

APPENDIX B

Biological Resources Constraints Letter Report



September 23, 2015

Ninia Hammond
Integral Communities
2235 Encinitas Blvd, Suite 216
Encinitas, CA 92024

Re: Biological Resources Constraints Letter Report for APN# 232-100-16

Dear Ms. Hammond,

The purpose of this letter is to provide you with a summary of the biological constraints on an approximately 2.6-acre parcel located on Grand Avenue in Escondido, California. Klutz Biological Consulting (KBC) biologist (A. Borchert) completed a general biological survey of the site on September 10, 2015. Mr. Borchert also conducted an office review of potential biological constraints and a cursory review of land use constraints for future development of the parcel. The results of the survey and constraints review are discussed below.

PARCEL LOCATION AND ENVIRONMENTAL SETTING

Parcel (APN 232-100-16) is approximately 2.6 acres and located in the western portion of downtown Escondido, in northern San Diego County (Figure 1). The parcel is located between West Valley Parkway and Grand Avenue west of South Quince Street in area designated as the Gateway Transit District in Escondido's Downtown Specific Plan. The parcel is surrounded by development including the Escondido Transit Center to the north, commercial developments to the east and south, and light rail tracks to the west. The parcel is developed consisting of asphalt parking lots, multi-level building (currently the War Fighter Academy), and ornamental/landscaped vegetation (Figure 2). Several mature non-native trees occur surrounding the existing building, and at the northern edge of the parking lot. The entire parcel is generally flat. Photographs are provided in Attachment A.

SURVEY METHODS

KBC biologist A. Borchert conducted a general survey of the parcel on September 10, 2015 between 0830 and 1045. Conditions during the survey consisted of partly cloudy skies, temperatures between 90 and 94 degrees Fahrenheit, and no wind. The survey was conducted by slowly walking the entire site, mapping non-native trees, recording plants and wildlife, and searching for any existing potentially jurisdictional water resources. The main purpose of the survey was to evaluate whether any sensitive habitats, wetland areas, or sensitive species exist or have the potential to occur on site. A search of the California Natural Diversity

Database (CNDDDB; Escondido and Valley Center quadrangle) was also conducted to identify special-status species known to occur in the general vicinity of the site.

SURVEY RESULTS

Habitats

The parcel consists entirely of developed land and ornamental/landscape vegetation. Ornamental/landscape vegetation includes Bermuda grass (*Cynodon dactylon*), several non-native shrubs including heavenly bamboo (*Nandina domestica*), Indian hawthorn (*Rhaphiolepis indica*), English ivy (*Hedera helix*), and mature non-native trees. Non-native trees including pine (*Pinus* sp.), fan palm (*Washingtonia robusta*) and liquid amber (*Liquidamber styraciflua*) occur generally around the existing building and north of the parking lot. Trees range in height from 15-50-feet tall. A complete list of all plants species detected during the field survey is provided as Attachment B.

Wildlife

Wildlife observed or detected during the survey was limited due to the lack of native vegetation communities. Species observed include side-blotched lizard (*Uta stansburiana*), mourning dove (*Zenaidura macroura*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus corax*), house finch (*Carpodacus mexicanus frontalis*), house sparrow (*Passer domesticus*), and Botta's pocket gopher (*Thomomys bottae*). All of these species are commonly found in developed areas. A complete list of wildlife observed or detected on site is provided as Attachment B.

Jurisdictional Resources

The U.S. Army Corps of Engineers (USACE), through the authority of Section 404 of the Clean Water Act (CWA), is the primary agency involved in wetland regulation. The Environmental Protection Agency (EPA) has the authority to veto any decision by the USACE on 404 permit issuance, as the EPA has the ultimate authority over enforcement of wetland regulations. Prior to the issuance of a Section 404 permit by the USACE, the Regional Water Quality Control Board (RWQCB) must issue a Section 401 water quality certification or waiver. In this way, the RWQCB regulates actions permitted by the USACE under Section 404 of the Clean Water Act (CWA). In addition, the USFWS must be consulted and may also take jurisdiction if any wetland impacts could affect federally endangered species.

The USACE has jurisdiction over "waters of the U.S.," including wetlands, as defined by Section 404 of the CWA. The term "waters of the U.S." covers many types of waters including: waters currently or historically used in interstate or foreign commerce, including all waters subject to the ebb and flow of tides; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, etc., the use, degradation, or destruction of which could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the U.S.; tributaries of waters of the U.S.; territorial seas; and wetlands adjacent to waters of the U.S.

The California Department of Fish and Game (CDFG) has jurisdiction covering lakes, rivers, and streams. Jurisdiction extends across the bed, banks, and channel of these features and includes areas beneath a riparian canopy, even if the canopy areas are well away from the stream channel.

No potentially jurisdictional features were observed within the parcel or within the 100-foot boundary of the parcel. The nearest jurisdictional drainage occurs approximately 150 feet west of the northwest corner of the parcel across the light rail tracks and off-site parking lot. Other than surface, or curbside runoff, this drainage has no connection to the subject parcel.

Special-status Species

The CNDDDB search identified three sensitive plants as having potential to occur in the general parcel vicinity including San Diego thorn-mint (*Acanthomintha ilicifolia*), southern tarplant (*Centromadia parryi* ssp. *diversifolia*), and wart-stemmed ceanothus (*Ceanothus verrucosus*). None of these plant species were detected during the field survey and none have potential to occur. The parcel lacks appropriate habitat for any of these species.

Six sensitive wildlife species were identified during the CNDDDB search and are known to occur in the general vicinity including southern Dulzura pocket mouse (*Chaetodipus californicus*), coastal cactus wren (*Campylorrhynchus brunneicapillus*), burrowing owl (*Athene cunicularia*), coastal California gnatcatcher (*Polioptila californica californica*), orange-throated whiptail (*Aspidoscelis hyperythrus*), and western spadefoot (*Spea hammondi*). None of these wildlife species were detected during the field survey and none have potential to occur. The parcel lacks appropriate habitat for any of these species. In addition to the above listed special-status species, several special-status bat species have potential to occur in the general parcel area. No bat roosts were detected during the survey, and it is unlikely the parcel provides significant roosting habitat.

POTENTIAL CONSTRAINTS TO DEVELOPMENT

Vegetation Communities, Jurisdictional Resources, Special-status Plant or Wildlife Species

The parcel does not support native vegetation communities or potential jurisdictional resources. The parcel also lacks appropriate habitat to support special-status plants or wildlife.

Nesting Birds

The mature trees on site represent potential nesting habitat for raptors and other birds. Several birds protected under the federal Migratory Bird Treaty Act (MBTA) have the potential to nest on site. Because loss of an active nest is considered a violation of the MBTA, vegetation removal, if proposed, should occur outside the migratory bird breeding and raptor breeding season (January 15 – September 15). Alternatively, pre-construction surveys for the presence of nesting raptors or other birds would likely be required to ensure that active nests are not removed.

Land Use

The parcel occurs within the Gateway Transit Downtown District specified in the Escondido Downtown Specific Plan adopted in August of 2013. Although residential development is permitted, requirements within the plan specify the number of units per acre, as well as the type of

units allowed. Any development of this parcel may require certain permitting/approval related to the Downtown Specific Plan.

The plan can be found at the following link:

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/DowntownSpecificPlan.pdf>

Mature Trees

The mature trees on site may help control site erosion and thus subject to Escondido Municipal Code, Chapter 33, Article 55, Grading and Erosion Control. Under Article 55 a tree survey must be prepared and submitted that provides location, health and condition, DBH, and botanical and common names of mature trees. The drawing must include trees proposed to be retained and those to be removed compared to the proposed site plans.

Please feel free to contact me at (760) 492-3342 if you have any questions or concerns regarding the information presented in this letter.

Sincerely,



Korey Klutz
Biologist

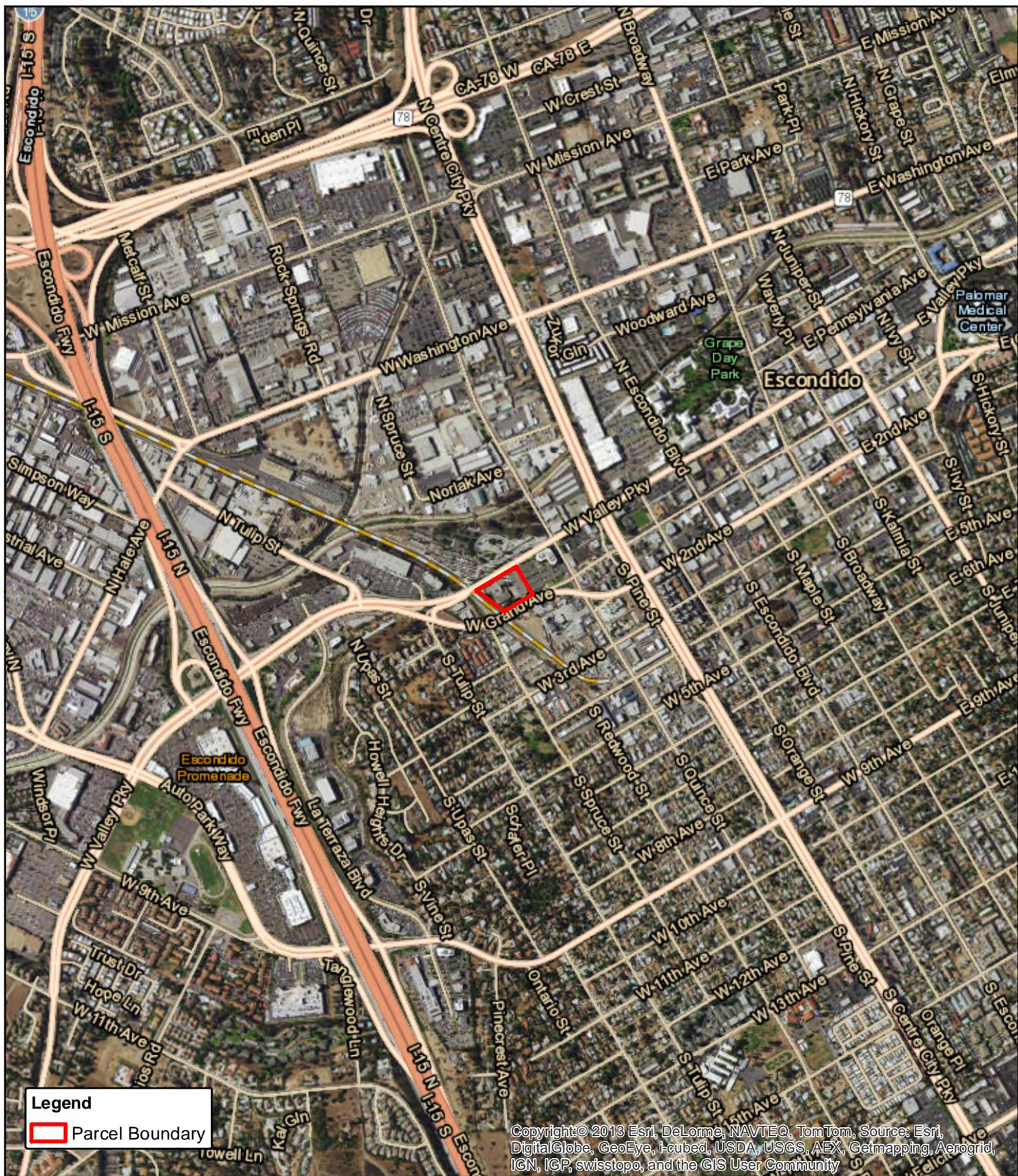
Attachments:

Figure 1 – Project Vicinity Map

Figure 2 – Land/Vegetation Community Type

A. Site Photographs

B. Wildlife and Plant Species Observed On Site

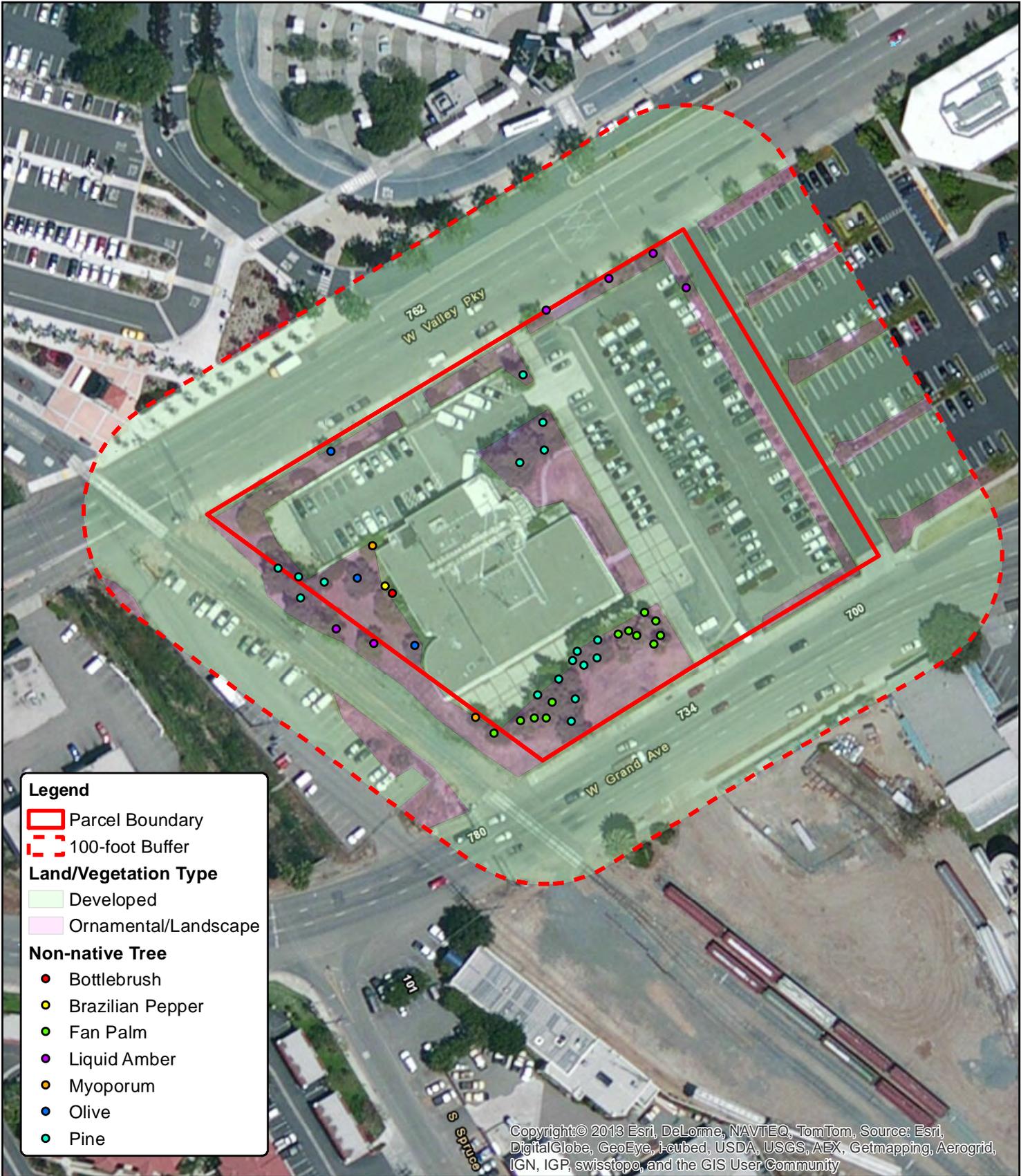


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Figure 1
Project Vicinity

APN 232-100-16	
Date Printed: 9/11/2015	Author: ABorcher
BEM GIS\GrandAve_Fig1	





Legend

- Parcel Boundary
- 100-foot Buffer

Land/Vegetation Type

- Developed
- Ornamental/Landscape

Non-native Tree

- Bottlebrush
- Brazilian Pepper
- Fan Palm
- Liquid Amber
- Myoporium
- Olive
- Pine

APN 232-100-16

Date Printed: 9/11/2015 **Author:** ABorcher

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Figure 2
Land/Vegetation Community Type

Attachment A – Parcel 232-100-16 Photographs (September, 10, 2015)



Photo 1. View from northeast corner looking south



Photo 2. View from northeast corner looking west



Photo 3. View from northwest corner looking east



Photo 4. View from northwest corner looking south



Photo 5. View from southwest corner looking north



Photo 6. View from southwest corner looking east



Photo 7. View from southeast corner looking west



Photo 8. View from southeast corner looking north



Photo 9. Showing art feature on left side of the wall (south side of existing building)

Attachment B. Plant Species Detected at Parcel 232-100-16

Scientific Name	Common Name	Special Status
Gymnosperms and Gnetophytes		
Pinaceae - Pine Family		
* <i>Pinus sp.</i>	Pine	
Dicot		
Anacardiaceae - Sumac Or Cashew Family		
* <i>Schinus terebinthifolius</i>	Brazilian Pepper Tree	
Apocynaceae - Dogbane Family		
* <i>Nerium oleander</i>	Oleander	
Araliaceae - Ivy Family		
* <i>Hedera helix</i>	English ivy	
Asteraceae - Sunflower Family		
<i>Ambrosia psilostachya</i>	Western Ragweed	
<i>Conyza canadensis</i>	Horseweed	
<i>Heterotheca grandiflora</i>	Telegraph Weed	
* <i>Lactuca serriola</i>	Prickly Lettuce	
* <i>Sonchus oleraceus</i>	Common Sow-Thistle	
Berberidaceae - Barberry Family		
* <i>Nandina domestica</i>	Heavenly Bamboo	
Brassicaceae - Mustard Family		
* <i>Hirschfeldia incana</i>	Short-Podded Mustard	
Chenopodiaceae - Goosefoot Family		
* <i>Chenopodium sp.</i>	Goosefoot	
* <i>Salsola tragus</i>	Prickly Russian-Thistle	
Fabaceae - Legume Family		
* <i>Medicago polymorpha</i>	California Burclover	
Malvaceae - Mallow Family		
* <i>Hibiscus sp.</i>	Hibiscus	
Myoporaceae - Myoporum Family		
* <i>Myoporum sp.</i>	Myoporum Tree	
Oleaceae - Olive Family		
* <i>Olea europaea</i>	Olive	
Polygonaceae - Buckwheat Family		
* <i>Polygonum sp.</i>	Knotweed	

Scientific Name	Common Name	Special Status
Rosaceae - Rose Family		
* <i>Raphiolepis indica</i>	Indian hawthorn	
Saxifragaceae - Saxifrage Family		
* <i>Liquidamber styraciflua</i>	Liquid Amber	
Monocot		
Areaceae - Palm Family		
* <i>Washingtonia robusta</i>	Mexican Fan Palm	
Poaceae - Grass Family		
* <i>Bromus diandrus</i>	Ripgut Grass	
* <i>Cynodon dactylon</i>	Bermuda Grass	
* <i>Paspalum dilatatum</i>	Dallis Grass	
* <i>Cortaderia sellona</i>	Pampas Grass	

Legend

*= Non-native or invasive species

Special Status:

Federal:

FE = Endangered

FT = Threatened

State:

SE = Endangered

ST = Threatened

SR = Rare

Attachment B. Wildlife Species Detected at Parcel 232-100-16

Scientific Name	Common Name	Special Status
VERTEBRATES		
Reptiles		
<i>Uta stansburiana</i>	Side-blotched Lizard	
Birds		
<i>Zenaida macroura</i>	Mourning Dove	
<i>Calypte anna</i>	Anna's Hummingbird	
<i>Corvus brachyrhynchos</i>	American Crow	
<i>Carpodacus mexicanus</i>	House Finch	
* <i>Passer domesticus</i>	House Sparrow	
Mammals		
<i>Thomomys bottae</i>	Botta's Pocket Gopher	

Legend

*= Non-native or invasive species

Special Status:

Federal:

FE = Endangered

FT = Threatened

State:

SE = Endangered

ST =Threatened

CSC = California Species of Special Concern

CFP = California Fully Protected Species
