

April 19, 2021

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

Subject: Clairemont Drive Project

Dear Ms. Ruggles:

This letter report describes the biological resources on the 3.28-acre in-fill project site and is intended to provide the City of San Diego (City) with information necessary to assess impacts to biological resources under the California Environmental Quality Act (CEQA).

PROJECT LOCATION

The Clairemont Drive project encompasses approximately 3.28 acres and is located at 3450 Clairemont Drive in the Clairemont community of the City (Figures 1 and 2).

PROJECT DESCRIPTION

The Clairemont Drive project proposes redevelopment of the existing site as a townhome project. The project involves the demolition of 15,172 square feet of buildings, surface parking, and related facilities and would redevelop the project site with 40 multi-family residential units across eight buildings with associated storm drain facilities and brush management. Parking would be provided as tuck-under garages with surface guest parking. Landscaped areas include the perimeter of the project site as well as walkways. In addition, the project would add street trees to the parkway along Clairemont Drive. Access to the townhome development would be via one driveway off Clairemont Drive.

METHODS

Alden Environmental, Inc. (Alden) surveyed the project site on February 2, 2020. 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 (Attachment C).

Literature Review

Prior to conducting field investigations, Alden queried the California Natural Diversity Database and U.S. Fish and Wildlife Service Species Database for sensitive species reported to occur on or in the vicinity of the site. Alden also reviewed current (Google imagery) and historic aerial imagery (Historic Aerials by Nationwide Environmental Title Research, LLC) of the site and its surroundings.

RESULTS

Environmental Setting

The project site is currently developed with the Holy Cross Lutheran Church and Banyan Tree Educational Services, which consist of two buildings, paved parking areas, and other associated improvements such as a playground, basketball court, and landscaping. The project site is bounded on the east by Clairemont Drive, on the north by an existing church facility, on the south by an asphalt paved parking area and open canyon space, and on the west by open canyon space. Surrounding land uses include St. Mark's United Methodist Church to the north, single-family residences to the west and south past the canyon space, and Whittier Special Education Center to the east across Clairemont Drive (Figure 2).

Based on historic aerial imagery from Nationwide Environmental Title Research, LLC, it appears that the site was under construction as far back as 1953 (the earliest imagery available), and that by 1964, the church, a parking lot, and landscaping were present.

According to the U.S. Department of Agriculture, Natural Resource Conservation Service Soil Survey, soils on site are Chesterton-Urban land complex (2 to 9 percent slopes) and Gaviota fine sandy loam (30 to 50 percent slopes). Elevation on site is approximately 235 feet above mean sea level in the canyon to the south and 300 feet above mean sea level at Clairemont Drive.

This 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) and the Coastal Overlay Zone. It is also not adjacent to the MHPA.

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 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 in the project impact footprint.

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 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 in the project impact footprint. 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. in the project impact footprint, 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, including placement of a covenant of easement over non-impacted ESL areas of the site.

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

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

Table 1 VEGETATION COMMUNITIES/LAND COVER TYPES ON SITE	
Vegetation Communities/Land Cover¹	Total Acreage On Site
Wetlands	
Willow riparian forest-disturbed	0.07
Disturbed wetland	0.10
Uplands	
Diegan coastal sage scrub (Tier II)	0.70
Eucalyptus woodland (Tier IV)	0.11
Ornamental (Tier IV)	0.11
Disturbed land (Tier IV)	0.39
Non-native vegetation (no tier)	0.03
Developed (no tier)	1.77
TOTAL	3.28

¹Upland 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. Wetland communities and developed land are not assigned a tier.

Willow Riparian Forest-Disturbed

Willow riparian forest is an open to dense riparian community that is dominated by arroyo willow (*Salix lasiolepis*). Arroyo willow requires moist, bare mineral soil for germination and establishment. This community occurs along stream courses where there is an abundant supply of water at or near the surface for most of the year. Willow riparian forest-disturbed is likely considered City Wetland and may be Waters of the U.S. and Waters of the State and is, therefore, sensitive.

Disturbed Wetland

This vegetation community is dominated by exotic wetland species that invade areas that have been previously disturbed or undergone periodic disturbances. Characteristic species in this community on site include giant reed (*Arundo donax*), tree tobacco (*Nicotiana glauca*), and salt cedar (*Tamarix* sp.). Disturbed wetland is likely considered City Wetland and may be Waters of the U.S. and Waters of the State and is, therefore, sensitive.

Diegan Coastal Sage Scrub

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. Typical species found within Diegan coastal sage scrub on site include California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), laurel sumac (*Malosma laurina*), and coyote brush (*Baccharis pilularis*). Diegan coastal sage scrub is considered Tier II (uncommon uplands) by the City and is sensitive.

Eucalyptus Woodland

Eucalyptus woodland is dominated by eucalyptus (*Eucalyptus* sp.), an introduced genus that was often been planted purposely for wind blocking, ornamental, and hardwood production purposes. The understory within well-established groves is usually very sparse due to the closed canopy and allelopathic nature of the abundant leaf and bark litter. Eucalyptus woodland is considered Tier IV (other uplands) by the City and not 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 Brazilian pepper tree (*Schinus terebinthifolius*), oleander (*Nerium oleander*), Canary Island pine (*Pinus canariensis*), and myporum (*Myoporum laetum*). 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 that may be due to past disturbance back to the site's original development in the 1950s. Some of the non-native species of disturbed land on site include crown daisy (*Glebionis coronaria*), fennel (*Foeniculum vulgare*), cheeseweed (*Malva parviflora*), and black mustard (*Brassica nigra*). Disturbed land is considered Tier IV (other uplands) by the City and not sensitive.

Non-Native Vegetation

Non-native vegetation consists of trees and shrubs that have become naturalized. On-site non-native vegetation consists of a Mexican fan palm (*Washingtonia robusta*)-dominated area in the canyon. Non-native vegetation is not assigned to a tier by the City and is 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 consists of the existing church/private school facilities and parking lots. 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. No sensitive plant species were found on site. The CNDDDB and USFWS database queries did not return any reports of sensitive plant species on site or in the vicinity, and none is considered to have potential to occur due to the site's level of existing development, disturbance, and small size.

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 database queries returned reports of three sensitive animal species in the vicinity, but none is considered to have potential to occur within the project impact footprint due to the existing development. They do have low to moderate potential to occur outside the impact footprint due to the presence of potential habitat in the canyon. These species include orange-throated whiptail (*Aspidoscelis hyperythra beldingi*; State watch list, MSCP Covered Species), pocketed free-tailed bat (*Nyctinomops femorosaccus*; State species of special concern), and big free-tailed bat (*Nyctinomops macrotis*; State species of special concern).

Nesting Birds

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

Potential Jurisdictional Features

Waters of the U.S., Waters of the State, and/or City Wetlands may occur on site where willow riparian forest-disturbed and disturbed wetland are present.

PROJECT IMPACTS

Vegetation Community/Land Cover Type

The project would involve permanent, on-site impacts to approximately 2.34 acres from grading and construction of the townhome complex, storm drains, and retaining walls and would also involve temporary, off-site impacts to 0.10 acre from grading to construct a retaining wall on site (Table 2; Figure 3).

Additionally, the project would have impacts from brush management. Brush Management Zone 1 would occur within the 2.34 acres that would already be impacted from grading and construction; therefore, it is not addressed separately. Brush Management Zone 2 would occur both inside the area of grading and construction like Zone 1 but would also extend outside that area of impact and would affect 0.13 acre of Diegan coastal sage scrub and 0.06 acre of disturbed land. Brush Management Zone 2, however, is "impact neutral," which means it not considered impacted (Table 2; Figure 3)

Table 2 IMPACTS TO VEGETATION COMMUNITIES/LAND COVER TYPES				
Vegetation Community/ Land Cover Type	Acreage On Site	Acreage Impacted On Site¹	Acreage Remainder On Site	Acreage Impacted Off Site
Wetlands				
Willow riparian forest-disturbed	0.07	0.00	0.07	0.00
Disturbed wetland	0.10	0.00	0.10	0.00
Uplands				
Diegan coastal sage scrub (Tier II)	0.70	0.09	0.61 ²	0.00
Eucalyptus woodland (Tier IV)	0.11	0.08	0.03	<0.01
Ornamental (Tier IV)	0.11	0.11	0.00	0.00
Disturbed land (Tier IV)	0.39	0.28	0.11 ²	<0.01
Non-native vegetation (no tier)	0.03	0.01	0.02	0.00
Developed (no tier)	1.77	1.77	0.00	0.10
TOTAL	3.28	2.34¹	0.94	0.10

¹Includes impacts from Brush Management Zone 1.

²Brush Management Zone 2 would affect 0.13 acre of Diegan coastal sage scrub and 0.06 acre of disturbed land; however, Zone 2 is “impact neutral,” which means it is not considered impacted and would remain on site.

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 0.09 acre of Tier II Diegan coastal sage scrub is not significant and does not require mitigation.

Impacts to Tier IV eucalyptus woodland, ornamental, and disturbed land as well as non-native vegetation and 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.

There would be no impacts to willow riparian forest-disturbed and disturbed wetland.

Sensitive Plant Species

There would be no impacts to sensitive plant species.

Sensitive Animal Species

There would be no 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 in the project impact footprint, no impacts would occur, and no agency permits or mitigation would be required.

Cumulative Impacts

The project site is small (3.28 acres 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 scrub) and would not impact sensitive plant species, sensitive animal species, or potential jurisdiction features, and no mitigation would be required. The project would impact Tier IV communities, non-native vegetation, and developed land; however, the impact would be less than significant because they are not sensitive. 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 blue rectangular background.

Greg Mason
Senior Biologist

Enclosures:

Figure 1 – Regional Location

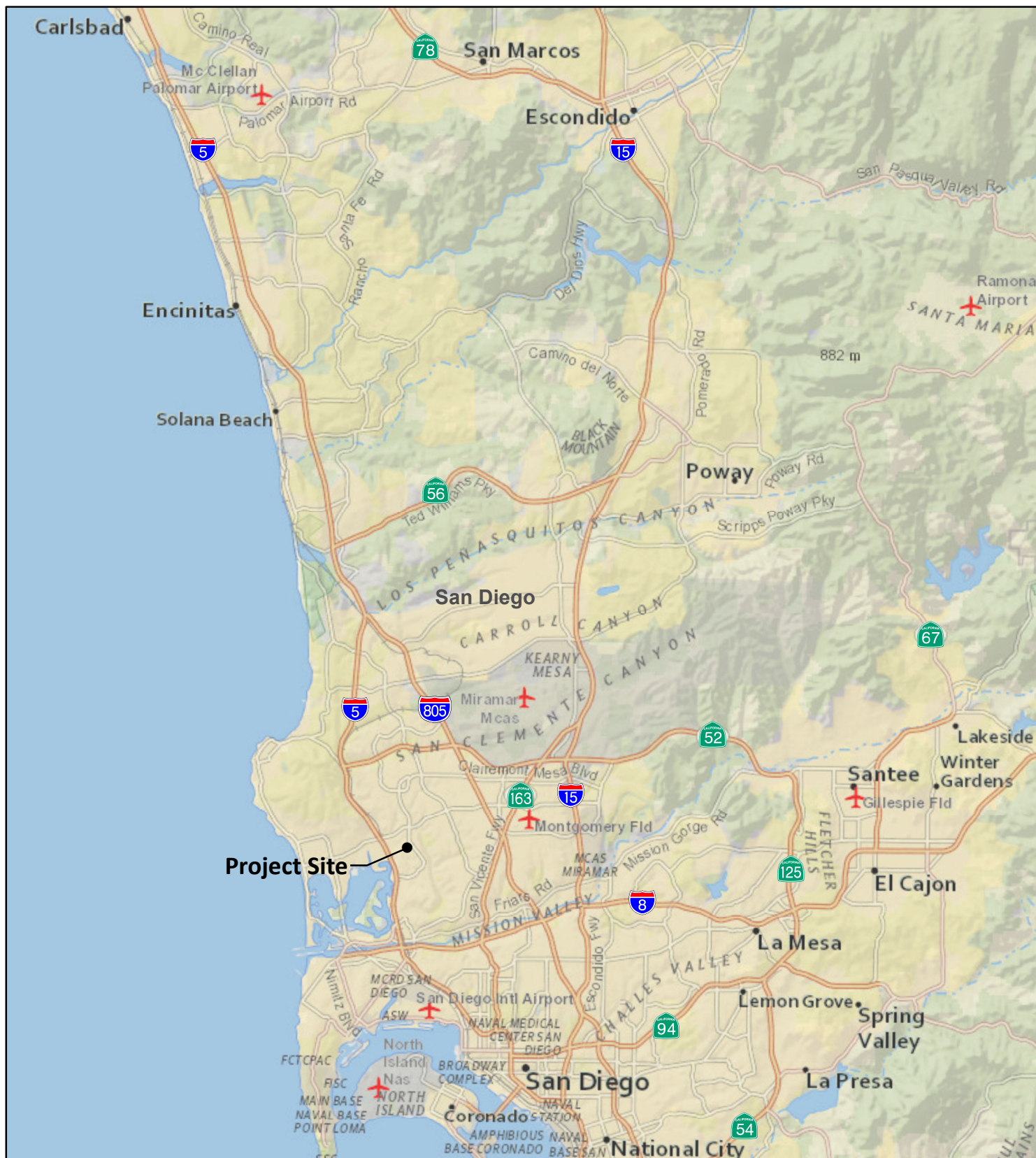
Figure 2 – Project Location

Figure 3 – Biological Resources

Attachment A – Plant Species Observed

Attachment B – Animal Species Observed or Detected

Attachment C – Representative Site Photographs



Project Site



0 2 4
Miles

ALDEN
ENVIRONMENTAL, INC.

Figure 1

Regional Location

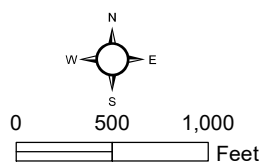
3450 CLAIREMONT DRIVE



Figure 2

Project Location

3450 CLAIREMONT DRIVE



 **ALDEN**
ENVIRONMENTAL, INC

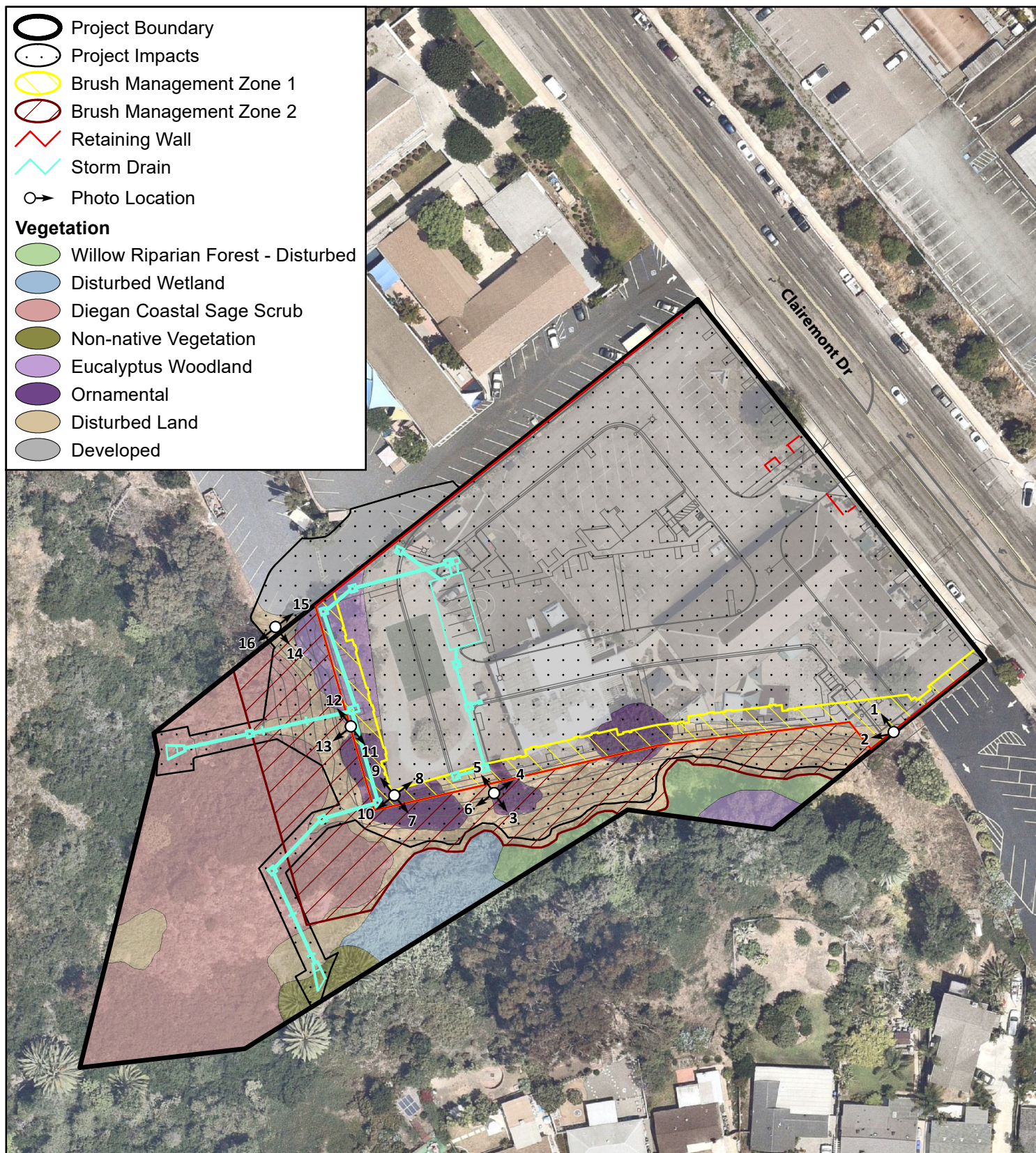
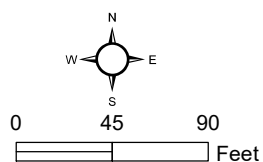


Figure 3

Biological Resources

3450 CLAIREMONT DRIVE



ALDEN
ENVIRONMENTAL, INC.

Attachment A
PLANT SPECIES OBSERVED
Clairemont Drive Project

SCIENTIFIC NAME ¹	COMMON NAME	Where Observed ²
Aizoaceae	Fig-Marigold Family	
<i>Carpobrotus edulis</i> ¹	hottentot fig	DL
<i>Mesembryanthemum crystallinum</i> ¹	crystalline iceplant	DL
Anacardiaceae	Sumac Family	
<i>Malosma laurina</i>	laurel sumac	CSS
<i>Rhus integrifolia</i>	lemonade berry	CSS
<i>Schinus terebinthifolius</i> ¹	Brazilian pepper tree	ORN
Apiaceae	Carrot Family	
<i>Foeniculum vulgare</i> ¹	fennel	DL
Apocynaceae	Dogbane Family	
<i>Nerium oleander</i> ¹	oleander	ORN
Arecaceae	Palm Family	
<i>Washingtonia robusta</i> ¹	Mexican fan palm	NNV, DW
Asteraceae	Sunflower Family	
<i>Artemisia californica</i>	coastal sagebrush	CSS
<i>Baccharis pilularis</i>	coyote brush	CSS, DL
<i>Baccharis salicifolia</i>	mule fat	WRF
<i>Glebionis coronaria</i> ¹	crown daisy	DL, CSS
<i>Encelia californica</i>	bush sunflower	CSS
<i>Helminthotheca echioides</i> ¹	bristly ox-tongue	DL
<i>Lactuca serriola</i> ¹	prickly lettuce	DL
<i>Sonchus asper</i> ¹	prickly sow-thistle	DL
Brassicaceae	Mustard Family	
<i>Brassica nigra</i> ¹	black mustard	CSS, DL
Cactaceae	Cactus Family	
<i>Opuntia littoralis</i>	coastal prickly pear	CSS
Euphorbiaceae	Spurge Family	
<i>Ricinus communis</i> ¹	castor-bean	DL, WRF
Fabaceae	Pea Family	
<i>Medicago polymorpha</i> ¹	burclover	DL

SCIENTIFIC NAME ¹	COMMON NAME	Where Observed ²
Malvaceae	Mallow Family	
<i>Malva parviflora</i> ¹	cheeseweed	DL
Myrsinaceae	Myrsine Family	
<i>Lysimachia arvensis</i> ¹	scarlet pimpernel	DL
Myrtaceae	Myrtle Family	
<i>Eucalyptus</i> sp. ¹	eucalyptus	EW
Pinaceae	Pine Family	
<i>Pinus canariensis</i> ¹	Canary Island pine	ORN
Poaceae	Grass Family	
<i>Arundo donax</i> ¹	giant reed	DW
<i>Avena fatua</i> ¹	wild oats	DL
<i>Cortaderia selloana</i> ¹	pampas grass	WRF
<i>Cynodon dactylon</i> ¹	Bermuda grass	DL
<i>Pennisetum setaceum</i> ¹	African fountain grass	DL, ORN
Polygonaceae	Buckwheat Family	
<i>Eriogonum fasciculatum</i>	California buckwheat	CSS
Salicaceae	Willow Family	
<i>Salix lasiolepis</i>	arroyo willow	WRF, DW
Scrophulariaceae	Figwort Family	
<i>Myoporum laetum</i> ¹	myoporum	ORN
Solanaceae	Nightshade Family	
<i>Nicotiana glauca</i> ¹	tree tobacco	DW, WRF
Tamaricaceae	Tamarisk Family	
<i>Tamarix</i> sp. ¹	salt cedar	DW
Urticaceae	Nettle Family	
<i>Urtica urens</i> ¹	dwarf nettle	DL

¹Non-native species

²CSS=Diegan coastal sage scrub

DL=disturbed land

EW=eucalyptus woodland

NNV=non-native vegetation

ORN=ornamental

DW=disturbed wetland

WRF=willow riparian forest-disturbed

Attachment B
ANIMAL SPECIES OBSERVED OR DETECTED
Clairemont Drive Project

SCIENTIFIC NAME	COMMON NAME
Reptiles	
Phrynosomatidae – Spiny Lizards	
<i>Sceloporus occidentalis</i>	western fence lizard
Birds	
Accipitridae – Raptors	
<i>Buteo jamaicensis</i>	red-tailed hawk
Aegithalidae - Bushtits	
<i>Psaltiriparus minimus</i>	bushtit
Columbidae – Doves and Pigeons	
<i>Zenaida macroura</i>	mourning dove
Corvidae – Corvids	
<i>Corvus brachyrhynchos</i>	American crow
Emberizidae – Sparrows, Longspurs, and Emberiza Buntings	
<i>Melospiza melodia</i>	song sparrow
Fringillidae – Finches and Allies	
<i>Haemorhous mexicanus</i>	house finch
Mimidae – Mockingbirds	
<i>Mimus polyglottos</i>	northern mockingbird
Trochilidae -Hummingbirds	
<i>Calypte anna</i>	Anna's hummingbird
Mammals	
Leporidae – Rabbits and Hares	
<i>Sylvilagus audubonii</i>	desert cottontail (scat)
Canidae – Foxes, Wolves, and Relatives	
<i>Canis latrans</i>	coyote (scat)

Representative Photographs



Photo Point 1. 02/02/20



Photo Point 2. 02/02/20



Photo Point 3. 02/02/20



Photo Point 4. 02/02/20



Photo Point 5. 02/02/20



Photo Point 6. 02/02/20



Photo Point 7. 02/02/20



Photo Point 8. 02/02/20



Photo Point 9. 02/02/20



Photo Point 10. 02/02/20



Photo Point 11. 02/02/20



Photo Point 12. 02/02/20



Photo Point 13. 02/02/20



Photo Point 14. 02/02/20



Photo Point 15. 02/02/20



Photo Point 16. 02/02/20