site is not located within a wildlife movement route, corridor or linkage area. No impact.

### **INDIRECT IMPACTS**

The following section addresses potential indirect impacts associated with proposed development adjacent to existing or proposed open space areas, conserved lands or MHPA lands.

The Project Site is not located within or adjacent to existing or proposed open space, conserved lands or an MHPA. Land Use Adjacency Guidelines in Section 1.4.3 of the City of San Diego's MSCP Subarea Plan do not apply. No Impact.

### **CUMULATIVE IMPACTS**

The temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Section 15310) to environmental resources within the region of the Project Site. Cumulative impacts refer to incremental effects of an individual project when assessed with the effects of past, current, and proposed projects. Although the project would result in the loss of 2.19 acres of disturbed (ruderal/urban/ornamental) Tier IV habitats and 0.23-acre of Diegan coastal sage scrub – Tier II habitat, the MSCP and City of San Diego MSCP Subarea Plan were developed to address the comprehensive regional planning effort and anticipated growth in the City of San Diego. The proposed project has been designed and mitigated to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines and therefore will not result in an adverse cumulative impact.

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## MITIGATION MEASURE

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The following biological mitigation measure addresses those adverse impacts determined to be potentially significant, or are relevant to the protection of biological resources to the extent practicable as part of ensuring compliance and consistency with all ESL, MSCP and City of San Diego SubArea Plan conservation goals and guidelines.

### **BIO-MM1 Mitigation Fee**

A total of 0.23-acre of Diegan coastal sage scrub located outside of the MHPA will be directly impacted as a result of project implementation. A mitigation ratio of 1:1 for impacts to Tier II (uncommon uplands, coastal sage scrub, coastal sage scrub/chaparral) will be required. Prior to issuance of a grading permit, the project applicant will provide monetary compensation to the Cities Habitat Acquisition Fund (HAF) as established by the City Council. The HAF cost is currently \$35,000 per acre plus a 10% administrative fee. This cost is subject to change and may increase over time as determined by the City's Real Estate Assets Department.

As stated by the City of San Diego:

*"The purchase or dedication of land with equal or greater habitat value can be considered as a method of mitigation. Impacts within the City of San Diego must be mitigated within the City of San Diego's jurisdiction (per SDMC, Section 111.0104), preferably in the MHPA. Mitigation Banks" are privately or publicly held lands that sell mitigation credits instead of fee title for habitat areas on which a conservation easement has been placed. Under this method, a large site can be acquired over time by multiple projects requiring small mitigation needs. Purchase of areas of "credits" from an established bank can be acceptable, as long as the required acreage is subtracted from the remaining credits in the bank and is not available for future projects. All banks must have provisions approved for long-term management, can be part of a regional habitat preserve system, and upon request can provide an updated record of the areas (credits) purchased from the bank and those that are remaining." (City of San Diego 2018)*

As stated by the City of San Diego:

*"Monetary Compensation: In some cases, developments with small impacts may compensate by payment into a fund used to acquire, maintain and administer the preservation of sensitive biological resources. This fund is intended to be used only for the mitigation of impacts to small, isolated sites with lower long-term conservation value. For purposes of this fund, small is generally considered less than 5 acres, but could, in some cases, be considered up to 10 acres. Mitigation monies will be deposited in the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990." (City of San Diego 2018)*

Implementation of Mitigation Measures BIO-MM1 would reduce all potential significant unavoidable impacts on biological resources below a level of significance.

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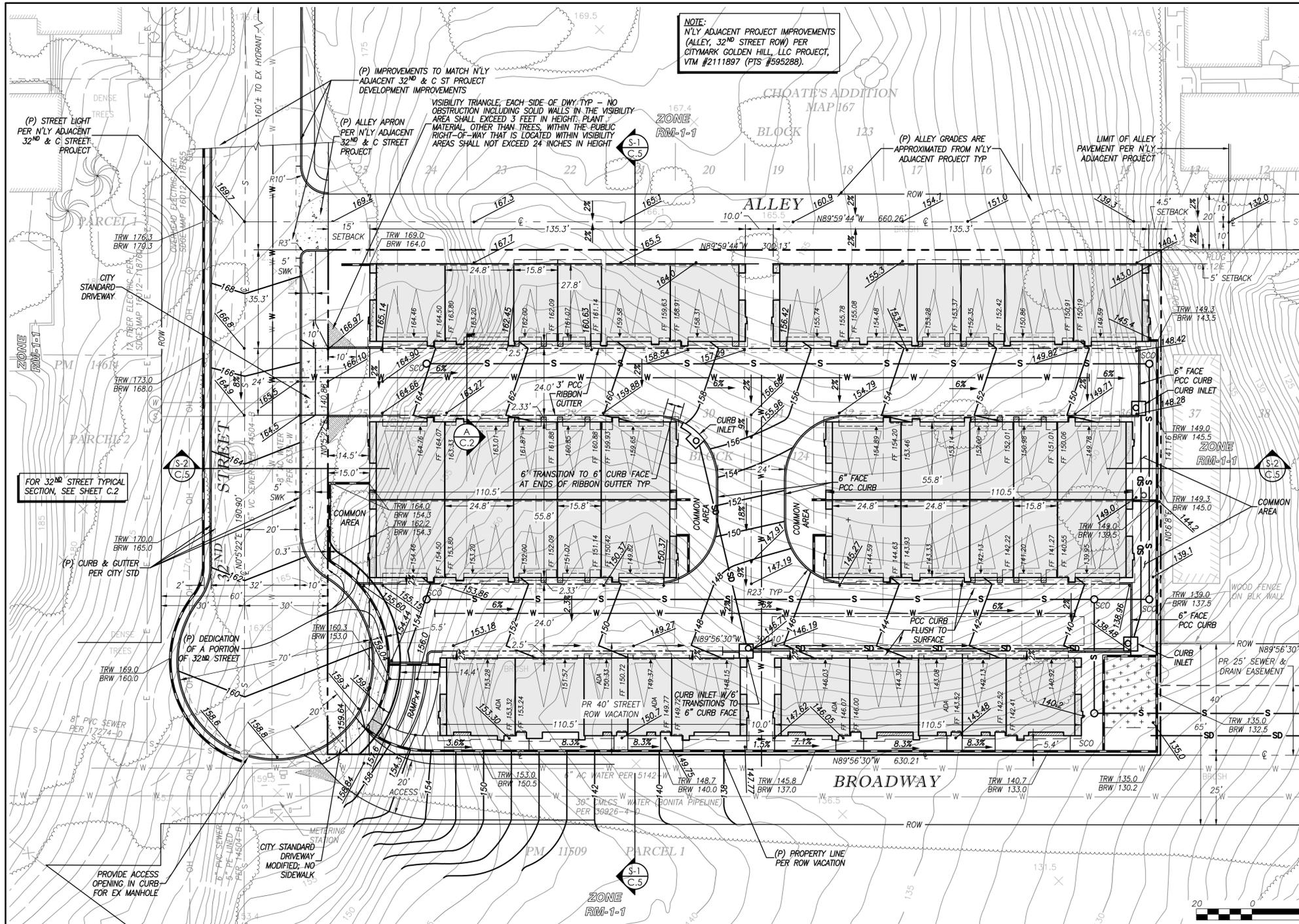
U.S. Fish and Wildlife Service (USFWS). 2019. Threatened and Endangered Species. Pacific Southwest Region. Carlsbad Office. Available online at [http://www.fws.gov/carlsbad/SpeciesStatusList/CFWO\\_Species\\_Status\\_List%20.htm](http://www.fws.gov/carlsbad/SpeciesStatusList/CFWO_Species_Status_List%20.htm) Accessed May 2019.

Unitt, P. O. 2004. San Diego County Bird Atlas. Proceedings of the San Diego Society of Natural History No. 39.

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**APPENDIX A – SITE GRADING PLANS**

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**NOTE:**  
N'LY ADJACENT PROJECT IMPROVEMENTS (ALLEY, 32<sup>ND</sup> STREET ROW) PER CITYMARK GOLDEN HILL, LLC PROJECT, YTM #2111897 (PTS #995288).

**LEGEND**

DESCRIPTION	STD DWG	SYMBOL
PROPERTY LINE	N45:45:45"W	—
STREET CENTERLINE	—	—
(E) CONTOUR	90	—
(E) SPOT ELEVATION	+100.00	—
(E) WATER LINE	—	—
(E) SEWER LINE	—	—
(E) ELECTRIC CONDUIT	—	—
(E) WATER SERVICE	—	—
(E) SEWER SERVICE	—	—
(E) FIRE HYDRANT	—	—
(E) PALM	—	—
(E) BUILDING FOOTPRINT	—	—
(P) CONTOUR	90	—
(P) SPOT ELEVATION	100.00	—
(P) DRAINAGE SWALE OR DIRECTION OF FLOW	—	—
(P) PVC DRAIN LINE	SDR-35 SCH 40	—
(P) LANDSCAPE DRAIN	(NDS OR EQ)	—
(P) CURB INLET - TYPE A	SDD-115	—
(P) CURB INLET - TYPE B	SDD-116	—
(P) ROOF DOWNSPOUTS	—	—
(P) WATER SERVICE MAIN (PVT)	—	—
(P) SEWER MAIN	—	—
(P) SEWER MANHOLE / CLEANOUT	SDS-106 OR -107 / SC-01	—
(P) CMU STEMWALL	—	—
(P) FREESTANDING WALL	—	—
(P) BUILDING FOOTPRINT	—	—
(P) BUILDING OVERHEAD	—	—
(P) CONCRETE SIDEWALK	SDG-155	—
(P) PCC DRIVEWAY	SDG-159	—
(P) 3' PCC CURB & GUTTER	—	—
(P) PCC CURB - 6" FACE	SDG-150	—
(P) PCC RIBBON GUTTER	—	—
(P) WATER SERVICE W/RP DEVICE	—	—
(P) SEWER LATERAL	—	—
(P) FIRE SERVICE W/RP DEVICE	—	—

**DRAWING INDEX**

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SEE SHEET C.2 FOR CONTINUATION

SCALE: 1"=20'

**LEGAL DESCRIPTION:**  
LOTS 25 - 36 OF CHOATE'S ADDITION BLOCK 124 PER MAP 167, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 11, 1886.  
APN: 539-563-06-00, -07-00, & -10-00

**BENCHMARK:**  
SEBP AT CORNER OF 32<sup>ND</sup> STREET AND C STREET. ELEV = 176.099 MSL, NGVD 29. CITY OF SAN DIEGO VERTICAL BENCHMARK BOOK.

**SOURCE OF TOPOGRAPHY**  
COFFEY ENGINEERING, INC.  
9666 BUSINESS PARK AVENUE, SUITE 210  
SAN DIEGO, CA 92131  
PHONE: (858) 831-0111  
SURVEY DATE: 9/17/18 (JOB #2018-071)  
JOHN S. COFFEY, RLS 9733, EXP 12/31/20

**ZONING:**  
DESIGNATION: RM-1-1  
PLANNED DISTRICT: (NONE)  
NUMBER OF PROPOSED LOTS: 1  
T.MACREAGE: 1.231 ACRES

**OVERLAY ZONES:**  
• AIRPORT INFLUENCE AREA  
• FIRE BRUSH ZONES 300' BUFFER  
• FIRE HAZARD SEVERITY ZONE  
ENVIRONMENTALLY SENSITIVE LANDS: ...TBD  
STEEP HILLSIDES: .....NO  
HISTORIC DISTRICT: .....NO  
DESIGNATED HISTORIC: .....NO  
GEO. HAZARD CATEGORIES: .....52  
EARTHQUAKE FAULT BUFFER: .....NO  
FAA PART 77 NOTIFICATION AREA: .....YES

**PROJECT DATA:**  
SITE ADDRESS: 32<sup>ND</sup> STREET  
SAN DIEGO, CA 92102  
APN: 539-563-06-07,-07,-10  
EXISTING BUILDING: NONE  
CONSTRUCTION DATE: N/A  
CALIFORNIA/LAMBERT COORDINATES: 201-1733  
NAD83 COORDINATES: 1841-6293

**SITE DATA:**  
EX LOT SIZE= 42,322 SF (0.972 AC)  
VACATED ROW AREA= 12,004 SF (0.276 AC)  
32<sup>ND</sup> ROW DEDICATE= -690 SF (-0.016 AC)  
TOTAL LOT= 53,636 SF (1.231 AC)  
FLOOR AREA= 53,330 SF  
F.A.R. (FLOOR AREA/LOT AREA)= 0.99  
LANDSCAPE AREA= 7,468 SF

**EXISTING USE:**  
VACANT LAND

**PROPOSED USE:**  
GH-3000 (GH-1500 WITH PDP)

**PROJECT DESCRIPTION:**  
• A TENTATIVE MAP (TM) FOR THE CREATION OF 42 RESIDENTIAL CONDOMINIUM UNIT OWNERSHIPS AND A PLANNED DEVELOPMENT PERMIT (PDP) TO INCREASE THE ALLOWABLE RESIDENTIAL DENSITY FROM 10-15 DWELLING UNITS PER ACRE TO 16-29 DWELLING UNITS PER ACRE AND TO ALLOW CONSTRUCTION OF A WALL EXCEEDING 3- FEET IN HEIGHT WITHIN THE PUBLIC RIGHT-OF-WAY, FOR THE DEVELOPMENT OF 42 RESIDENTIAL CONDOMINIUM UNITS IN SIX 3-STORY BUILDINGS TOTALING 53,330 SQUARE FEET ON A 1.25 ACRE VACANT SITE LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 32<sup>ND</sup> STREET AND BROADWAY AVENUE IN THE RM-1-1 (RESIDENTIAL-MULTIPLE UNIT) ZONE. THE DEVELOPMENT INCLUDES AN AFFORDABLE HOUSING DENSITY BONUS AS ALLOWED BY SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 143.0740.

• THE DEVELOPMENT INCLUDES THE PUBLIC RIGHT-OF-WAY VACATION OF BROADWAY AVENUE ADJACENT TO THE DEVELOPMENT UNDER SAN DIEGO MUNICIPAL CODE SECTION 125.0910.

• THE DEVELOPMENT INCLUDES THE BENEFITS UNDER SECTION 659915 OF THE STATE OF CALIFORNIA GOVERNMENT CODE.

**PROJECT TEAM:**  
**OWNER:** 32<sup>ND</sup> AND BROADWAY, LLC  
3184 AIRWAY AVENUE, SUITE B  
COSTA MESA, CA 92626  
(949) 233-6700  
**CIVIL ENGINEER:** COFFEY ENGINEERING, INC.  
9666 BUSINESS PARK AVENUE, SUITE 210  
SAN DIEGO, CA 92131  
(858) 831-0111  
**ARCHITECT:** WOODLEY ARCHITECTURE GROUP, INC.  
2943 PULLMAN STREET, SUITE A  
SANTA ANA, CA 92705  
(949) 553-8919  
**LANDSCAPE ARCHITECT:** ENVIRONS  
2655 FOURTH AVENUE  
SAN DIEGO, CA 92108  
(619) 232-7007  
**GEOTECHNICAL ENGINEER:** NOVA SERVICES  
4373 VIEWBRIDGE AVE., SUITE B  
SAN DIEGO, CA 92123  
(858) 292-7575

**BIOLOGY:** PSOMAS  
HUTTON CENTER DRIVE, SUITE 200 SANTA ANA, CA 92707  
(714) 751-7373  
**TRAFFIC:** DARNELL & ASSOCIATES, INC.  
4411 MERCURY STREET, SUITE 207A  
SAN DIEGO, CA 92111  
(619) 233-9373  
**ACOUSTIC:** ALELAR ASSOCIATES, INC.  
210 SOUTH JUNIPER STREET, SUITE 100  
ESCONDIDO, CA 92025  
(760) 738-5570  
**ARCHAEOLOGY:** BRIAN F. SMITH & ASSOCIATES, INC.  
41010 POWAY ROAD, SUITE A  
POWAY, CA 92064  
(858) 484-0915

**GRADING TABULATIONS**

	(W/ROW VACATION)
TOTAL AMOUNT OF SITE TO BE GRADED:	54,320 S.F.
AMOUNT OF CUT:	5,800 CUBIC YARDS
AMOUNT OF FILL:	5,800 CUBIC YARDS
MAXIMUM HEIGHT OF FILL SLOPE(S):	7.0 FEET
MAXIMUM HEIGHT OF CUT SLOPE(S):	N/A FEET
AMOUNT OF IMPORT/EXPORT SOIL:	0 - CUBIC YARDS
RETAINING/ CRIB WALLS:	LENGTH 858 FEET
MAXIMUM HEIGHT:	10.5 FEET

**CONDOMINIUM STATEMENT:**  
THIS IS A RESIDENTIAL CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF RESIDENTIAL UNITS IS 42.

**UTILITY NOTES:**  
(SEE SHEET C.2)

CITY OF SAN DIEGO, CALIFORNIA

SDP, PDP, TENTATIVE MAP

32nd and BROADWAY  
32nd Street  
SAN DIEGO, CA 92102

ORIGINAL  
5/1/19

REVISIONS

SITE PLAN / PRELIMINARY GRADING PLAN

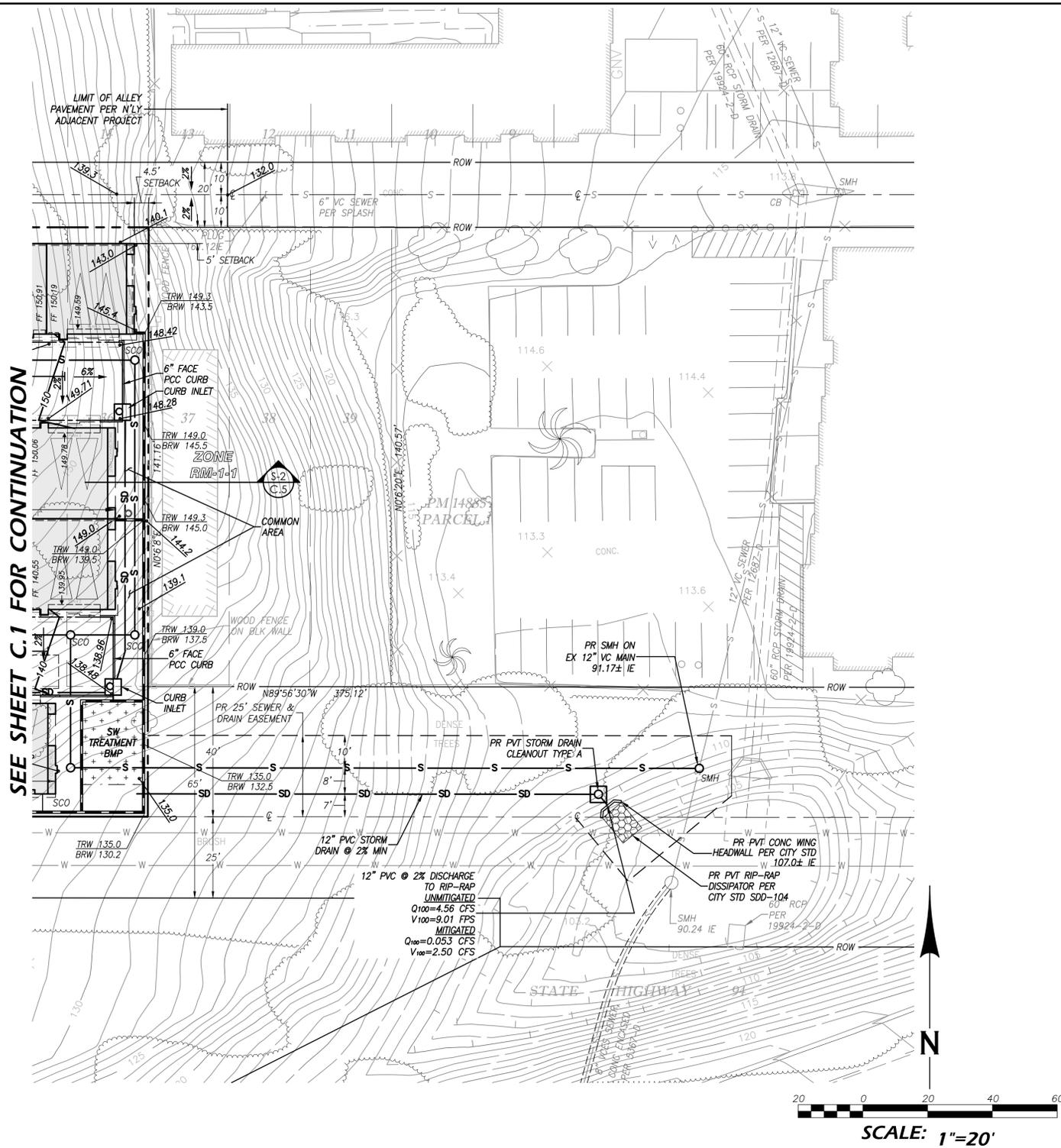
C.1

DRAWN BY: DTK  
CHECKED BY: JSC

SHEET 1 OF 36



COFFEY ENGINEERING, INC.  
9666 BUSINESS PARK AVENUE, SUITE 210, SAN DIEGO, CA 92131 PH (858)831-0111 FAX (858)831-0179



SEE SHEET C.1 FOR CONTINUATION

### LEGEND

DESCRIPTION	STD DWG	SYMBOL
PROPERTY LINE		N45°45'45"W
STREET CENTERLINE		—
(E) CONTOUR		90
(E) SPOT ELEVATION		+100.00
(E) WATER LINE		W
(E) SEWER LINE		S
(E) ELECTRIC CONDUIT	UNDERGROUND/OVERHEAD	E / OH
(E) WATER SERVICE		W
(E) SEWER SERVICE		S
(E) FIRE HYDRANT		FH
(E) PALM		★
(E) BUILDING FOOTPRINT		■
(P) CONTOUR		90
(P) SPOT ELEVATION		100.00
(P) DRAINAGE SWALE OR DIRECTION OF FLOW		→
(P) PVC DRAIN LINE	SDR-35 SCH 40	SD
(P) LANDSCAPE DRAIN	(NDS OR EQ)	LD
(P) CURB INLET - TYPE A	SDD-115	□
(P) CURB INLET - TYPE B	SDD-116	□
(P) ROOF DOWNSPOUTS		○
(P) WATER SERVICE MAIN (PVT)		W
(P) SEWER MAIN		S
(P) SEWER MANHOLE / CLEANOUT	SDS-106 OR -107 / SC-01	SMH / CO
(P) CMU STEMWALL		■
(P) FREESTANDING WALL		■
(P) BUILDING FOOTPRINT		■
(P) BUILDING OVERHEAD		■
(P) CONCRETE SIDEWALK	SDG-155	■
(P) PCC DRIVEWAY	SDG-159	■
(P) 3' PCC CURB & GUTTER		■
(P) PCC CURB - 6" FACE	SDG-150	■
(P) PCC RIBBON GUTTER		■
(P) WATER SERVICE W/RP DEVICE		W/RP
(P) SEWER LATERAL		S
(P) FIRE SERVICE W/RP DEVICE		F/RP

### ABBREVIATIONS

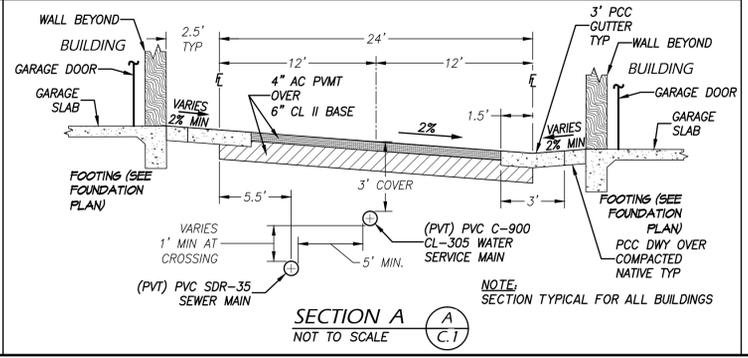
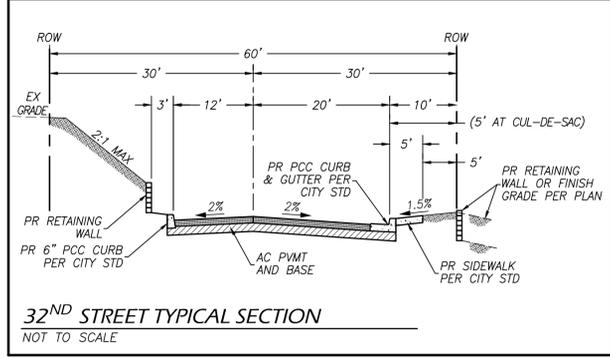
AC	ASPHALTIC CONCRETE	(P); PR	PROPOSED
BRW	BOTTOM OF RETAINING WALL GRADE	PVC	POLYVINYLCHLORIDE
CB	CATCH BASIN	PVMT	PAVEMENT
CO	CLEANOUT	RCF	REINFORCED CONCRETE PIPE
CONC	CONCRETE	RP	REDUCED PRESSURE
EL	ELEVATION	SW	STORM WATER
(E); EX	EXISTING	SWR	SEWER
FH	FIRE HYDRANT	STD	STANDARD
FF	FINISH FLOOR	SMH	SEWER MANHOLE
FL; E	FLOWLINE	SWK	SIDEWALK
FS	FINISH SURFACE/SLAB	TC	TOP OF CURB
GAR	GARAGE	TRW	TOP OF RETAINING WALL GRADE
HP	HIGH POINT	TW	TOP OF WALL
IE	INVERT ELEVATION	VC; VCES	VITRIFIED CLAY; VC EXTRA STRENGTH
MAX; MIN	MAXIMUM; MINIMUM	W/; W/O	WITH; WITHOUT
PA	PLANTING AREA	WM	WATER METER
PCC	PORTLAND CEMENT CONCRETE		

### UTILITY NOTES:

- THE LOCATIONS OF UTILITIES, IF ANY, SHOWN ON THIS PLAN ARE GENERATED FROM RECORDS PROVIDED BY UTILITY/GOVERNING AGENCIES AND/OR FIELD DATA COLLECTED DURING THE SURVEY. THE PLOTTING OF UTILITIES ON THIS PLAN DOES NOT CONSTITUTE A GUARANTEE OF THEIR LOCATION, DEPTH, SIZE, OR TYPE.
- ALL PROPOSED WATER AND SEWER FACILITIES, BOTH PUBLIC AND PRIVATE, WHICH ARE TO BE LOCATED WITHIN THE PUBLIC ROW MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CRITERIA ESTABLISHED WITHIN THE CITY OF SAN DIEGO'S CURRENT WATER AND SEWER FACILITY DESIGN GUIDELINES, REGULATIONS, STANDARDS, AND PRACTICES PERTAINING THERETO.



COFFEY ENGINEERING, INC.  
9466 BUSINESSPARK AVENUE, SUITE 210, SAN DIEGO, CA 92131 PH (619)831-0111 FAX (619)831-0179



CITY OF SAN DIEGO, CALIFORNIA	
SDP, PDP, TENTATIVE MAP	
32nd and BROADWAY	ORIGINAL 5/1/19
32nd Street SAN DIEGO, CA 92102	REVISIONS
SITE PLAN / PRELIMINARY GRADING PLAN	
DRAWN BY: DTK CHECKED BY: JSC	<b>SHEET 2 OF 36</b> <b>C.2</b>

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**APPENDIX B – BIOLOGIST RESUME**

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# COMPANY PROFILE

2019

Cadre Environmental is an environmental consulting firm specializing in conducting natural history research for threatened and endangered species throughout California. The managing Owner/Research Biologist of the firm, Mr. Ruben Ramirez, has over 25 years of experience in the industry conducting wildlife surveys/research, developing biological technical reports, and creating Geographic Information System (GIS) databases. Mr. Ramirez founded Cadre Environmental in June 2002. Since its inception the firm has worked on over 250 public and private sector projects in northern and southern California providing the following services:

- Literature and Background Research
- General Habitat Assessments for Sensitive Species/Constraints Analysis
- Focused Threatened and Endangered Species Surveys
- Endangered Species Research Design and Implementation
- GIS Management, Development, Analysis, and Map Production
- Biological Assessment, Technical and Research Documents
- Riverside County MSHCP Compliance Surveys and Documentation
- United States Fish and Wildlife Service Emergency Consultation
- Endangered Species Act Permitting (Section 7 and 10a)
- Tribal Government Environmental Consultation
- Environmental Compliance Construction Monitoring
- Mitigation Bank Assessment and Development
- Expert Testimony
- GIS and Environmental Compliance Training

**Southern California Office**

701 Palomar Airport Road, Suite 300, Carlsbad, CA 92011

P: 949-300-0212

E: [info@cadreenvironmental.com](mailto:info@cadreenvironmental.com)



**PROFESSIONAL  
EXPERIENCE**

2002 - Present **Cadre Environmental, Carlsbad California**  
**Owner/Research Biologist**

As Owner/Research Biologist for Cadre Environmental, I am responsible for all aspects of the business. These responsibilities include business development, client/agency interaction and coordination, project initiation and research, documentation, and mapping . I personally conduct all surveys for federal and state listed species for Cadre Environmental. Specifically, I have and continue to conduct focused survey programs for the arroyo toad, California red-legged frog, coastal California gnatcatcher, San Bernardino kangaroo rat and Pacific pocket mouse. I am currently conducting amphibian natural history research for both federal and private clients throughout Southern California. Clients include the Fallbrook Naval Weapons Station, United Water Conservation District, Rancho Mission Viejo, Rancho Las Flores Limited Partnership, and the Pechanga Indian Reservation. In addition to conducting sensitive species research, I am also responsible for developing Geographic Information System (GIS) databases including creation, database development, and map production.

I served as a member of Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC) from 2004-2006.

1997 - 2002 **PCR Services Corporation, Irvine California**  
**Principal Wildlife Biologist/GIS Specialist**

As a Principal Wildlife Biologist for PCR Services Corporation, I conducted surveys for federal and state listed species with an emphasis on amphibians. I conducted amphibian natural history research for both federal and private clients on project sites totaling over 30,000 acres throughout Southern California. These clients included the United States Forest Service, United States Fish and Wildlife Service, Caltrans, Summit Valley Ranch, and Rancho Mission Viejo. In addition to conducting research, I served as a liaison between private landowners and the federal and state agencies providing assistance and strategic guidance throughout the permitting process. Some of the clients included AeraEnergy, LLC a division of Shell, The City of San Diego, Palmdale Water District, Woodside Homes, Pacific Century Homes, Communities Southwest, West San Bernardino Water District, Coussoulis Development, and KHovnanian Companies of California. Responsibilities also included a continued commitment to the identification of mitigation lands and participation in all stages of conducting baseline studies, agency coordination and documentation (technical reports, mitigation bank agreements, management plans). Mitigation bank projects included Viejo Substation (Southern California Edison), Hidden Ranch (Ecological Capital Corporation), Four Seasons (KHovnanian), Summit Valley (Caltrans), and Sonny Meadows (Taylor Family).

## PROFESSIONAL EXPERIENCE

1995 - 1997

### **Michael Brandman Associates, Tustin California Wildlife Biologist/GIS Specialist**

As a Wildlife Biologist for an environmental consulting firm, I conducted biological constraints analyses for both private and public clients throughout Southern California. These reconnaissance level surveys led to recommendations on strategies for addressing federal, state, and local regulations specific to the projects. This involved the preparation of proposals which included the development of scope of works, budgets, and schedules. Due to my experience with federal and state listed species and GIS, I was directly involved in all aspects of the projects I managed relating to biological resources. These included conducting focused surveys, developing GIS databases, conducting alternative analyses, and preparing documentation specific to the permit process. Six months after joining the Michael Brandman Associates Biological Services Division, I was promoted to Wildlife Biologist/GIS Specialist and was made the GIS Manager for the 10,000 acre Foothill Transportation South, Transportation Corridor Agencies, Corridor Project and have remained involved to the present time.

1994 - 1996

### **United States Forest Service, Angeles National Forest Wildlife Biologist**

As a Wildlife Biologist, I conducted focused surveys for federal and state listed flora and fauna occurring throughout the Forest. Specifically I conducted an inventory/monitoring study for the California spotted owl throughout the Forest. I was also responsible for the documentation of the surveys which included recommendations for improving management practices specific to preventing impacts to sensitive species. As a biologist for the Forest Service, I also developed GIS coverages for those sensitive resources I documented during focused surveys. Tasks included the development of coverages, databases, and map production using ArcInfo and ArcView.

## EDUCATION

2000

M.S., California State Polytechnic University, Pomona  
Biological Sciences

Thesis: Arroyo Toad Upland Habitat Utilization and Movement Patterns

1993

B.A., California State University, Fullerton  
Biological Sciences

## PERMITS & EXPERIENCE

### U.S Fish and Wildlife Permit (TE780566-14) Threatened and Endangered Species

*Coastal California Gnatcatcher (Polioptila californica californica)*

*Pacific Pocket Mouse (Perognathus longimembris pacificus)*

*San Bernardino Kangaroo Rat (Dipodomys merriami parvus)*

*Arroyo Toad (Anaxyrus californicus)*

*California Red-legged frog (Rana aurora draytonii)*

### California Department of Fish and Wildlife Permits (002243)

General Scientific Collection Authorization

Authorization to Collect State Designated Endangered, Threatened and Rare Plants

Memorandum of Understanding (MOU) to conduct studies on the San Bernardino Kangaroo Rat and Los Angeles Pocket Mouse (*Perognathus longimembris brevinasus*)

### Experience

Vegetation Communities Mapping

PIT Tag Insertion/Monitoring

General Small Mammal Trapping

Invasive Species Eradication

General Herpetofauna Pitfall Trapping

GPS Mapping - Trimble GeoXH

Radio Telemetry Research

Water Quality Monitoring

## REFERENCES

Sally Brown, Wildlife Biologist, USFWS - Caltrans Liaison (760) 431-9440

Dr. Eric Stein, Principal - S. Ca. Coastal Water Research Project (714) 372-9233

Nancy Ferguson, Acting San Bernardino Branch Chief, USFWS (760) 431-9440

Ray Bransfield, Section 7/CWA 404 Program Coordinator, USFWS (805) 644-1766

Kirsten Winter, Forest Biologist, Forest Service, Cleveland National Forest (858) 673-6180

Markus Spiegelberg, Regional Director, Center for Natural Lands Management (619) 295-4953

Contact: Ruben S. Ramirez, Jr. 949-300-0212, [r.ramirez@cadreenvironmental.com](mailto:r.ramirez@cadreenvironmental.com)