

March 4, 2021

Mr. Andrew Crocker  
T7 Architecture  
646 Valley Avenue, Suite A  
Solana Beach, CA 92075

Subject: 6051 Folsom Drive La Jolla, CA 92037

Dear Mr. Crocker:

This letter report describes the biological resources on the 0.54-acre project site and is intended to provide the City of San Diego with information necessary to assess impacts to biological resources under the California Environmental Quality Act (CEQA).

## **PROJECT LOCATION**

The project site is comprised of 6051 Folsom Drive and the adjacent vacant lot to the west in the neighborhood of La Jolla in the City of San Diego, California 92037 (Figures 1 and 2).

## **PROJECT DESCRIPTION**

The proposed project is to demolish the existing home at 6051 Folsom Drive, combine the two lots, and build a new home.

## **METHODS**

Alden Environmental, Inc. (Alden) surveyed the project site on February 17, 2021. The survey consisted of: 1) mapping vegetation; 2) assessing the site for potential jurisdictional features including Waters of the U.S., Waters of the State, and/or City Wetlands; 3) compiling lists of plant and animal species observed or detected (Attachments A and B, respectively); and 4) taking representative photographs of the site.

## **Literature Review**

Prior to conducting field investigations, Alden queried the California Natural Diversity Database for sensitive species reported to occur on the site or nearby. Alden also reviewed current (Google imagery) of the site and its surroundings, and reviewed National Wetland Inventory and National Hydrography Dataset mapping for potential wetlands and waterways on or connected to the site.

## **RESULTS**

### **Environmental Setting**

The majority of the project site supports developed and disturbed land with some ornamental vegetation and some remnant patches of native sage scrub habitat. Surrounding land uses to the east, west, and south include developed residential properties and Folsom Drive. An approximately south-facing slope with native scrub habitat lies to the north of the project site.

Elevations on site range from 160 feet to 210 feet above mean sea level. The soil on is Olivenhain cobbly loam (30 to 50 percent slopes) according to the Natural Resource Conservation Service Soil Survey.

This project site is located within the City’s Multiple Species Conservation Program (MSCP) Subarea—outside of the City’s Preserve, the Multi-habitat Planning Area (MHPA). It is also not adjacent to the MHPA. The project site is inside the Coastal Overlay Zone.

### **Regulatory Context**

#### Federal Government

Administered by the USFWS, the federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered take under the ESA. Section 9(a) of the ESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns. No federal-listed species were observed or detected on site, and based on the habitat area and/or conditions on site, none is expected to occur.

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

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

The project will comply with applicable federal requirements.

#### State of California

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

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

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

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

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

The project will comply with applicable State requirements.

#### City of San Diego Environmentally Sensitive Lands (ESL) Regulations

Mitigation requirements for sensitive biological resources follow the requirements of the City's Biology Guidelines (2018) as outlined in the City's Municipal Code Environmentally Sensitive Lands (ESL) Regulations (Chapter 14, Article 3, Division 1). ESL include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs and 100-year floodplains (San Diego Municipal Code [SDMC] 143.0110). The project will comply with City ESL regulations.

#### City of San Diego Biology Guidelines

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

The project will comply with applicable City Biology Guidelines requirements.

#### **Vegetation Communities/Land Cover Types**

Four vegetation communities and developed land occur on site (Table 1; Figure 3).

<b>Vegetation Communities/Land Cover<sup>1</sup></b>	<b>Total Acreage On Site</b>
<b>Uplands</b>	
Diegan coastal sage scrub-disturbed (Tier II)	0.02
Ornamental (Tier IV)	0.11
Disturbed land (Tier IV)	0.16
Developed (no tier)	0.25
<b>TOTAL</b>	<b>0.54</b>

<sup>1</sup>Upland vegetation communities within the MSCP study area have been divided into four tiers of sensitivity (the first includes the most sensitive, the fourth the least) based on rarity and ecological importance.

Diegan Coastal Sage Scrub (disturbed)

Diegan coastal sage scrub occupies xeric sites with shallow soils and may be dominated by a variety of species depending upon soil type, slope, and aspect. The dominant species found within Diegan coastal sage scrub (including -disturbed) on site include laurel sumac (*Malosma laurina*) and lemonadeberry. Associated species include California sagebrush (*Artemisia californica*), California encelia (*Encelia californica*), and California buckwheat (*Eriogonum fasciculatum*). This habitat shows evidence of previous disturbance and also supports evident component of non-native species such as foxtail chess (*Bromus madritensis ssp. rubens*) and star thistle (*Centaurea melitensis*). Diegan coastal sage scrub is considered Tier II (uncommon uplands) by the City and is sensitive.

Ornamental

Ornamental vegetation is planted for decorative purposes but is generally not maintained (i.e., irrigated, pruned, etc.) like formal landscaping. Ornamental plantings on site include species such as queen palm (*Syagrus romanzoffiana*), Australian saltbush (*Atriplex semibaccata*), and prostrate acacia (*Acacia redolens*). The ornamental areas along the development perimeter also include native lemonadeberry and laurel sumac shrubs. Ornamental is considered Tier IV (other uplands) by the City and not sensitive.

Disturbed Land

Disturbed land includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that no longer provides viable wildlife habitat. Disturbed land on site is land that contains a preponderance of non-native plant species. Some of the non-native species of disturbed land on site include black mustard (*Brassica nigra*), filaree (*Erodium sp.*), and star thistle. Disturbed land is considered Tier IV (other uplands) by the City and not sensitive.

### Developed

Developed land is, for example, where permanent structures and/or pavement have been placed, which prevents the growth of vegetation, or where landscaping is clearly tended and maintained. Developed land on site consists of the existing home and its associated landscaping. Developed land is not assigned to a tier by the City and is not sensitive.

### **Sensitive Plant Species**

Sensitive plant species are those that are considered federal, State, or California Native Plant Society rare, threatened, or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. The CNDDDB returned a report of California adolphia (*Adolphia californica*) on or near the site. This perennial shrub was observed north of the site but was not observed on site during the site visit and would have been found if present. No other sensitive plant species were observed on site, either.

### **Sensitive Animal Species**

Sensitive animal species are those that are considered federal or State threatened or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. No sensitive animal species were found on site. The CNDDDB returned a report of orange-throated whiptail (*Aspidoscelis hyperythra beldingi*; State Watch List MSCP Covered Species) on or near the site. This subspecies inhabits low-elevation coastal scrub, chamise-redshank chaparral, mixed chaparral, and valley-foothill hardwood habitats. It prefers washes and other sandy areas with patches of brush and rocks. Based on its habitat types, there is some potential for this reptile to inhabit the site. However, the City has take authorization for the orange-throated whiptail because it is an MSCP Covered Species. Therefore, potential impacts to this species on the project site, which is outside the MHPA, are allowed because it is considered adequately protected in the MHPA.

### **Nesting Birds**

The site has vegetation that has potential to support birds and their nests.

### **Potential Jurisdictional Features**

No potential Waters of the U.S., Waters of the State, and/or City Wetlands are present on site.

## **PROJECT IMPACTS**

### **Vegetation Community/Land Cover Type**

The project would permanently impact the entire 0.54-acre site (Table 2; Figure 3).

<b>Table 2 IMPACTS TO VEGETATION COMMUNITIES/ LAND COVER TYPES</b>	
<b>Vegetation Community/ Land Cover Type</b>	<b>Acreage Impacted</b>
Diegan coastal sage scrub-disturbed (Tier II)	0.02
Ornamental (Tier IV)	0.11
Disturbed land (Tier IV)	0.16
Developed (no tier)	0.25
<b>TOTAL</b>	<b>0.54</b>

Total impacts to Tiers I through IIIB habitats that are less than 0.1 acre are not considered significant and do not require mitigation (City 2018). Therefore, the impact to 0.02 acre of disturbed Diegan coastal sage scrub (Tier II) would not be significant and does not require mitigation.

Impacts to Tier IV ornamental and disturbed land as well as developed with no tier would be less than significant because these vegetation communities and land cover type are not sensitive. No mitigation would be required.

**Sensitive Plant Species**

There would be no impacts to sensitive plant species.

**Sensitive Animal Species**

There would be no significant impacts to sensitive animal species.

**Nesting Birds**

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

**Potential Jurisdictional Features**

Given the lack of potential Waters of the U.S., Waters of the State, and/or City Wetlands on site, no impacts would occur, and no agency permits or mitigation would be required.

## **Cumulative Impacts**

The project site is small (0.54 acre in size), would not significantly impact sensitive biological resources, and lacks connectivity to the MHPA. Therefore, the project would not contribute to significant, cumulative, biological resource impacts.

## **CONCLUSION**

The project would not significantly impact sensitive vegetation (i.e., Tier II Diegan coastal sage - disturbed) and would not impact sensitive plant species, sensitive animal species, or potential jurisdiction features; therefore, no mitigation would be required.

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

Finally, given the small size of the site, the lack of significant impacts to sensitive biological resources, and lack of connectivity to the MHPA, the project would not contribute to significant, cumulative, biological resource impacts.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Mason", is written over a light gray rectangular background.

Greg Mason  
Senior Biologist

### Enclosures:

Figure 1 – Regional Location

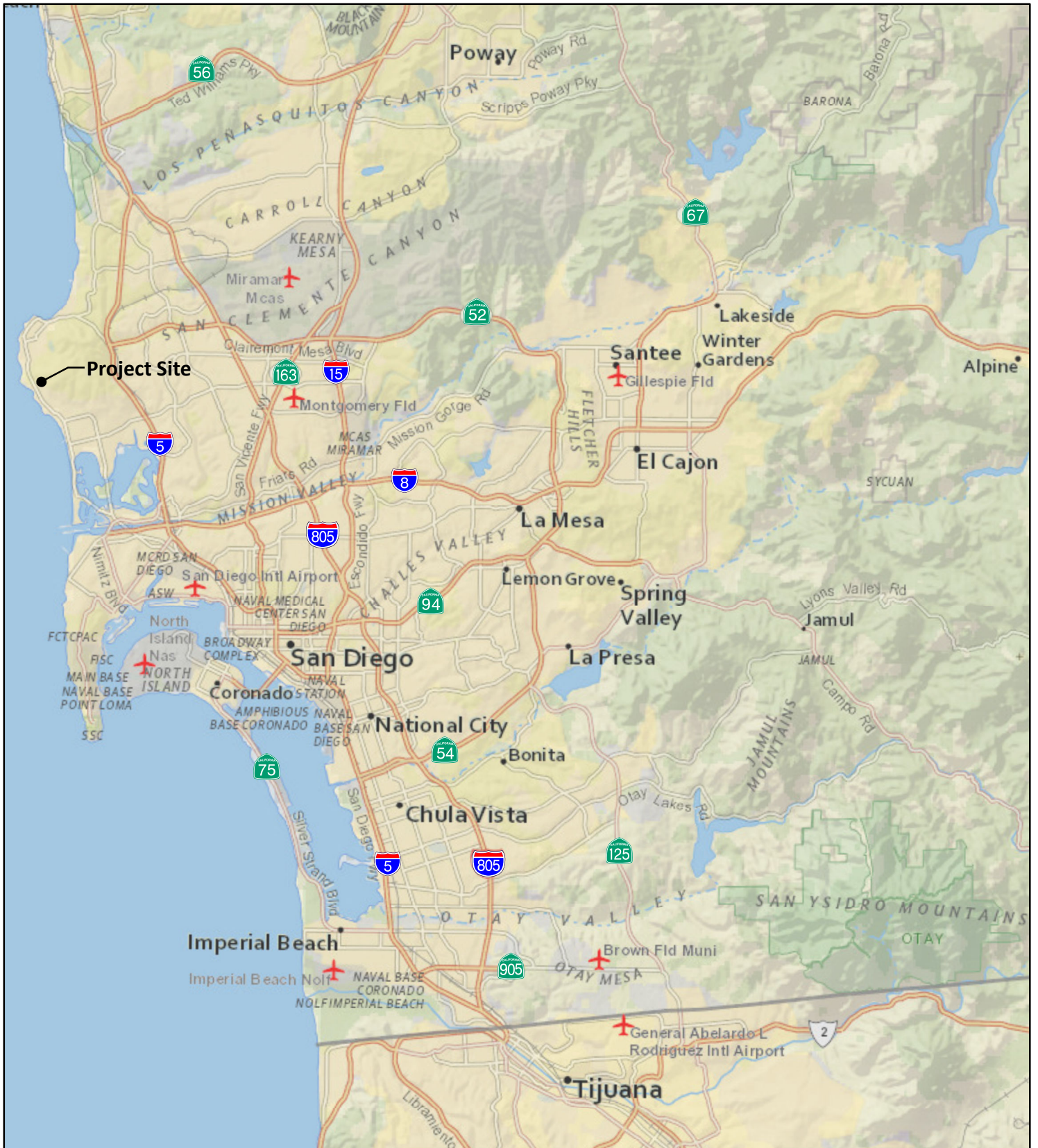
Figure 2 – Project Location

Figure 3 – Biological Resources

Attachment A – Plant Species Observed

Attachment B – Animal Species Observed or Detected

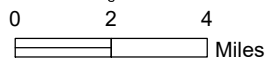




**Figure 1**



**Regional Location**

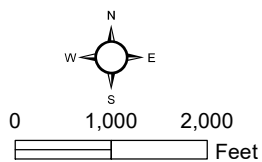
6051 FOLSOM DR.  
LA JOLLA, CA 92037







-  Project Boundary
-  MHPA



 **ALDEN**  
ENVIRONMENTAL, INC






**Figure 2**

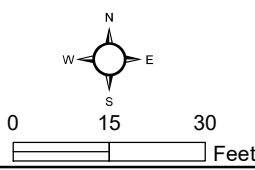
**Project Location**

6051 FOLSOM DR.  
LA JOLLA, CA 92037





-  Project Boundary
- Vegetation**
-  Diegan Coastal Sage Scrub - Disturbed
-  Ornamental
-  Disturbed Land
-  Developed



**Figure 3**

**Biological Resources**

6051 FOLSOM DR.  
LA JOLLA, CA 92037



**Attachment A**  
**PLANT SPECIES OBSERVED**  
**– 6051 FOLSOM DRIVE LA JOLLA, CA 92037**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>HABITAT<sup>1</sup></u>
<b><u>Monocotyledoneae</u></b>		
Aracaceae – Palm Family		
<i>Syagrus romanzoffiana</i> <sup>2</sup>	queen palm	DEV, ORN
Poaceae – Grass Family		
<i>Avena fatua</i> <sup>2</sup>	wild oat	DL, DCSS
<i>Cynodon dactylon</i> <sup>2</sup>	Bermuda grass	DL
<i>Bromus madritensis</i> ssp. <i>rubens</i> <sup>2</sup>	foxtail chess	DL, DCSS
<i>Pennisetum setaceum</i> <sup>2</sup>	fountain grass	DL, ORN
Strelitziaceae – Bird of Paradise Family		
<i>Strelitzia reginae</i> <sup>2</sup>	bird of paradise	DEV, ORN
<b><u>Dicotyledoneae</u></b>		
Asparagaceae – Asparagus Family		
<i>Agave</i> <sup>2</sup>	agave	DEV, ORN
Aizoaceae – Carpet-Weed Family		
<i>Aptenia cordifolia</i> <sup>2</sup>	red apple ice plant	DEV, ORN
<i>Mesembryanthemum nodiflorum</i> <sup>2</sup>	iceplant	DL
Anacardiaceae – Sumac Family		
<i>Malosma laurina</i>	laurel sumac	DCSS, ORN
<i>Rhus integrifolia</i>	lemonadeberry	DCSS, ORN
Asteraceae – Sunflower Family		
<i>Artemisia californica</i>	California sagebrush	DCSS
<i>Baccharis sarothroides</i>	broom baccharis	DCSS
<i>Centaurea melitensis</i> <sup>2</sup>	star thistle	DL, DCSS
<i>Encelia californica</i>	California encelia	DCSS
<i>Stephanomeria virgata</i>	virgate wreath plant	DCSS
Brassicaceae – Mustard Family		
<i>Brassica nigra</i> <sup>2</sup>	black mustard	DL

**Attachment A (cont.)  
PLANT SPECIES OBSERVED  
– 6051 FOLSOM DRIVE LA JOLLA, CA 92037**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>HABITAT</u> <sup>1</sup>
<b><u>Dicotyledoneae</u> (cont.)</b>		
Chenopodiaceae – Goosefoot Family		
<i>Atriplex semibaccata</i> <sup>2</sup>	Australian saltbush	DL
<i>Salsola australis</i> <sup>2</sup>	Russian thistle	DL
Crassulaceae – Stonecrop Family		
<i>Crassula ovata</i> <sup>2</sup>	jade plant	DEV, ORN
Cucurbitaceae – Gourd Family		
<i>Marah macrocarpa</i>	wild cucumber	DCSS
Fabaceae – Pea Family		
<i>Acmispon glaber</i>	deerweed	DCSS
<i>Melilotus indicus</i> <sup>2</sup>	Indian sweet clover	DL
Geraniaceae – Geranium Family		
<i>Erodium</i> sp. <sup>2</sup>	filaree	DL
Grossulariaceae – Gooseberry Family		
<i>Ribes speciosum</i>	fuschia-flowered gooseberry	DCSS
Lamiaceae – Mint Family		
<i>Salvia mellifera</i>	black sage	DCSS
Mimosaceae – Acacia Family		
<i>Acacia redolens</i> <sup>2</sup>	prostrate acacia	DEV, ORN
Oxalidaceae – Wood Sorrel Family		
<i>Oxalis californica</i>	California wood sorrel	DL
Polygonaceae – Buckwheat Family		
<i>Eriogonum fasciculatum</i>	California buckwheat	DCSS

<sup>1</sup>Habitat acronyms:

DCSS=Diegan Coastal Sage Scrub (disturbed)

DL=Disturbed Land

DEV = Developed

ORN=Ornamental

<sup>2</sup>Non-native Species



**Attachment B**  
**ANIMAL SPECIES OBSERVED OR DETECTED**  
**- 6051 FOLSOM DRIVE LA JOLLA, CA 92037**

**SCIENTIFIC NAME**

**COMMON NAME**

**INVERTEBRATES**

**Butterflies**

*Colias harfordii*

Harford's sulphur

**Insects**

*Apis mellifera*

European honey bee

**VERTEBRATES**

**Birds**

*Buteo jamaicensis*

red-tailed hawk

*Callipepla californica*

California quail

*Calypte anna*

Anna's hummingbird

*Melospiza melodia*

song sparrow

*Mimus polyglottos*

northern mockingbird

*Euphagus cyanocephalus*

Brewer's blackbird

**Reptiles**

*Sceloporus occidentalis*

western fence lizard