



**Biological Technical Report
for the Bella Mar Project
San Diego, California**

Prepared for
Red Tail Acquisitions LLC
2082 Michelson Drive, Fourth Floor
Irvine, CA 92612

Prepared by
RECON Environmental, Inc.
3111 Camino del Rio North, Suite 600
San Diego, CA 92108-5726
P 619.308.9333

RECON Number 8575-1
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A handwritten signature in black ink that reads "Gerry Scheid". The signature is written in a cursive, flowing style.

Gerry Scheid, Senior Biologist

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Acronyms and Abbreviations

ADD	Assistant Deputy Director
BCME	Biological Construction Mitigation/Monitoring Exhibit
BLA	Boundary Line Adjustment
BMZ	Brush Management Zone
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of San Diego
CNDDDB	California Natural Diversity Data Base
CNPS	California Native Plant Society
CUP	Conditional Use Permit
ESA	Endangered Species Act
ESL	Environmentally Sensitive Lands
MBTA	Migratory Bird Treaty Act
MHPA	Multi-Habitat Planning Area
MMC	Mitigation Monitoring Coordinator
MSCP	Multiple Species Conservation Program
OVRP	Otay Valley Regional Park
project	Bella Mar Project
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

1.0 Summary

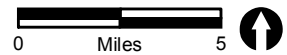
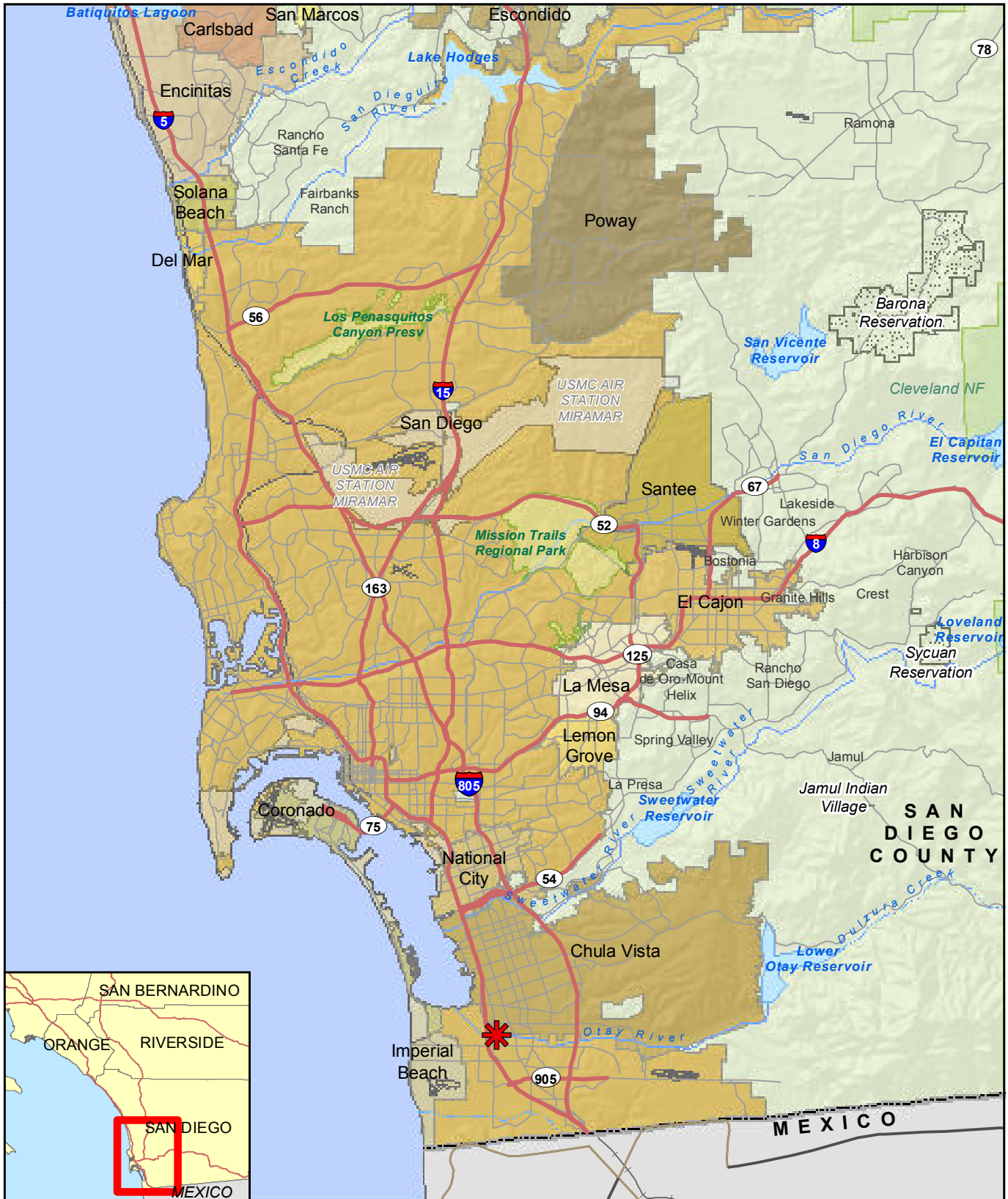
The Bella Mar Project (project) would not have impacts to sensitive vegetation communities or sensitive plant species. While no direct impacts to sensitive wildlife species are anticipated, there is a moderate potential for burrowing owl (*Athene cunicularia hypugaea*) to occur on the site. Although no direct burrowing owl observations or any sign of burrowing owl were discovered during site surveys, the species is known to occur to the west of the project site, west of Interstate 5. Therefore, the City of San Diego's standard pre-construction burrowing owl survey protocol shall be implemented. No significant impacts to biological resources were identified. The project includes a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA), the approval of which would ensure that the project would not encroach into the MHPA and the remaining on-site MHPA land (after the BLA) would be preserved in open space. On-site MHPA would be enhanced through the introduction of native vegetation, and implementation of a native plant restoration plan. This preserved land will also function as a buffer to the adjacent off-site wetlands to the north.

2.0 Introduction

The project site consists of a 14.62-acre parcel of undeveloped land located in the southern part of the city of San Diego (Figure 1). The project site occurs in Section 22, Township 18 South, Range 2 West, of the U.S. Geological Survey (USGS) 1996 7.5-minute topographic map, Imperial Beach quadrangle (Figure 2; USGS 1996). The project site is bounded by Interstate 5 to the west, the Otay River to the north, Hollister Street to the east, and undeveloped land to the south (Figure 3).

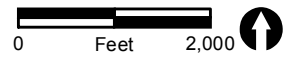
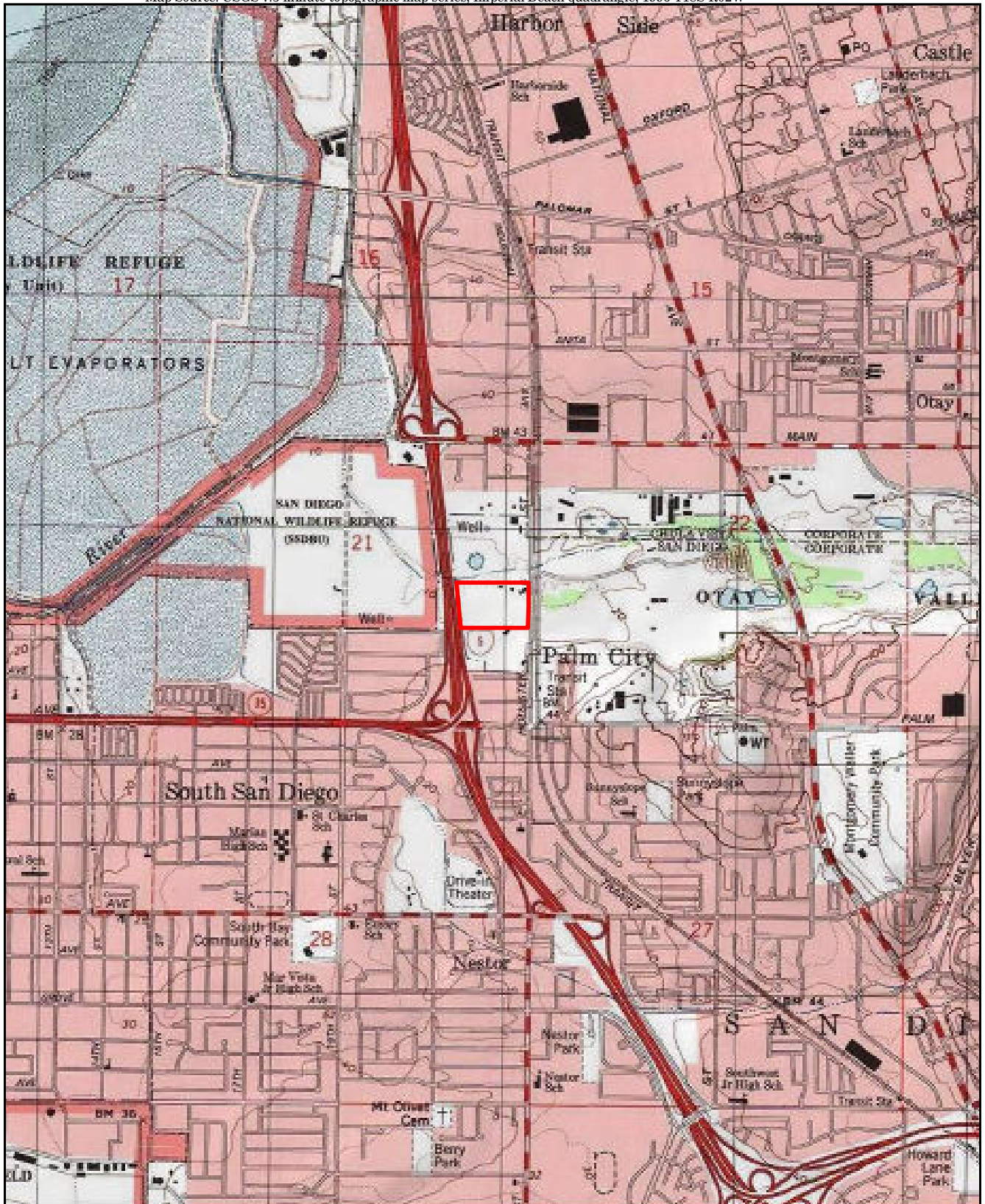
The project proposes a rezone from AR-1-2 and OF-1-1 to RM-2-5 and the construction of 380 multi-family units. The development would consist of two neighborhoods, a north neighborhood and south neighborhood. The north neighborhood would contain 14 separate, three-story buildings with a total of 280 market rate dwelling units, in addition to a 1,500-square-foot option leasing building and a 2,500-square-foot club/cabana area. The south neighborhood comprises a single building with both three- and four-story elements, consisting of 100 affordable housing dwelling units, in addition to a 4,500-square-foot community building.

Proposed off-site improvements involve Hollister Street. The street will be improved along the property frontage and tapered into the existing street width to the north and south of the project site. The proposed expansion of Hollister Street adds 6 feet of right-of-way dedication for a proposed right-of-way of 72 feet and pavement width of 48 feet. The street will be improved to have a 5-foot bike lane with 3-foot buffer north and southbound, as well as a center two-way left turn lane. A bus stop is also added for both north and southbound sides of Hollister Street. Sidewalks will be added along the property frontage and extend south along Hollister Street to Conifer Avenue. Green street improvements in the parkway are also proposed to offset the impervious area increase of Hollister Street. In addition, an upgraded sewer line would be installed within Hollister Street along the front of the property and to the north. The sewer line would be installed beneath the existing box culvert crossing of the Otay River by jack and bore methods for approximately 30 feet. The sewer line then connects to existing sewer lines within Hollister Street at its intersection with Louret Avenue.

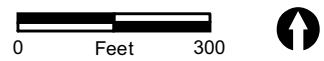


***** Project Location

FIGURE 1
Regional Location



 Project Boundary





-  Project Boundary
-  Off-site Improvement Area

FIGURE 3

Project Location on Aerial Photograph

In 2001 the City of San Diego (City) issued a Mitigated Negative Declaration (Land Development Review Division No. 96-7318, Conditional Use Permit [CUP] No. 96-7318) approving a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) that adjusted the previous extent of the MHPA on the northern portion of the property to a 100-foot-wide area. An MHPA BLA equivalency analysis was reported in a biology technical report prepared in 2000 (RECON 2000). In addition, the MHPA BLA was also granted by the City in the CUP issued for the property in 2002 (Document No. 2002-0627126) and in an extension to the CUP adopted in 2006 (CUP No. 367052; Site Development Permit No. 367053). However, the project was not implemented and only an open space easement was recorded over the existing adjusted MHPA on-site, but never restored. Therefore, the approval of the MHPA under the previous CUP was not implemented and the current project will be required to implement a new MHPA BLA (see Section 6.0, below).

3.0 Survey Methods

RECON biologists conducted a general biological survey of the project site and a one-acre off-site improvement area on April 21, 2017 and September 28, 2018 to document the existing conditions of the biological resources occurring on the site. The project site and off-site improvement area was walked on foot and notes were taken on the flora and fauna observed during the survey (Table 1). In addition, as shown in Table 1, a burrowing owl habitat assessment was conducted on September 18, 2019, and four non-breeding season burrowing owl (*Athene cunicularia hypugaea*) surveys were conducted between October 2019 and January 2020.

Date	Surveyors	Type of Survey	Beginning Conditions	Ending Conditions
04/21/17	Gerry Scheid Erin McKinney	General Biology Survey	9:00 a.m.; 70° F; wind 0–4 mph; 0% cloud cover	12:00 p.m.; 80° F; wind 0–2 mph; 0% cloud cover
09/28/18	Gerry Scheid	General Biology Survey	10:00 p.m.; 68° F; wind 0–6 mph; 90% cloud cover	12:00 p.m.; 70° F; wind 0–8 mph; 90% cloud cover
9/18/2019	Western Burrowing Owl Habitat Assessment	A. Fromer, B. Parker	9:00 a.m.; 70° F; 0–1 mph; <10% cc	10:30 a.m.; 76° F; 0–1 mph; 0% cc
10/16/2019	Western Burrowing Owl Survey #1	A. Fromer, J.R. Sundberg	7:00 a.m.; 54° F; 1–3 mph ; 85% cc	8:20 a.m.; 59° F; 1–6 mph; <1% cc
11/13/2019	Western Burrowing Owl Survey #2	B. Procsal, B. Parker	7:00 a.m.; 54° F; 1–3 mph ; 85% cc	8:20 a.m.; 59° F; 1–6 mph; <1% cc
12/11/2019	Western Burrowing Owl Survey #3	B. Procsal, A. Fromer	8:00 a.m.; 51° F; 0–1 mph; 15% cc	9:25 a.m.; 58° F; 0–1 mph; 15% cc
1/8/2020	Western Burrowing Owl Survey #4	B. Procsal, B. Parker	7:55 a.m.; 47° F; 0–1 mph; 2% cc	9:10 a.m.; 57° F; 0–1 mph; 95% cc

^oF = degrees Fahrenheit; mph = miles per hour; % = percent; cc = cloud cover

Limitations to the compilation of a comprehensive floral checklist were imposed by seasonal factors, such as growing season and blooming period. Animal species observed directly or detected from calls, tracks, scat, nests, or other sign were noted.

Floral nomenclature for common plants follows Hickman (1993), for ornamental plants Brenzel (2001), and for sensitive plants California Native Plant Society (CNPS; 2016). Vegetation community classifications follow Oberbauer (2008), which is based on Holland's 1986 Preliminary Descriptions of the Terrestrial Natural Communities of California. Zoological nomenclature for birds is in accordance with the American Ornithological Society Checklist (2018) and Unitt (2004); for mammals with Baker et al. (2003) and Hall (1981); for amphibians and reptiles with Crother (2001) and Crother et al. (2008); and for invertebrates with Mattoni (1990), and Opler and Wright (1999).

Determination of the potential occurrence for listed, sensitive, or noteworthy species is based upon known ranges and habitat preferences for the species (Jennings and Hayes 1994; Unitt 2004; CNPS 2016; Reiser 2001), and species occurrence records from the California Natural Diversity Database (CNDDDB; State of California 2017a, 2017b, 2017c, 2017d) and other sites in the vicinity of the survey area.

4.0 Regulatory Compliance

4.1 Land Development Code/Environmentally Sensitive Lands Regulations

The Environmentally Sensitive Lands (ESL) Regulations were adopted by ordinance on December 9, 1997, as a part of the Land Development Code. The purpose of the ESL Regulations is to protect and preserve environmentally sensitive lands (e.g., sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and special flood hazard areas), along with the viability of the species supported by those lands. The regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area. The ESL defines "sensitive biological resources" as those lands included within the MHPA as identified in the MSCP Subarea Plan, and other lands outside of the MHPA that contain wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species.

4.2 Multiple Species Conservation Program and Multi-Habitat Planning Area

The MSCP is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles in southwestern San Diego County under the federal and state Endangered Species Acts (ESAs) and state Natural Community Conservation Plan Act of 1991. The planned MSCP regional preserve is targeted at 172,000 acres. Local jurisdictions, including the City, implement their portions of the regional umbrella MSCP through Subarea Plans, which describe specific implementing mechanisms. The City's MSCP Subarea Plan was approved in March 1997.

The MSCP Subarea Plan is a plan, which established the process for the issuance of incidental take permits for listed species under Section 10(a)(1)(B) of the federal ESA and Section 2835 under the state ESA. The primary goal of the MSCP Subarea Plan is to conserve viable populations of sensitive species and to conserve regional biodiversity while allowing for reasonable economic growth. In July 1997, the City signed an Implementing Agreement with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). The Implementing Agreement serves as a binding contract between the City, the USFWS, and the CDFW that identifies the roles and responsibilities of the parties to implement the MSCP and Subarea Plan. The agreement allows the City to issue incidental take authorizations for “MSCP Covered” species. Applicable state and federal permits are still required for wetlands and listed species that are not covered by the MSCP.

MHPA lands are those that have been included within the City MSCP Subarea Plan for habitat conservation. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. MHPA lands are considered by the City to be a sensitive biological resource. Projects adjacent to MHPA lands are required to comply with land use adjacency guidelines to avoid and minimize potential indirect effects to the MHPA.

MHPA lands occur on the northern portion of the site and to the north, west, and east along the Otay River Valley corridor (Figure 4). The project proposes an MHPA BLA, which is discussed in Section 6.0.

4.3 Nesting Birds/ Migratory Bird Treaty Act

The project would be required to comply with restrictions associated with nesting bird species per Section 3503 of the California Fish and Game Code and the Migratory Bird Treaty Act of 1918 (MBTA). Under Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.3 of the California Fish and Game Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (raptors) or Strigiformes (owls), or of their nests and eggs (State of California 1991). The MBTA was established to provide protection to the breeding activities of migratory birds throughout the United States. Pursuant to U.S. Department of the Interior Memorandum M-37050, the federal MBTA is no longer interpreted to cover incidental take of migratory birds (U.S. Department of the Interior 2017). Therefore, impacts that are incidental to implementation of an otherwise lawful project would not be considered significant.

5.0 Existing Conditions

The project site is located adjacent to the Otay River within the western part of a broad valley. Residential development exists to the south beyond the adjacent undeveloped parcel, and the Otay Valley Regional Park open space area borders the site to the north, west, and east.






-  Project Boundary
-  Off-site Improvement Area
-  Multi-Habitat Planning Area (MHPA)



FIGURE 4
Project Location in
Relation to Existing MHPA

Interstate 5 occurs along the western boundary of the parcel and Hollister Street and the trolley tracks occur just east of the parcel and within the off-site improvement area. The relatively flat parcel is at an elevation of approximately 20 feet mean sea level.

The parcel boundary extends to the center line of Hollister Street to the east and the off-site improvement area extends to the north and south of the parcel along Hollister Street. Remnant concrete slabs from former structures occur at the northeast corner of the parcel.

Three soil types occur on the parcel, Visalia gravelly sandy loam, Tujunga sand, and Riverwash (U.S. Department of Agriculture 1973). The locations of these soil types are shown on Figure 5.

5.1 Botany

Two land cover types occur on the parcel and off-site improvement area (Table 2). Disturbed land (Photographs 1 and 2) dominates the majority of the site while urban/developed land occurs along Hollister Road within the off-site improvement area (Figure 6). A total of 36 plant species were observed during the survey, 9 native, and 27 non-native species (Attachment 1).

Vegetation Community/ Land Cover Type	City of San Diego Tier	On-site		Off-site Improvement Area	Total
		Inside MHPA	Outside MHPA		
Disturbed Land	IV	2.3	11.83	0.5	14.63
Urban/Developed	IV	0.0	0.49	1.3	1.79
TOTAL		2.3	12.32	1.8	16.42
MHPA = Multi-Habitat Planning Area					

The disturbed land on the parcel consists of 14.13 acres of land that is maintained by annual discing and 0.5-acre of land adjacent to Hollister Street. Documentation of the annual discing is provided in Attachment 2. Non-native plants dominate the majority of the disturbed land with Russian thistle (*Salsola tragus*) and Australian saltbush (*Atriplex semibacata*) the most common species observed. Other species present in relatively large numbers include crown daisy (*Glebionis coronaria*), western Jimson weed (*Datura wrightii*), and small patches of crystalline ice plant (*Mesembryanthemum crystallinum*). Most of the other plant species present occur in low numbers scattered throughout the site.

Urban/developed land occurs within the parcel boundary and off-site improvement area. This land cover type consists primarily of Hollister Street and land adjacent to the trolley tracks.








- | | |
|---|--|
|  Project Boundary | Soil Type |
|  Off-site Improvement Area |  Riverwash |
| |  Tujunga sand, 0 to 5 percent slopes |
| |  Visalia gravelly sandy loam, 2 to 5 percent slopes |



FIGURE 5
Existing Soil Types



PHOTOGRAPH 1
View of Disturbed Land on the Site Looking Southeast



PHOTOGRAPH 2
View of Disturbed Land on the Site Looking Northwest
Towards the Otay Regional Park



- Project Boundary
- Off-site Improvement Area

Vegetation Community/Land Cover Type

- Disturbed Land
- Urban/Developed

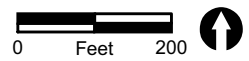


FIGURE 6
Existing Biological Resources

5.2 Zoology

A list of the wildlife species detected in the parcel and off-site improvement area is provided in Attachment 3. A general discussion of wildlife usage in these areas is presented below.

5.2.1 Invertebrates

Five invertebrate species were observed during the surveys. These included the following butterfly species: funereal duskywing (*Erynnis funeralis*), Pacific sara orangetip (*Anthocharis sara sara*), cabbage white (*Pieris rapae*), Lorquin's admiral (*Limenitis lorquini*), and painted lady (*Vanessa cardui*).

5.2.2 Amphibians

No amphibians were observed during the survey. The parcel lacks a permanent water source; therefore, it is unlikely that amphibians occur on the site. There is a larger freshwater marsh area with ponded water that occurs within the Otay River to the north of the project site where amphibians are more likely to occur.

5.2.3 Reptiles

Two reptile species were observed during the survey. A few individuals of the common lizard species western fence lizard (*Sceloporus occidentalis*) and side-blotched lizard (*Uta stansburiana*) were observed on the parcel in very low numbers.

5.2.4 Birds

Twelve bird species were observed on the site during the survey. The majority of these bird species were observed along the north boundary of the parcel within or adjacent to the off-site riparian habitat associated with the Otay River. Common bird species observed include mourning dove (*Zenaidura macroura marginella*), black phoebe (*Sayornis nigricans semiatra*), song sparrow (*Melospiza melodia*), and house finch (*Haemorhous mexicanus frontalis*).

5.2.5 Mammals

One mammal species were detected on the parcel. Burrows of the Botta's pocket gopher (*Thomomys bottae*) were observed in low numbers in the eastern part of the parcel.

5.3 Wildlife Corridor

A regional wildlife corridor was established with the preservation of the Otay Valley Regional Park. This open space area centers on the Otay River and adjacent lands within the Otay River Valley. The regional park provides a wildlife movement corridor that runs west to east along the Otay River. At the western end of the valley, this open space preserve is constricted

to the north and south by existing residential, commercial, and industrial development. The project site occurs to the south of the Otay River and is not a part of the regional park.

6.0 Multi-Habitat Planning Area Boundary Line Adjustment Analysis

The project requires approval of an MHPA BLA to accommodate the proposed site design. A previous request for an MHPA BLA was processed and approved on July 26, 2002 for the project site under CUP/MHPA BLA No. 96-7318, known as the Trolley Stop RV Park project. Thereafter, on October 5, 2006, an Extension of Time and Amendment to CUP/MHPA BLA No. 96-7318 was granted. Since the time of previous project approval, the CUP was not implemented and although an open space easement was recorded over the existing MHPA on-site, no restoration has occurred that would keep the permit active. Therefore, previous conditions of approval for CUP/MHPA BLA No. 96-7318 were not initiated and never completed. City staff has determined that the approval of the MHPA BLA under the previous CUP would be considered not implemented; therefore, the existing MHPA boundary remains.

A portion of the MHPA exists on the northern portion of the property. A total of 5.5 acres of MHPA land occurs on the site comprised of disturbed land. The site is adjacent to MHPA lands to the north, west, and east within the Otay Valley Regional Park. The existing MHPA boundary as it extends on to the northern portion of the project site is shown on Figure 7a. An encroachment into the current MHPA boundary on this portion of the site would occur under the project (Figure 7b). This encroachment would impact a total of 3.2 acres comprised of disturbed land that functions as a buffer to the off-site Otay River riparian habitat to the north. Under the proposed MHPA BLA, this impact area would be removed from the current MHPA and the remaining 2.3 acres of on-site land within the MHPA would be restored with native upland transitional habitat to compensate for the disturbed land removed, providing an enhanced buffer for the off-site riparian habitat of the Otay River (Table 3). A habitat restoration plan for the conserved MHPA land on-site has been prepared (RECON 2021).



Table 3
Summary of Proposed MHPA BLA

Vegetation Communities/ Land Cover Types	Existing MHPA Acres	Deletions (Impact) Acres	Preserved Acres	Proposed MHPA with BLA (Net Change -acres)
Disturbed Land (Tier IV)	5.5	3.2	2.3	2.3
TOTAL	5.5	3.2	2.3	2.3 (-3.2*)



MHPA = Multi-Habitat Planning Area; BLA = Boundary Line Adjustment

*Although net change is negative in MHPA area, the proposed restoration of the remaining on-site MHPA land with a higher tier habitat (Tier II coastal sage scrub) would compensate for the loss in area of low-quality disturbed land.



 Project Boundary
 Existing MHPA Boundary

Vegetation Community/Land Cover Type

 Disturbed Land
 Urban/Developed

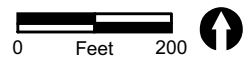


FIGURE 7a

Existing MHPA Boundary



FIGURE 7b

6.1 Boundary Adjustment Criteria

The following MHPA BLA analysis is based on the current biological evaluation of the project site, as well as the previous MHPA BLA analyses included in the Biological Technical Report for the Trolley Stop RV Park (CUP/MHPA No. 96-7318) (RECON 2000). The analysis has been updated to reflect the current project design and proposal as discussed in Section 2.0, above.

The overall MSCP policy for BLAs requires that they must transfer equal or higher biological values of impacted species and habitats into the preserve. As noted above, this proposed MHPA BLA would compensate for the deletion of disturbed MHPA land on-site with the restoration of the MHPA lands to remain on the site with a higher tier habitat type. How this proposed MHPA BLA relates to the six biological factors required by the MSCP for a MHPA BLA is discussed below.

6.1.1 Effects on Significantly and Sufficiently Conserved Habitats

The MHPA BLA will increase the amount of significantly and sufficiently conserved habitat. The 2.3 acres of land to remain in the MHPA on the site will be restored to native upland transitional habitat. This upland transitional habitat will replace the existing low quality disturbed land (Tier IV) and establish native plant species in the MHPA that would provide higher habitat quality and a more functional buffer to the off-site riparian habitat to the north through increases in native plant diversity and habitat structure. This enhanced buffer habitat will biologically offset the loss of 3.2 acres of disturbed land being removed from the MHPA. Thus, the proposed habitat exchange would maintain and slightly improve the conservation, configuration of significantly or sufficiently conserved habitats within this portion of the MHPA.

6.1.2 Effects to Covered Species

The proposed MHPA BLA would increase the amount of native habitat by 2.3 acres through the establishment of native upland transitional habitat where disturbed land now exists. This native upland habitat replaces the 5.5 acres of disturbed land of little biological value to covered species with native habitat that has more native plant diversity and increased habitat structure for potential use (i.e., foraging) by covered species that utilize the riparian habitat on the Otay River. Native plants included in the newly enhanced buffer would also better screen the adjacent riparian areas from the development area to the south.

6.1.3 Effects on Habitat Linkages and the Function of Preserve Areas

The project site is adjacent to MHPA lands along the Otay River, which are also a part of the Otay River Valley Regional Park. Habitat linkages to the west and east along the Otay River Valley corridor within the MHPA and regional park would not be affected by the proposed

project and would continue to function as a local linkage between the inland areas for the river valley to the east and the coastal areas to the west. The addition of native habitat south of the river as part of the proposed project would improve habitat quality and functions of the buffer area to the riparian habitat along this portion of the MHPA. Thus, effects of the approved changes to the MHPA boundary would be negligible with respect to the function of the preserve area and habitat linkages. All of the changes approved are adjacent to a major wildlife corridor and associated linkages that would remain intact with linkages present.

6.1.4 Effects on Preserve Configuration and Management

The proposed modifications to the MHPA boundary do not significantly change the proportions of the MHPA. The encroachment into the MHPA would be offset by gains in native habitat and buffer functions adjacent to wetland habitats off-site to the north within the Otay River. The resulting MHPA preserve area configuration would be somewhat similar to the pre-construction condition. The approved changes to the MHPA boundary would not conflict with any of the previously identified conservation or management needs for the subarea or cause the need for additional measures.

6.1.5 Effects on Ecotones or Other Conditions Affecting Species Diversity

The proposed changes to the MHPA boundary at this location would improve the extent of open space and local habitat linkages to the surrounding MHPA preserve lands by adding native habitat where disturbed lands now occur. This modification to the MHPA would maintain the local topographic and structural diversity of the adjacent MHPA preserve lands while improving the habitat interface (i.e., buffer) along the southern portion of the Otay River over the current buffer condition and preserve design at this portion of the MHPA.

The functions and values of the adjacent wetland habitat along the Otay River are relatively high given that the riparian habitat there is intact and comprised of woodland and freshwater marsh habitats. Currently, the undeveloped land on the site buffers these off-site wetlands, but the habitat values of the buffer are relatively low due to the lack of native species and habitat structure of the existing disturbed land. The location of the on-site MHPA lands to be conserved under the project would continue to function as a 100-foot-wide buffer, but now between the proposed development to the south of this area and the off-site wetland habitats of the Otay River to the north. This buffer area once re-vegetated with native species will provide an improved ecotone along the south edge of the river due to the establishment of native vegetation and would increase native plant diversity, habitat structure, and better screen the Otay River from the development area to the south. Barriers installed at the outer edge of the buffer area would restrict access to the buffer area and off-site wetlands of the Otay River, thus helping protect the existing functions and values of these wetlands.

6.1.6 Effects to Species of Concern Not Covered under the MSCP

The proposed MHPA BLA at this location would not significantly increase the likelihood that any uncovered species would be listed under either the federal or state ESA. The adjustment will replace low-quality habitat for high-quality native habitat, which could ultimately be beneficial to species with the potential to occur in the area that are not on the covered species list.

6.2 Multi-Habitat Planning Area Boundary Line Adjustment Summary

The proposed MHPA BLA would be beneficial to the overall MHPA preserve at this location due to an increase in native upland transitional habitat that would enhance and improve a buffer to the Otay River to the north. The loss of disturbed land from encroachment into the current MHPA total 3.2 acres and would be offset by restoration of 2.3 acres of disturbed land into native upland transitional habitat, resulting in an improved buffer to off-site riparian areas along the Otay River. This proposed BLA complies with the overall MSCP policy for BLAs, as the approved BLA would result in higher biological values of habitat within the preserve. This conclusion is based on the comparison of biological value provided by the evaluation of the six biological factors required by the MSCP for a MHPA BLA as discussed above.

7.0 Sensitive Biological Resources

7.1 Sensitivity Criteria

For purposes of this report, species will be considered sensitive if they are: (1) covered species or narrow endemic species under the City MSCP; (2) listed by state or federal agencies as threatened or endangered or are proposed for listing; (3) on California Rare Plant Rank 1B (considered endangered throughout its range) or California Rare Plant Rank 2 (considered endangered in California but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California (2016); or (4) considered rare, endangered, or threatened by the CNDDDB (State of California 2016a and b), the City's biology guidelines (City of San Diego 2012), or local conservation organizations or specialists. Noteworthy plant species are considered those on California Rare Plant Rank 3 (more information about the plant's distribution and rarity needed) and California Rare Plant Rank 4 (plants of limited distribution) of the CNPS Inventory. Sensitive vegetation communities are those identified by the CNDDDB (Holland 1986) or identified by the City (2012).

All wetland areas and non-wetland waters of the U.S. are considered sensitive. Wetlands and non-wetland waters are under the jurisdiction of the U.S. Army Corps of Engineers (USACE).

Streambeds and associated vegetation are under the jurisdiction of CDFW. The City defines wetlands as:

1. All areas persistently or periodically containing naturally occurring wetland vegetation communities characteristically dominated by hydrophytic vegetation;
2. Areas that have hydric soils or wetland hydrology and lack naturally occurring wetland vegetation communities because human activities have removed the historic wetland vegetation; and
3. Areas lacking wetland vegetation communities, hydric soils, and wetland hydrology due to non-permitted filling of previously existing wetlands (City of San Diego 2012).

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

7.2 Vegetation Communities

No sensitive vegetation communities occur on the parcel or off-site improvement area. Disturbed land and urban/develop land are considered Tier IV habitat types, which is not sensitive.

7.3 Sensitive Plants

No sensitive plant species were observed on the parcel or on the off-site improvement area and none are expected to occur on the parcel due to ongoing and historical disturbances. The parcel has been subject to discing at least annually for the past few decades. This discing has resulted in the site supporting primarily non-native species that tolerate disturbance and just a few remaining native plant species in very low numbers. A list of sensitive species known to occur historically in the vicinity of the project and those listed as narrow endemic species in the MSCP are evaluated for potential to occur on the site in Attachment 4.

7.4 Sensitive Wildlife Species

One sensitive wildlife species was observed during the survey. A Cooper's hawk (*Accipiter cooperii*) was observed flying over the project site. No other sensitive wildlife species are expected to occur on the site. Historic occurrences of the least Bell's vireo (*Vireo belli belli*) and light-footed Ridgeway's rail (*Rallus obsoletus levipes*) have been recorded along the Otay River north of the project site west of Interstate 5 and eastward to Beyer Boulevard (CNDDDB 2017a; City Parks and Recreation, personal communication). Least Bell's vireo and light-footed Ridgeway's rail are not expected to occur on the project site due to lack of suitable riparian habitat. A list of sensitive wildlife species known to occur in the vicinity of the site and their potential for occurrence on the site is provided in Attachment 5.

A habitat assessment for the potential for the site to support western burrowing owl was conducted during the general surveys of the site. In addition, a protocol burrowing owl survey

was conducted on the site (RECON 2020a). Results of the habitat assessment and protocol survey determined that there is a moderate potential for this species to occur on-site. Four burrows that appeared suitable for burrowing owl were observed on the site along with many other small mammal burrows. However, no direct burrowing owl observations or any sign of burrowing owl were discovered.

Although burrows potentially suitable for burrowing owl were observed on the site, no direct burrowing owl observations or any sign of burrowing owl were discovered, and the site conditions are not conducive for burrowing owl breeding nor long-term occupation. Western burrowing owls require ample foraging habitat to support occupancy at a particular site. A primary foraging area within a radius of approximately 600 meters (300 acres in size) is cited as being necessary for burrowing owl occupation in the Department of Fish and Game Staff Report of Burrowing Owl Mitigation published in 2012. Accordingly, the project site itself is likely not large enough to support ample foraging area to support burrowing owl breeding.

In addition, most of the area within a radius of 600 meters of the site to the east of Interstate 5 is developed and has no foraging value. The existing riparian habitat along the Otay River corridor in this eastern area is not suitable for use by burrowing owl. Of the remaining undeveloped areas east of Interstate 5, there is little suitable foraging habitat that is comprised of grassland or open habitats preferred by the burrowing owl. These other undeveloped areas are generally disturbed and include land uses associated with nurseries or mining activities that are also not suitable for use by burrowing owl.

To the west of Interstate 5 within 600 meters, areas to the south of Palm Avenue are developed. While some development occurs just north of Palm Avenue adjacent to Interstate 5, there are open shrubland and fields to the west that are part of the Otay Valley Regional Park Open Space and San Diego National Wildlife Refuge. Western burrowing owl have been documented in more open areas to the north and west of the terminus of Saturn Boulevard. Denser, less suitable burrowing owl habitat occurs to the east of this area up to Interstate 5. There is a low probability that the burrowing owls to the west of Interstate 5 would move east of the freeway due to vehicular traffic, associated noise, distance, and lack of large areas suitable for breeding or foraging.

7.4.1 Area Specific Management Directives

Measures to protect the MHPA are outlined in the MSCP and include general and specific guidelines for development within and adjacent to the MHPA, and management and monitoring goals for specific areas, habitat, and species. These guidelines are intended to preclude impacts, particularly those related to urban edge effects which include (but are not limited to) trampling, dumping, vehicular traffic, competition with invasive species (i.e., parasitism or predation from invasive animal species and habitat degradation from introduction of non-native plant species), predation by domestic animals, noise, collecting, recreational activities, and other human intrusion (City of San Diego 1997). The MSCP, Appendix A (City of San Diego 1997), also outlines species specific conditions of coverage for all covered species.

Relative to the project site, there is an Area Specific Management Directive for Cooper's hawk, which includes a 300-foot impact avoidance area around active nests and minimization of disturbance in oak woodlands and oak riparian forests, specifically:

- Should an active Cooper's hawk, or raptor nest, be detected within the MHPA during the pre-grading survey, discussed in Section 7.2.1, appropriate construction setback of 300 feet will be implemented until the fledglings are independent of the nest.

The results of the burrowing owl surveys concluded that there was a moderate potential for this species to occur on the site. Therefore, the project would be required to conform with the MSCP Subarea Plan conditions of coverage for the burrowing owl, which are as follows:

- During the environmental analysis of proposed projects, additional burrowing owl surveys (using appropriate protocols) must be conducted in suitable habitat to determine if this species is present and the location of active burrows if three years have passed after the last survey was conducted.
- If burrowing owls are detected, then the following mitigation measures must be implemented: (1) within the MHPA, impacts must be avoided; (2) outside the MHPA, impacts to the species must be avoided to the maximum extent practicable; (3) any impacted individuals must be relocated out of the impact areas by passive or active methodologies approved by the Wildlife Agencies; (4) mitigation for impacts to occupied habitat (at the Subarea Plan-specified ratio) must be through the conservation of occupied habitat or conservation of appropriate habitat for restoration, management, and enhancement of burrowing owl nesting and foraging requirements.
- Management plans/directives must include the following: (1) enhancement of known, historical, and potential burrowing owl habitat and (2) management of ground squirrels (the primary excavator of burrowing owl burrows). Enhancement measures may include (1) creation of artificial burrows and (2) vegetation management to enhance foraging habitat. Management plans must also include (1) monitoring of burrowing owl nest sites to determine use and nesting success; (2) predator control; and (3) establishing a 300-foot-wide impact avoidance area (within the preserve) around occupied burrows.

Although no expected to occur on the project site, there is a high potential for least Bell's vireo to occur to the north of the site along the Otay River. The MSCP Subarea Plan conditions of coverage for the least Bell's vireo are as follows:

- Jurisdictions will require surveys (using appropriate protocols) during the California Environmental Quality Act (CEQA) review process in suitable habitat proposed to be impacted and incorporate mitigation measures consistent with the 404(b)1 guidelines into the project.
- Area specific management directives must include measures to provide appropriate successional habitat, upland buffers for all known populations, cowbird control, and specific measures to protect against detrimental edge effects to this species.

- Any clearing of occupied habitat must occur between September 15 and March 15 (i.e., outside of the nesting period).

Although no expected to occur on the project site, there is a high potential for light-footed Ridgeway's rail to occur to the north of the site along the Otay River. The MSCP Subarea Plan conditions of coverage for the light-footed Ridgeway's rail are as follows:

Subarea Plan conditions of coverage for the light-footed Ridgeway's rail are as follows:

- Area specific management directives must include active management of wetlands to ensure a healthy tidal saltmarsh environment, and specific measures to protect against detrimental edge effects to this species.

7.5 Multi-Habitat Planning Area Land Use Adjacency Guidelines

The project has the potential for indirect impacts to the adjacent MHPA along the northern boundary. As stated in the MSCP Section 1.4.3 (City of San Diego 1997), land uses adjacent to the MHPA are to be managed to ensure minimal impacts to the MHPA. The MSCP establishes adjacency guidelines to be addressed on a project-by-project basis to minimize direct and indirect impacts and maintain the function of the MHPA. The guidelines listed in Section 1.4.3 of the MSCP (City of San Diego 1997) are outlined below with corresponding project action.

Drainage. Drainage should be directed away from the MHPA or, if not possible, must not drain directly into the MHPA. Instead, runoff should flow into sedimentation basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA. This northern bioretention basin is located at the northeast corner of the project site.

- The project has been designed so as to not drain directly into the MHPA. All drainage will be treated on-site within the development footprint using methods such as detention/water quality basins to dissipate/detain and filter/treat runoff.

Toxins. Land uses, such as recreation, urban landscaping, and agriculture, that use chemicals or generate by-products, such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by application or drainage of such materials into the MHPA.

- The project would incorporate measures to reduce impacts caused by the application and/or drainage of chemicals or project generated by-products such as pesticides, herbicides, animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) into the MHPA. All construction-related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owner's Representative or Resident Engineer to ensure there is no impact to the MHPA. The project has been designed to limit post-development storm water runoff discharge rates and velocities to maintain or reduce pre-development erosion and to reduce nutrients, organic compounds, oxygen

demanding substances, oil and grease, bacteria and viruses, and pesticides by applying best management practices.

Construction Best Management Practices, such as monitoring, flagging, staking, or silt/bio fencing around sensitive areas would be used to ensure toxins from construction and project implementation would not impact the MHPA.

Lighting. Per City Municipal Code 142.0740, lighting of all developed areas within and adjacent to the MHPA would be limited to low-level lighting and directed away or shielded to minimize the amount of light entering the MHPA.

- Lighting for the project would be shielded and/or directed away from the MHPA. Lighting for the project would be responsive to the species in the area as well as the adjacent Otay Valley Regional Park. Understanding that some species rely on darkness for shelter, feeding patterns, migrating, etc., the areas adjacent to any MHPA would be especially sensitive to light exposure in order to retain native characteristics. Placement and use of lighting associated with the project would accommodate the habits of nocturnal species that prefer to move and forage in darkness.

Noise. Due to the site's location adjacent to or within the MHPA, construction noise will need to be avoided, if possible, during the breeding seasons of the least Bell's vireo (March 15 to September 15) and southwestern willow flycatcher (*Empidonax traillii extimus*) (May 1 to August 30). Where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons. If construction is proposed during the above breeding season for the species, USFWS protocol surveys shall be required in order to determine species presence/absence.

If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation (i.e., temporary noise walls/berms) and biological monitoring. When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures (including but not limited to establishment of a buffer, waiting until fledging are independent of the nest) shall also be incorporated.

- There is willow scrub habitat within the MHPA to the north of the site with the potential to support least Bell's vireo and southwestern willow flycatcher. Protocol surveys shall be conducted to determine the presence or absence of these sensitive bird species if construction occurs within its breeding season noted above. If least Bell's vireo and/or southwestern willow flycatcher is present within the MHPA, construction noise levels at the MHPA boundary shall not exceed 60 A-weighted decibels [dB(A)] one-hour equivalent noise level (L_{eq}), or the ambient noise level if noise levels already exceed 60 dB(A) L_{eq} . Temporary noise attenuation measures (e.g., wall, berm) may be used to reduce construction noise levels reaching the MHPA.

- If no least Bell's vireo or southwestern willow flycatcher are detected, then no additional measures would be required.

To further address potential noise impacts within the MHPA, the noise analysis prepared for the project evaluated whether construction related activity would exceed allowable levels within the project's adjacent MHPA land. As shown in Table 9 of the Noise Analysis (RECON 2020b) construction noise levels at the adjacent MHPA habitat (receivers 9 through 13) would not exceed the existing ambient noise levels and would not result in an impact to potentially nesting birds.

Brush Management. All Brush Management Zone (BMZ) 1 areas must be included within the development footprint and outside the MHPA. BMZ 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation. Brush management consists of BMZ 1 and BMZ 2, which are shown on the Landscape Plans. As shown on the plans, all BMZ 1 areas will be outside of the MHPA. Vegetation clearing will be done consistent with City standards and will avoid/minimize impacts to covered species to the maximum extent possible.

- Brush management is required on all premises that are within 100 feet of a structure and contain native or naturalized vegetation. The standard BMZ widths are 35 feet for BMZ 1 and 65 feet for BMZ 2 as stated in Table 142-04h of the City Municipal Code. The BMZs have been tailored to be consistent with the proposed site design.

Invasives. No invasive plant species shall be planted in or adjacent to the MHPA.

- The planting pallet depicted on the landscape plans for the project do not include any invasive or non-native plant species within the on-site MHPA open space area.

Native grasses and shrub species and hydroseed would be planted within the on-site MHPA and only temporarily irrigated until the plants have become established. It is recommended that they be irrigated using a temporary aboveground irrigation system. The plants should be installed in late winter to early spring, as this is the optimal time for native plant growth and seed germination. A 120-day plant establishment period and a 24-month maintenance and monitoring period are necessary to ensure that the native plants establish successfully. Maintenance activities would involve control of non-native plant species, maintenance and removal of the temporary irrigation system, and replacement planting (if necessary). The site should be monitored by a biologist quarterly to evaluate site conditions and to recommend remedial actions, if needed.

Grading/Land Development. All manufactured slopes must be included within the development footprint and outside the MHPA.

- The proposed grading for the project does not encroach into the MHPA.

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

domestic animal predation. Access to the MHPA, if any, should be directed to minimize impacts and reduce impacts associated with domestic pet predation.

- A barrier fence is proposed between the preserved on-site MHPA area and the adjacent development. A 5-foot metal perimeter fence is proposed as the barrier between the development and the MHPA.

7.6 Jurisdictional Waters

No federal, state, or City defined wetland or non-wetland jurisdictional waters occur on the project site. Federal, state, and City defined wetland jurisdictional waters occur off-site to the north of the project site along the Otay River (Figure 8). These off-site wetland areas are comprised of freshwater marsh, willow riparian woodland, and open water habitats.

7.6.1 Wetland Buffer

Currently, the undeveloped, disturbed land of the existing project site provides a moderate functioning buffer to the adjacent off-site wetland areas. The functions of the existing buffer are limited as the vegetation on the project site is predominately non-native herbaceous species, lacking any significant shrub or tree vegetation layers. The disturbed nature of the project site limits the type and abundance of plant and wildlife species.

The project proposes to preserve a 100-foot buffer between the new development and the off-site wetlands to the north (see Figure 8). The buffer area is land within the MHPA that will be re-vegetated with native plant species to increase the habitat functions and values for plants and wildlife. The coastal sage scrub established in the buffer will add native plant species and establish a shrub layer that will provide habitat for wildlife species to use, including species from the adjacent wetlands to the north. A barrier fence between the edge of project development and the outer limit of the wetland buffer will restrict access (i.e., human and domestic animal encroachments) to the off-site wetlands.




7.6.2 Floodplain

The Federal Emergency Management Act 100-year floodplain overlaps the entire project site (see Figure 8). The proposed project would elevate the newly developed areas of the site out of the 100-year floodplain.




8.0 Project Impacts

The project would develop approximately 12.33 acres of the parcel for multi-family units and associated infrastructure. Off-site improvements (i.e., road improvements, storm drain, water lines, and sewer lines) would impact an additional 1.30 acres. The limits of on-site development impacts and off-site improvement impacts are shown on Figure 9.



-  Project Boundary
-  100-Foot Wetland Buffer
-  100 Year Floodplain

Off-site Wetlands

-  Freshwater Marsh
-  Open Water
-  Willow Riparian Woodland

Land Cover Type



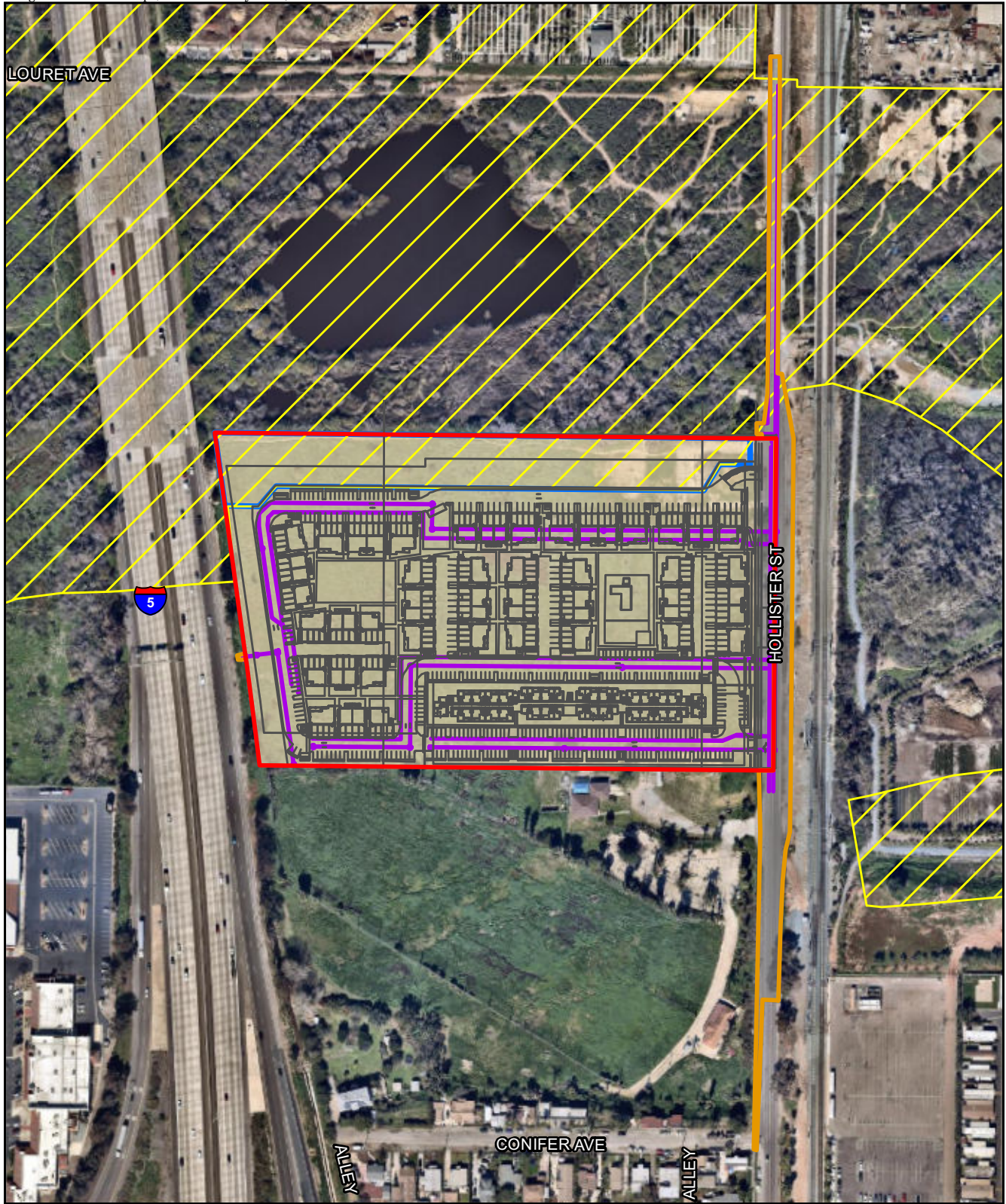
-  Disturbed Land
-  Urban/Developed



FIGURE 8

Location of Off-site Wetlands,
100 Year Floodplain, and 100-foot Wetland Buffer



- Project Boundary
- Off-site Improvement Area
- Open Space
- Adjusted MHPA
- Project Utilities
- Land Cover Type**
- Disturbed Land
- Urban/Developed

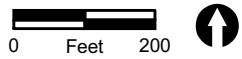


FIGURE 9

Impacts to Existing Biological Resources

8.1 Direct Impacts

Direct impacts to biological resources occurring on-site and off-site would result from the grading, proposed development, and off-site improvements. These direct impacts are discussed below.

8.1.1 Vegetation Communities

The project grading of the parcel would impact 12.33 acres for on-site development and 1.30 acres for off-site improvements (Table 4). Impacts to disturbed land and urban/developed land are not considered significant. Therefore, no direct impact to sensitive vegetative communities would occur.

Vegetation Communities/ Land Cover Types	On-site Permanent Impact		Off-site Improvements	Total
	Inside MHPA	Outside MHPA		
Disturbed Land	0	11.83	0.02	11.85
Urban/Developed	0	0.50	1.28	1.78
TOTAL	0	12.33	1.30	13.63
MHPA = Multi-Habitat Planning Area				

8.1.2 Sensitive Plants

No sensitive plant species were observed on the parcel or off-site improvement area and none are expected to occur due to lack of appropriate habitat and/or soil conditions. No impacts to sensitive plant species would occur.

8.1.3 Sensitive Wildlife

No sensitive wildlife species were observed on the site due to lack of suitable habitat and level of disturbance. While there is a moderate potential for burrowing owl to occur based on protocol survey results that located potential suitable, but unoccupied burrows, the disturbed habitat on-site is in general not likely to support breeding burrowing owls due to the limited area of suitable foraging habitat to support occupancy (see Section 7.4 above). While no direct impacts to sensitive wildlife species are anticipated to occur, the results of pre-construction surveys need to verify that no sensitive wildlife species, including burrowing owl and least Bell's vireo, have moved on to the site. Although a Cooper's hawk was observed flying over the site, this species is not expected to nest on the site due to lack of suitable nesting habitat. No direct impacts to Cooper's hawk are anticipated from the project.

8.2 Indirect Impacts

As the project site is adjacent to the MHPA, it has the potential to inadvertently indirectly impact sensitive habitats that may be occupied by sensitive bird sensitive species. Indirect impacts could occur to sensitive nesting birds (i.e., Cooper's hawk, burrowing owl, light-footed Ridgeway's rail, and least Bell's vireo), if present in adjacent off-site MHPA lands, due to grading (construction noise), drainage, use of toxins, increase access of the area by humans and their pets, excessive noise and lighting generated by project construction and implementation. Any indirect impacts to these sensitive bird species within the MHPA can be avoided by compliance with the MHPA Land Use Adjacency Guidelines covered in Section 6.5, above. Therefore, no significant indirect impacts are anticipated to occur. If an active Cooper's hawk nest is observed in the MHPA lands on-site or off-site to the north, then per City Biology Guidelines and MSCP Conditions of Coverage for this species, a construction setback of 300 feet will be implemented until the fledglings are independent of the nest.

9.0 Mitigation

Impacts to biological resources were evaluated through review of the project's consistency with the City's ESL Regulations and Biology Guidelines, as well as the MSCP Subarea Plan. As such, mitigation is required for project impacts that are considered significant under CEQA (City of San Diego 2016), including impacts to sensitive or listed species and sensitive vegetation communities. All impacts to sensitive biological resources should be avoided to the maximum extent feasible and minimized when possible. Mitigation measures typically employed include resource avoidance, dedication/acquisition of habitat, or habitat restoration.

No significant impacts to biological resources are anticipated to occur from implementation of the proposed project. Therefore, no mitigation beyond the standard City construction measures would be required.

9.1 Standard City Construction Measures

The project would avoid potential impacts to biological resources through the incorporation of mitigation measures to avoid impacts to sensitive wildlife species with the potential to occur on-site or off-site in the adjacent MHPA, and standard measures including general avoidance measures, and biological protections during construction, (includes monitoring, preconstruction meetings, and development of a Biological Condition Monitoring Exhibit, etc.) as described below.

9.1.1 Standard City Burrowing Owl Mitigation

PRECONSTRUCTION SURVEY ELEMENT

Prior to Permit or Notice to Proceed Issuance:

1. As this project has been determined to be burrowing owl (BUOW) occupied or to have BUOW occupation potential, the Applicant Department or Permit Holder shall submit evidence to the Assistant Deputy Director (ADD) of Entitlements verifying that a Biologist possessing qualifications pursuant Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.
2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

PRIOR TO START OF CONSTRUCTION:

1. The Applicant Department or Permit Holder and Qualified Biologist must ensure that initial pre-construction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.
2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report -Appendix D (*please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW*).
3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City's Mitigation Monitoring and Coordination (MMC) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and shall be provided prior to ground disturbing activities.

DURING CONSTRUCTION:

1. **Best Management Practices shall be employed as** BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from recolonizing

previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

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

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

- 1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.
- 2) If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City’s MMC Section shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.
- 3) If a BUOW begins using a burrow on the site at any time after the initial pre-construction survey, procedures described in Section B must be followed.
- 4) Any actions other than these require the approval of the City and the Wildlife Agencies.

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

- 1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – **all direct and indirect impacts to BUOWs within the MHPA SHALL be avoided.**
- 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles *etc.*) on or within 300 feet of the proposed construction area, the City’s MMC Section shall be contacted. The City’s MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for ongoing coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow’s location in relation to the site’s topography, and other physical and biological characteristics.
 - a) **Outside the Breeding Season** – If the BUOW is using a burrow on site outside the breeding season (i.e., September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.
 - b) **During Breeding Season** – If a BUOW is using a burrow on-site during the breeding season (February 1-August 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires written concurrence from the Wildlife Agencies prior to implementation.
3. **Survey Reporting During Construction** - Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City’s MMC Section and the Wildlife Agencies and must be provided in writing (as by e-mail) and acknowledged to have been received by the required Agencies and Development Services Department (DSD) Staff member(s).

POST CONSTRUCTION:

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

9.1.2 Standard City Least Bell's Vireo Mitigation

1. Prior to the issuance of any grading permit (FOR PUBLIC UTILITY PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the city manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A)

hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 - I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A. III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

9.1.3 Standard City Construction Measures

Measures to be Implemented During Construction – The following City standard measures would be included as conditions of project approval:

Biological Resource Protection During Construction

I. Prior to Construction

- A. **Biologist Verification** – The owner/permittee shall provide a letter to the City MMC section stating that a Project Biologist (Qualified Biologist) as defined in the City's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** – The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and

arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

- C. **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per the City’s Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, state, or federal requirements.
- D. **Biological Construction Mitigation/Monitoring Exhibit (BCME)** – The Qualified Biologist shall present a BCME, which shall include the biological documents in “C” above. In addition, it shall include restoration/revegetation plans, plant salvage/relocation requirements (coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project’s biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements** – To avoid any direct impacts to any species identified as listed, candidate, sensitive, or special status in the MSCP (i.e., Cooper’s hawk, burrowing owl, light-footed Ridgeway’s rail, and least Bell’s vireo), removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). For this project, sensitive bird species that may occur on the site includes Cooper’s hawk. If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence of nesting for these three sensitive bird species on the proposed area of disturbance. The preconstruction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City’s Development Services Department for review and approval prior to initiating any construction activities. If nesting activities for any of the above-mentioned three sensitive bird species are detected, a letter report or mitigation plan in conformance with the City’s Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City’s MMC Section or Resident Engineer, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on “Exhibit A” and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the preconstruction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to the MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on-site (flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

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

9.1.4 Other Conditions of Approval

The following measures will be included as conditions of project approval:

MHPA LAND USE ADJACENCY REQUIREMENTS:

Prior to issuance of Notice to Proceed, the owner/permittee shall depict the following requirements within the contract specifications and depict on construction documents (as necessary) for the project site.

- **Grading/Land Development/MHPA Boundaries** – Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** – All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage** – Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CDs that states: “All construction related activity that may have potential for **leakage** or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA.”
- **Lighting** – All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per Land Development Code Section 142.0740.
- **Barriers** – Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- **Invasives** – No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management** -Brush management zones will not be greater in size that is currently required by the City’s regulations (this includes use of approved

- alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.
- **Noise** – Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: light-footed Ridgway's rail (March 15 to September 15). If construction is proposed during the breeding season for the species the following measures are required:
 - I. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied light-footed Ridgway's rail habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; OR
 - II. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the light-footed Ridgway's rail. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be

implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

Light-footed Ridgway's Rail (Federally Endangered)

- To avoid direct impacts to the light-footed Ridgway's rail during project construction, removal of habitat that supports the rail would occur outside of the breeding season for this species (March 15 to September 15). If removal of habitat must occur during the breeding season, however, a qualified biologist (possessing a valid Endangered Species Act section 10(a)(1)(a) recovery permit) would conduct a pre-construction survey to determine the presence or absence of this species in the proposed area of disturbance. The pre-construction survey would be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The results of the pre-construction survey would be submitted to the City Development Services Department for review and approval prior to initiating any construction activities. If the light-footed Ridgway's rail is detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) would be prepared and include proposed measures to be implemented to ensure that direct impacts to this species are avoided. The report or mitigation plan would be submitted to the City and Wildlife Agencies for review and approval and implemented to their satisfaction.

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ATTACHMENTS

ATTACHMENT 1
Plant Species Observed

**Attachment 1
Plant Species Observed**

Scientific Name	Common Name	Habitat	Origin
ANGIOSPERMS: CERATOPHYLLALES			
ANGIOSPERMS: MONOCOTS			
POACEAE (GRAMINEAE)	GRASS FAMILY		
<i>Avena barbata</i> Pott ex Link	slender wild oat	DL	I
<i>Bromus diandrus</i> Roth	ripgut grass	DL	I
<i>Bromus madritensis</i> L. ssp. <i>rubens</i> (L.) Husn.	red brome	DL	I
<i>Hordeum murinum</i> L.	wall barley	DL	I
<i>Lamarckia aurea</i> (L.) Moench	golden-top	DL	I
<i>Poa annua</i> L.	annual blue grass	DL	I
ANGIOSPERMS: DICOTS			
ADOXACEAE	ADOXA FAMILY		
<i>Sambucus nigra</i> L. ssp. <i>caerulea</i> (Raf.) Bolli [= <i>Sambucus mexicana</i>]	blue elderberry	DL	N
AIZOACEAE	FIG-MARIGOLD FAMILY		
<i>Mesembryanthemum crystallinum</i> L.	crystalline iceplant	DL	I
<i>Mesembryanthemum nodiflorum</i> L.	slender-leaved iceplant	DL	I
AMARANTHACEAE	AMARANTH FAMILY		
<i>Amaranthus albus</i> L.	tumbleweed	DL	I
ANACARDIACEAE	SUMAC OR CASHEW FAMILY		
<i>Schinus terebinthifolius</i> Raddi	Brazilian pepper tree	DL	I
ASTERACEAE	SUNFLOWER FAMILY		
<i>Baccharis pilularis</i> DC.	chaparral broom, coyote brush	DL	N
<i>Baccharis salicifolia</i> (Ruiz & Pav.) Pers. ssp. <i>salicifolia</i>	mule fat, seep-willow	DL	N
<i>Glebionis coronaria</i> (L.) Spach [= <i>Chrysanthemum coronarium</i>]	garland, crown daisy	DL	I
<i>Heterotheca grandiflora</i> Nutt.	telegraph weed	DL	N
<i>Isocoma menziesii</i> (Hook. & Arn.) G.L. Nesom	coastal goldenbush	DL	N
<i>Lactuca serriola</i> L.	prickly lettuce	DL	I
<i>Sonchus oleraceus</i> L.	common sow thistle	DL	I
<i>Stephanomeria virgata</i> Benth.	slender stephanomeria	DL	N
BORAGINACEAE	BORAGE FAMILY		
<i>Heliotropium curassavicum</i> L. var. <i>oculatum</i> (A. Heller) I. M. Johnst. ex Tidestr.	seaside heliotrope, alkali heliotrope	DL	N
BRASSICACEAE (CRUCIFERAE)	MUSTARD FAMILY		
<i>Raphanus sativus</i> L.	radish	DL	I

**Attachment 1
Plant Species Observed**

Scientific Name	Common Name	Habitat	Origin
<i>Sisymbrium altissimum</i> L.	tumble mustard, Jim Hill mustard	DL	I
CHENOPODIACEAE	GOOSEFOOT FAMILY		
<i>Atriplex semibaccata</i> R. Br.	Australian saltbush	DL	I
<i>Chenopodium album</i> L.	lamb's quarters, pigweed	DL	I
<i>Salsola tragus</i> L.	Russian thistle, tumbleweed	DL	I
FABACEAE (LEGUMINOSAE)	LEGUME FAMILY		
<i>Melilotus indicus</i> (L.) All.	sourclover	DL	I
GERANIACEAE	GERANIUM FAMILY		
<i>Erodium botrys</i> (Cav.) Bertol.	long-beak filaree	DL	I
<i>Erodium cicutarium</i> (L.) L'Hér. ex Aiton	redstem filaree	DL	I
LAMIACEAE	MINT FAMILY		
<i>Marrubium vulgare</i> L.	horehound	DL	I
MALVACEAE	MALLOW FAMILY		
<i>Malva parviflora</i> L.	cheeseweed, little mallow	DL	I
MYRTACEAE	MYRTLE FAMILY		
<i>Eucalyptus</i> sp.	gum tree	DL	I
MYRSINACEAE	MYRSINE FAMILY		
<i>Anagallis arvensis</i> L.	scarlet pimpernel, poor-man's weatherglass	DL	I
OLEACEAE	OLIVE FAMILY		
<i>Fraxinus uhdei</i> (Wenz.) Lingelsh.	shamel ash	DL	I
PLATANACEAE	PLANE TREE OR SYCAMORE FAMILY		
<i>Platanus racemosa</i> Nutt.	western sycamore	DL	N
SOLANACEAE	NIGHTSHADE FAMILY		
<i>Datura wrightii</i> Regel	western Jimson weed	DL	N
<i>Nicotiana glauca</i> Graham	tree tobacco	DL	I

Notes: Scientific and common names were primarily derived from the Jepson Online Interchange (University of California 2016). In instances where common names were not provided in this resource, common names were obtained from Rebman and Simpson (2014). Additional common names were obtained from the USDA maintained database (USDA 2013) or the Sunset Western Garden Book (Brenzel 2001) for ornamental/horticultural plants. Common names denoted with * are from County of San Diego 2010.

HABITATS

DL = Disturbed Land

I = Introduced species from outside locality

ORIGIN

N = Native to locality

ATTACHMENT 2
Annual Discing Receipts

Banner Day, Inc.

Chris Banner
14785 Puma Trail
Valley Center, CA
92082

Estimate

Date	Estimate #
3/17/2017	405

Name / Address
Kirk Phair 3330 Bonita Road Chula Vista, CA 91910

Description	Qty	Rate	Project
			Total
HOLLISTER - Weed Abatement. mowing Bid= \$1,800 Discing Bid = \$.2,000 Tractor move-in/move-out for either job = \$150 I could do the job Monday. Thanks!		0.00	0.00

BELLA MAR LAND INVESTORS LLC		1021
3330 BONITA RD CHULA VISTA CA 91910-3207		11-35/1210 CA 71155
		DATE <u>March 20, 2017</u>
PAY TO THE ORDER OF <u>Banner Day, Inc</u>		\$ 1,800.00
<u>One thousand eight hundred dollars ⁰⁰/₁₀₀</u>		DOLLARS
Bank of America		
ACH R/T 121000358		
FOR <u>Weed Abatement Mowing</u>	<u>[Signature]</u>	
<u>Estimate # 405</u>		

	Total	\$0.00
--	--------------	--------

All charges must be paid in full after job is completed and invoice received. A service charge of 2% per month will be applied to all unpaid invoices after 30 days.

Phone #
760-213-3903

E-mail
bridget@bridgetbanner.com

Banner Day, Inc.
 Chris Banner
 14785 Puma Trail
 Valley Center, CA
 92082

Invoice

Date	Invoice #
7/29/2017	2983

Bill To
Kirk Phair 3330 Bonita Road Chula Vista, CA 91910

Due Date
7/29/2017

Description	Qty	Rate	Amount
HOLLISTER - Weed Abatement. mowing		1,800.00	1,800.00
Tractor move-in/move-out		150.00	150.00

BELLA MAR LAND INVESTORS LLC

3330 BONITA RD
 CHULA VISTA CA 91910-3207

1023

11-35/1210 CA
 71155

DATE 9-18-17

PAY TO THE ORDER OF Banner Day Inc.

\$ 1950.00

One Thousand Nine Hundred Fifty + 00/100 DOLLARS

Bank of America

ACH R/T 121000358

FOR weed abatement

Kirk Phair

Security Features. Details on back.

RP

	Total	\$1,950.00
	Payments/Credits	\$0.00
	Balance Due	\$1,950.00

All charges must be paid in full after job is completed and invoice received. A service charge of 2% per month will be applied to all unpaid invoices after 30 days.

Phone #
760-213-3903

E-mail
bridget@bridgetbanner.com

Banner Day, Inc.

Chris Banner
14785 Puma Trail
Valley Center, CA
92082

Estimate

Date	Estimate #
3/26/2018	466

Name / Address
Kirk Phair 3330 Bonita Road Chula Vista, CA 91910

			Project
Description	Qty	Rate	Total
Weed Abatement, Holister Disk entire property		1,900.00	1,900.00
Mow perimeter where tumbleweed is		300.00	300.00
Two tractors move-in/move-out		250.00	250.00
		Total	\$2,450.00

All charges must be paid in full after job is completed and invoice received. A service charge of 2% per month will be applied to all unpaid invoices after 30 days.

Phone #
760-213-3903

E-mail
bridget@bridgetbanner.com

Banner Day, Inc.

Chris Banner
14785 Puma Trail
Valley Center, CA
92082

Invoice

Date	Invoice #
8/21/2018	3311

Bill To
The Phair Company 3330 Bonita Road Chula Vista, CA 91910

Due Date
8/21/2018

Description	Qty	Rate	Amount
HOLLISTER - Weed Abatement, mowing		1,900.00	1,900.00
Tractor move-in/move-out		150.00	150.00

	Total	\$2,050.00
	Payments/Credits	\$0.00
	Balance Due	\$2,050.00

All charges must be paid in full after job is completed and invoice received. A service charge of 2% per month will be applied to all unpaid invoices after 30 days.

Phone #
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Banner Day, Inc.

Chris Banner
14785 Puma Trail
Valley Center, CA
92082

Estimate

Date	Estimate #
4/9/2019	518

Name / Address
The Phair Company 3330 Bonita Road Chula Vista, CA 91910

			Project
Description	Qty	Rate	Total
Weed Abatement, Hollister Street. Mow entire property (weeds are too high to disk)		2,400.00	2,400.00
Tractor move-in/move-out		200.00	200.00
		Total	\$2,600.00

All charges must be paid in full after job is completed and invoice received. A service charge of 2% per month will be applied to all unpaid invoices after 30 days.

Phone #
760-213-3903

E-mail
bridget@bridgetbanner.com

ATTACHMENT 3
Wildlife Species Observed

**Attachment 3
Wildlife Species Observed**

Scientific Name	Common Name	Occupied Habitat	On-Site Abundance/ Seasonality (Birds Only)	Evidence of Occurrence
INVERTEBRATES (Nomenclature for fairy shrimp from Eriksen and Belk 1999; for spiders and insects from Evans 2008; for butterflies from San Diego Natural History Museum 2002)				
HESPERIIDAE	SKIPPERS			
<i>Erynnis funeralis</i>	funereal duskywing	DL		O
PIERIDAE	WHITES & SULPHURS			
<i>Anthocharis sara sara</i>	Pacific Sara orangetip	DL		O
<i>Pieris rapae</i>	cabbage white (I)	DL		O
NYMPHALIDAE	BRUSH-FOOTED BUTTERFLIES			
<i>Limenitis lorquini</i>	Lorquin's admiral	DL		O
<i>Vanessa cardui</i>	painted lady	DL		O
REPTILES (Nomenclature from Crother 2008)				
PHRYNOSOMATIDAE	SPINY LIZARDS			
<i>Sceloporus occidentalis</i>	western fence lizard	DL		O
<i>Uta stansburiana</i>	common side-blotched lizard	DL		O
BIRDS (Nomenclature from American Ornithological Society 2018 and Unitt 2004)				
ARDEIDAE	HERONS & BITTERNS			
<i>Egretta thula candidissima</i>	snowy egret	--	F / W	O, F
ACCIPITRIDAE	HAWKS, KITES, & EAGLES			
<i>Accipiter cooperii</i>	Cooper's hawk	--	F / Y	O, F
COLUMBIDAE	PIGEONS & DOVES			
<i>Zenaida macroura marginella</i>	mourning dove	DL	C / Y	O
TROCHILIDAE	HUMMINGBIRDS			
<i>Calypte anna</i>	Anna's hummingbird	DL	C / Y	O
TYRANNIDAE	TYRANT FLYCATCHERS			
<i>Empidonax difficilis</i>	Pacific-slope flycatcher	DL	F / S	O
<i>Myiarchus cinerascens cinerascens</i>	ash-throated flycatcher	DL	F / S	O
<i>Sayornis nigricans semiatra</i>	black phoebe	DL	C / Y	O

**Attachment 3
Wildlife Species Observed**

Scientific Name	Common Name	Occupied Habitat	On-Site Abundance/ Seasonality (Birds Only)	Evidence of Occurrence
HIRUNDINIDAE	SWALLOWS			
<i>Petrochelidon pyrrhonota tachina</i>	cliff swallow	--	F / S	O, F
AEGITHALIDAE	BUSHTIT			
<i>Psaltriparus minimus melanurus</i>	bushtit	DL	F / Y	O
EMBERIZIDAE	EMBERIZIDS			
<i>Melospiza melodia</i>	song sparrow	DL	C / Y	O
<i>Melozone [=Pipilo] crissalis</i>	California towhee	DL	F / Y	O
FRINGILLIDAE	FINCHES			
<i>Haemorhous [=Carpodacus] mexicanus frontalis</i>	house finch	DL	C / Y	O
MAMMALS (Nomenclature from Baker et al. 2003)				
GEOMYIDAE	POCKET GOPHERS			
<i>Thomomys bottae</i>	Botta's pocket gopher	DL		B
<p>HABITATS</p> <p>DL = Disturbed Land F = Flying overhead</p> <p>ABUNDANCE (birds only; based on Garrett and Dunn 1981) C = Common to abundant; almost always encountered in proper habitat, usually in moderate to large numbers F = Fairly common; usually encountered in proper habitat, generally not in large numbers</p> <p>SEASONALITY (birds only) S = Spring/summer resident; probable breeder on-site or in vicinity W = Winter visitor; does not breed locally Y = Year-round resident; probable breeder on-site or in vicinity</p> <p>EVIDENCE OF OCCURRENCE B = Burrow O = Observed</p>				

ATTACHMENT 4

Sensitive Plant Species Observed
or with the Potential for Occurrence

Attachment 4

Sensitive Plant Species Observed or with the Potential for Occurrence

Species' <i>Scientific Name</i> Common Name	State/Federal Status	CNPS Rank	City of San Diego	Habitat/ Preference/Requirements/ Blooming Period	Observed?	Basis for Determination of Occurrence Potential
ANGIOSPERMS: DICOTS						
CHENOPODIACEAE GOOSEFOOT FAMILY						
<i>Aphanisma blitoides</i> aphanisma	--	1B.2	NE, MSCP	Annual herb; coastal bluff scrub, coastal sage scrub; sandy soils; blooms March–June; elevation less than 1,000 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
APIACEAE CARROT FAMILY						
<i>Eryngium aristulatum</i> var. <i>parishii</i> San Diego button-celery	CE/FE	1B.1	NE, MSCP	Biennial/perennial herb; vernal pools, mesic areas of coastal sage scrub and grasslands, blooms April– June; elevation less than 2,000 feet. Known from San Diego and Riverside counties. Additional populations occur in Baja California, Mexico.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
ASTERACEAE SUNFLOWER FAMILY						
<i>Ambrosia pumila</i> San Diego ambrosia	–/FE	1B.1	NE, MSCP	Perennial herb (rhizomatous); chaparral, coastal sage scrub, valley and foothill grasslands, creek beds, vernal pools, often in disturbed areas; blooms May–September; elevation less than 1,400 feet. Many occurrences extirpated in San Diego County.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
<i>Baccharis vanessae</i> Encinitas baccharis [=Encinitas coyote brush]	CE/FT	1B.1	NE, MSCP	Perennial deciduous shrub; chaparral; maritime; sandstone; blooms August–November; elevation less than 2,500 feet. San Diego County endemic. Known from fewer than 20 occurrences. Extirpated from Encinitas area.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site. This species would have been easily observed if present.

Attachment 4

Sensitive Plant Species Observed or with the Potential for Occurrence

Species' Scientific Name Common Name	State/Federal Status	CNPS Rank	City of San Diego	Habitat/ Preference/Requirements/ Blooming Period	Observed?	Basis for Determination of Occurrence Potential
<i>Deinandra</i> [=Hemizonia] <i>conjugens</i> Otay tarplant	CE/FT	1B.1	NE, MSCP	Annual herb; clayey soils of coastal scrub openings, valley and foothill grassland; blooms April–June, elevation less than 1,000 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
CRASSULACEAE STONECROP FAMILY						
<i>Dudleya brevifolia</i> [=D. <i>blochmaniae</i> ssp. <i>brevifolia</i>] short-leaved dudleya [short- leaved live-forever]	CE/–	1B.1	NE, MSCP	Perennial herb; southern maritime chaparral, coastal sage scrub on Torrey sandstone; blooms in April; elevation less than 1,000 feet. San Diego County endemic. Known from fewer than five occurrences in the Del Mar and La Jolla areas.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
<i>Dudleya variegata</i> variegated dudleya	–/–	1B.2	NE, MSCP	Perennial herb; openings in chaparral, coastal sage scrub, grasslands, vernal pools; blooms May–June; elevation less than 1,900 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
FABACEAE LEGUME FAMILY						
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milkvetch	CE/FE	1B.1	NE, MSCP	Annual herb; coastal bluff scrub, coastal dunes, sandy soils, mesic coastal prairie; blooms March–May; elevation less than 200 feet. California endemic. Known from fewer than 10 occurrences in San Diego (presumed extirpated), Los Angeles (presumed extirpated), and Monterey counties.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
LAMIACEAE MINT FAMILY						
<i>Acanthomintha ilicifolia</i> San Diego thornmint	CE/FT	1B.1	NE, MSCP	Annual herb; chaparral, coastal sage scrub, and grasslands; friable or broken clay soils; blooms April–June; elevation less than 3,200 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.

Attachment 4

Sensitive Plant Species Observed or with the Potential for Occurrence

Species' <i>Scientific Name</i> Common Name	State/Federal Status	CNPS Rank	City of San Diego	Habitat/ Preference/Requirements/ Blooming Period	Observed?	Basis for Determination of Occurrence Potential
<i>Pogogyne abramsii</i> San Diego mesa mint	CE/FE	1B.1	NE, MSCP	Annual herb; vernal pools; blooms April–July; elevation 300–700 feet. San Diego County endemic.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
<i>Pogogyne nudiuscula</i> Otay mesa mint	CE/FE	1B.1	NE, MSCP	Annual herb; vernal pools; blooms May–July; elevation 300–820 feet. In California, known from approximately 10 occurrences in Otay Mesa in San Diego County. Additional populations occur in Baja California, Mexico.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
MALVACEAE MALLOW FAMILY						
<i>Fremontodendron mexicanum</i> Mexican flannelbush	CR/FE	1B.1	–	Perennial evergreen shrub; closed- cone coniferous forest, chaparral, cismontane woodland; Otay Mountain; blooms March–June; elevation less than 2,400 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site. This species would have been easily observed if present.
OROBANCHACEAE BROOM-RAPE FAMILY						
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i> [= <i>Cordylanthus</i> <i>maritimus</i> ssp. <i>maritimus</i>] salt marsh bird's-beak	CE/FE	1B.2	MSCP	Annual herb (hemiparasitic); coastal dunes, coastal salt marshes and swamps; blooms May–October; elevation less than 100 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.
POLEMONIACEAE PHLOX FAMILY						
<i>Navarretia fossalis</i> spreading navarretia [=prostrate navarretia]	–/FT	1B.1	NE, MSCP	Annual herb; vernal pools, marshes and swamps, chenopod scrub; blooms April–June; elevation 100–4,300 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.

Attachment 4

Sensitive Plant Species Observed or with the Potential for Occurrence

Species' <i>Scientific Name</i> Common Name	State/Federal Status	CNPS Rank	City of San Diego	Habitat/ Preference/Requirements/ Blooming Period	Observed?	Basis for Determination of Occurrence Potential
ROSACEAE ROSE FAMILY						
<i>Rosa minutifolia</i> small-leaved rose	CE/-	2B.1	MSCP	Perennial deciduous shrub; coastal sage scrub; blooms January–June; elevation 500–550 feet. Known in the U.S. from only one occurrence on Otay Mesa in San Diego county. This entire occurrence was transplanted to a new preserved location on Otay Mesa for mitigation in 1997. Additional populations occur in Baja California, Mexico.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site. This species would have been easily observed if present.
ANGIOSPERMS: MONOCOTS						
AGAVACEAE AGAVE FAMILY						
<i>Agave shawii</i> var. <i>shawii</i> Shaw's agave	-/-	2B.1	NE, MSCP	Perennial leaf succulent; coastal bluff scrub, coastal sage scrub, maritime succulent scrub; blooms September–May; elevation less than 400 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site. This species would have been easily observed if present.
POACEAE GRASS FAMILY						
<i>Orcuttia californica</i> California Orcutt grass	CE/FE	1B.1	NE, MSCP	Annual herb; vernal pools; blooms April–August; elevation 50–2,200 feet.	No	Not expected to occur due to lack of suitable habitat and level of historical disturbance to the site.

Attachment 3
Sensitive Plant Species Observed or with the Potential for Occurrence

FEDERAL CANDIDATES AND LISTED PLANTS

FE = Federally listed endangered
FT = Federally listed threatened

STATE LISTED PLANTS

CE = State listed endangered
CR = State listed rare

CALIFORNIA NATIVE PLANT SOCIETY (CNPS): CALIFORNIA RARE PLANT RANKS (CRPR)

1B = Species rare, threatened, or endangered in California and elsewhere. These species are eligible for state listing.
2B = Species rare, threatened, or endangered in California but more common elsewhere. These species are eligible for state listing.
.1 = Species seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat).
.2 = Species fairly threatened in California (20-80% occurrences threatened; moderate degree and immediacy of threat).

CITY OF SAN DIEGO

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

ATTACHMENT 5

Sensitive Wildlife Species Occurring
or with the Potential to Occur

Attachment 5
Sensitive Wildlife Species Occurring or with the Potential to Occur

Species' Common Name/ Scientific Name	Listing Status	Habitat Preference/ Requirements	Detected On-Site?	Potential to Occur On-Site?	Basis for Determination of Occurrence Potential
INVERTEBRATES (Nomenclature from Eriksen and Belk 1999; San Diego Natural History Museum 2002)					
BRANCHINECTIDAE FAIRY SHRIMP					
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	FE, MSCP, *	Vernal pools.	No	Low	No vernal pools or suitable depressions on site.
STREPTOCEPHALIDAE FAIRY SHRIMP					
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	FE, MSCP, *	Vernal pools.	No	Low	No vernal pools or suitable depressions on site.
BIRDS (Nomenclature from American Ornithological Society 2018 and Unitt 2004)					
ACCIPITRIDAE HAWKS, KITES, & EAGLES					
Cooper's hawk (nesting) <i>Accipiter cooperii</i>	WL, MSCP	Mature forest, open woodlands, wood edges, river groves. Parks and residential areas.	Yes	Low	Species observed flying over the site. Although this species may use the site for foraging, there is no suitable nesting habitat on site. Suitable habitat for this species is present to the north within the Otay River.
RALLIDAE RAILS, GALLINULES, & COOTS					
Light-footed Ridgway's rail <i>Rallus obsoletus</i> [=longirostris] <i>levipes</i>	FE, CE, CFP, MSCP	Salt marshes supporting <i>Spartina foliosa</i> . Localized resident.	No	Moderate	Although the site lacks suitable habitat, this species is known to occur within the vicinity of the project.
CHARADRIIDAE LAPWINGS & PLOVERS					
Western snowy plover (coastal population) <i>Charadrius alexandrinus nivosus</i>	FT, CSC, MSCP	Sandy beaches, lagoon margins, tidal mud flats. Migrant and winter resident. Localized breeding.	No	Low	Site lacks suitable habitat.

Attachment 5
Sensitive Wildlife Species Occurring or with the Potential to Occur

Species' Common Name/ Scientific Name	Listing Status	Habitat Preference/ Requirements	Detected On-Site?	Potential to Occur On-Site?	Basis for Determination of Occurrence Potential
LARIDAE GULLS, TERNS, & SKIMMERS					
California least tern (nesting colony) <i>Sternula antillarum browni</i>	FE, CE, CFP, MSCP	Bays, estuaries, lagoons, shoreline. Resident. Localized breeding.	No	Low	Site lacks suitable habitat.
STRIGIDAE TYPICAL OWLS					
Western burrowing owl (burrow sites) <i>Athene cunicularia hypugaea</i>	CSC, MSCP	Grassland, agricultural land, coastal dunes. Require rodent burrows. Declining resident.	No	Moderate	No direct observations of owls or their sign, but suitable burrows are present on site. This species is known to occur within the vicinity of the project.
VIREONIDAE VIREOS					
Least Bell's vireo (nesting) <i>Vireo bellii pusillus</i>	FE, CE, MSCP	Willow riparian woodlands. Summer resident.	No	Moderate	Although the site lacks suitable habitat. This species is known to occur off-site to the north in riparian habitat of the Otay River.
SYLVIIDAE GNATCATCHERS					
Coastal California gnatcatcher <i>Polioptila californica californica</i>	FT, CSC, MSCP	Coastal sage scrub, maritime succulent scrub. Resident.	No	Low	Site lacks suitable habitat.
EMBERIZIDAE EMBERIZIDS					
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	CE, MSCP	Salt marshes, lagoons dominated by <i>Salicornia</i> . Resident.	No	Low	Site lacks suitable habitat.
MAMMALS (Nomenclature from Jones et al. 1997 and Hall 1981)					
HETEROMYIDAE POCKET MICE & KANGAROO RATS					
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>	FE, CSC	Open coastal sage scrub; fine, alluvial sands near ocean.	No	Low	Site lacks suitable soils and habitat.

Attachment 5
Sensitive Wildlife Species Occurring or with the Potential to Occur

Species' Common Name/ Scientific Name	Listing Status	Habitat Preference/ Requirements	Detected On-Site?	Potential to Occur On-Site?	Basis for Determination of Occurrence Potential
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STATUS CODES

Listed/Proposed

- FE = Listed as endangered by the federal government
 FT = Listed as threatened by the federal government
 CE = Listed as endangered by the state of California
 CT = Listed as threatened by the state of California

Other

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