Appendix C Biological Resources Assessment

Appendices

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ALDEN ENVIRONMENTAL, INC
3245 University Ave, #1188 | San Diego, CA 92104 | **Phone/Fax:** 619.284.3815

February 10, 2020

Mr. Dwayne Mears
Placeworks
3 MacArthur Place, Suite 1100
Santa Ana, California 92707

Subject: Del Mar Heights Elementary School Rebuild Project

Dear Mr. Mears:

This report describes existing biological conditions on the proposed Del Mar Heights Elementary School Rebuild Project (project) site. This report provides the Del Mar Union School District with information necessary to assess impacts to biological resources under the California Environmental Quality Act (CEQA). The District is the lead agency with the principal responsibility for carrying out and approving the project under CEQA.

PROJECT LOCATION

The approximately 11-acre project site encompasses the Del Mar Heights Elementary School property at 13555 Boquita Drive in the City of Del Mar (City), California (Figures 1 and 2). The project site consists of Assessor's Parcel Number (APN) 301-0500-700, and is in Del Mar Heights, a 760-lot subdivision located in the Torrey Pines community. The project site is surrounded by Boquita Drive to the north, Mira Montana Drive to the east, and open space canyonlands to the south and west of the project site. The subdivision of Del Mar Heights, in the City, is surrounded by the City of Del Mar to the west, and the City of San Diego to the north, east, and south, and is approximately 0.30-mile west of Interstate 5.

Canyon Crest Open Space Park is northwest of the property; Torrey Pines State Reserve Extension is to the south and west. The City of San Diego's Multiple Species Program (MSCP) preserve, the Multi-Habitat Planning Area (MHPA), is located to the west and south (Figures 2 and 3).

PROJECT DESCRIPTION

The District plans to fully redevelop the Del Mar Heights Elementary School as shown on Figure 3. The capacity will remain the same, buildings will be limited to one story, and access to the school will remain via Boquita Drive. The District is proposing to increase on-site parking and the passenger loading and vehicle queuing zone, to ensure impacts to the neighborhood north of the project site are reduced.

The existing kindergarten area, at the northwest corner of the site, would be converted to a shared use passive park. The multi-use field would be reconfigured and would remain in the western portion of the site. As the proposed improvements would require additional learning spaces, due to educational specifications, the Little League fields cannot be accommodated.

The school facilities have been designed/located such that noise from their use will not be louder than the current (active school) ambient noise levels within the adjacent MHPA/preserve area. In order to comply with federal and state nesting bird requirements, the project also will avoid construction during the general bird nesting season (February 1st through August 15th), to the extent practicable. If removal of potential nesting habitat must occur during the breeding season, however, a qualified biologist will conduct a pre-construction nesting bird survey to determine if there are any active bird nests within or adjacent to the proposed area of disturbance, including with the adjacent MHPA/preserve area. The pre-construction survey will be conducted within 10 calendar days prior to the start of construction. If active nests are identified then the biologist will identify am appropriate avoidance buffer and no activities will occur within this buffer until the biologist has determined that either the fledglings have left the nest or the nest has failed. The results of the pre-construction survey will be submitted to the District for review and approval prior to initiating any construction activities.

No lighting is proposed for the field in the western portion of the site, which is adjacent to the MHPA (Figure 3). The school is intended to primarily be a dawn to dusk facility and, as such, does not include significant night time lighting. The school and parking areas would have motion-detected lighting for security and safety purposes. Lighting along the eastern portion of the site are 20 feet and are no higher than the slope. Lighting along the boundary between the school and the adjacent MHPA/preserve area, if any, would be minimal, directed inward toward the school, and shielded from the preserve.

Any landscaping used for the project would not include any invasive species rated "moderate" or "high" in the Cal-IPC Inventory (https://www.cal-ipc.org/plants/inventory/) to avoid their potential spread into the adjacent MHPA and preserve area. Prior to construction, a qualified biologist will review project landscape plans and confirm that undesirable invasive species are not included adjacent to the MHPA/preserve area.

In addition to the above, the project would repair two existing stormwater outfall pipes that have failed and are causing erosion along the southern and western school limits. This repair would replace the stormwater outfalls and pipes in their existing locations within the school property limits. This repair would include filling in the deep erosional gullies that have formed since the existing pipes have failed, and installation of rip-rap energy dissipators at the outfall locations to minimize erosion off site. Upon completion of the repairs, the temporarily affected areas adjacent to the outfall alignments would be revegetated with native species appropriate for the surrounding area. This planting would help avoid future erosion on the slope and contribute to the biological value of the adjacent area. Stormwater drainage would be treated via three bioretention basins before exiting the outfalls; therefore, untreated stormwater would not drain into the MHPA (Figure 3).

Construction is estimated to take approximately 14 months during which time students would be temporarily relocated to other schools in the District. Construction activities would include building and asphalt demolition and excavation, site preparation and rough grading, utility trenching, fine grading, building construction, architectural coating, asphalt paving, finishing, and landscaping. All proposed improvements and areas of disturbances (except those for outfall repairs) would occur within the current fence line of the project site, which would be maintained to ensure that construction activity does not extend outside this boundary. The fencing would also prevent intrusion into the adjacent MHPA. Temporary staking and/or orange construction fencing would be installed around the limits of construction for the outfall repairs. Staging areas would be located within the current fence line of the

project site. A Storm Water Pollution Prevention Plan (SWPPP) would be prepared for the project to address erosion and sediment during the construction phase.

METHODS

Vegetation Mapping

Prior to visiting the site, available maps, air photos, and existing conditions material for the site were reviewed. A California Native Diversity Database (CNDDB) search also was conducted to identify previously mapped resources on the site and in the vicinity. Biologist Darin Busby then conducted a site visit on August 15, 2019 to identify and map existing biological resources within the parcel. A second follow up visit was conducted by Biologist Greg Mason on January 31, 2020 to confirm the locations of the stormwater outfalls and map the extent of the proposed repair efforts.

The site was walked and plant and animal species were recorded (Attachments A & B). Plant species names followed the Jepson Manual (Baldwin 2012). Vegetation communities were mapped according to Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986) as updated (Oberbauer 2008). Representative photographs also were taken and are included in Attachment C.

Jurisdictional Delineation

Although a formal delineation was not conducted, the site was assessed for features that could be considered jurisdictional by the U.S. Army Corps of Engineers (Corps), California Department of Fish & Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and the California Coastal Commission.

Sensitive Plant Species

A focused sensitive plant survey was not conducted; however, sensitive plants were searched for opportunistically during the vegetation mapping visits.

Sensitive Animal Species

No focused sensitive animal species were conducted; however, sensitive animal species were searched for opportunistically during the vegetation mapping visits.

Nesting Birds

Trees and shrubs with the potential to support nesting bird species (including raptors) within and adjacent to the project site were inspected to identify active or inactive bird nests that may occur.

RESULTS

Environmental Setting

The project is located on a developed school site within a developed portion of the City, with residential development located to the north and east. The MHPA and the Torrey Pines State Reserve Extension area are located to the west and south. Elevations on site range from approximately 350 (bottom of slope) to 390 feet above mean sea level. Soils on site consist of Carlsbad gravelly loam (five to nine percent slopes) and loamy alluvial land-Huerhuero complex (nine to 50 percent slopes, severely eroded).

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.

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.

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 individually 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. A Section 404 Permit would be required for the proposed project if impacts would occur to Corps jurisdictional areas.

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.

The California Fish and Game Code (Sections 1602) requires a CDFW agreement for projects affecting riparian and wetland habitats through issuance of a Streambed Alteration Agreement. A 1602 Streambed Alteration Agreement would be required for the proposed project if impacts occur to CDFW jurisdictional areas. 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. 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.

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. As a general/standard condition, the project must comply with California Fish and Game Code Sections 3503 and 3503.5.

Vegetation Communities

The parcel that encompasses the proposed project supports a single sensitive plant community, southern maritime chaparral. Non-sensitive disturbed land, ornamental, and developed land also occur within the parcel (Figure 3; Table 1).

Table 1 **Existing Vegetation Communities**	
Vegetation Community	**Acreage**
Southern Maritime Chaparral	0.8
Disturbed Land	0.6
Ornamental	1.3
Developed	8.6
Total	**11.3**

Southern Maritime Chaparral

Southern maritime chaparral is a highly sensitive upland chaparral community that occurs along the coastal regions within the fog belt on sandy soils. Plant species observed within this community on site include wart-stemmed ceanothus (*Ceanothus verrucosus*), black sage (*Salvia mellifera*), California buckwheat (*Eriogonum fasciculatum*), Nuttall's scrub oak (*Quercus dumosa*), and chamise (*Adenostoma fasciculatum*). Approximately 0.8 acre of this habitat occurs on site (Table 1; Figure 3).

Disturbed Land

Areas mapped as disturbed land were bare ground or were clearly dominated by non-native forb species including black mustard (*Brassica nigra*), garland daisy (*Glebionis coronaria*), and Hottentot's fig (*Carpobrotus edulis*). The disturbed land mapped is located along the southern and eastern fence limits of the existing school and ball fields. This area corresponds with the manufactured slopes between the school and adjacent canyons. Approximately 0.6 acre of this habitat occurs on site (Table 1; Figure 3). Disturbed land is not considered to be a sensitive biological resource and impacts would not require mitigation.

Ornamental

Ornamental vegetation occurs in association with developed areas and is characterized by species such as Mexican fan palm (*Washingtonia robusta*), acacia (*Acacia cyclops*), myoporum (*Myoporum laetum*), eucalyptus trees (*Eucalyptus* sp.), and numerous planted/introduced ornamental shrub species. Approximately 1.3 acres of ornamental area occurs on site (Table 1; Figure 3). Ornamental areas are not considered to be a sensitive biological resource and impacts would not require mitigation.

Developed

Developed area includes the existing school and associated pavement, fields, parking, and driveway. Approximately 8.6 acres of developed land occurs on site (Table 1; Figure 3). Developed land is not considered a sensitive biological resource and impacts would not require mitigation.

Sensitive Plant Species

Three sensitive plant species were observed in the project study area: Torrey pine (*Pinus torreyana*), wart-stemmed ceanothus, and Nuttall's scrub oak. All are considered sensitive by the California Native Plant Society, but none are state or federal listed as threatened or endangered. These species, with the exception of the Torrey pine, are located within the southern maritime chaparral, outside of the proposed project limits. There are scattered Torrey pines within the ornamental landscaping within the existing school limits. The Torrey pines within the school landscaped areas have been planted from nursery stock and are ornamental in nature; therefore, they are not considered to be sensitive.

One State-listed endangered species, short-leaved dudleya (*Dudleya brevifolia*), was reported to the CNDDB in 2016 in two locations in the vicinity of the project site: in Canyon Crest Open Space Park northwest of the project site and in the extension of Torrey Pines State Reserve south and west of the project site (Figure 2). Short-leaved dudleya can occur in southern maritime chaparral (and coastal scrub) where Torrey sandstone soil is present on open, flatter areas. While southern maritime chaparral is present in the project study area, the project area occurs on developed/disturbed areas and does not support suitable habitat for this species. Therefore, this species is not expected to occur on site.

Sensitive Animal Species

No sensitive animal species were observed on site. None are expected to occur on the site given its majority disturbed, developed, and landscaped condition. Additionally, the adjacent southern maritime chaparral habitat is not considered to be suitable for the federal-listed as threatened and State Species of Special Concern coastal California gnatcatcher (*Polioptila californica californica*), a species sensitive to excessive noise such as that which can occur during construction. The adjacent habitat is not considered suitable as it is dominated by chaparral. and this species occurs primarily within Diegan coastal sage scrub habitat, which does not occur on site.

Nesting Birds

The ornamental vegetation and southern maritime chaparral have potential to support nesting bird species that would fall under the protection of the MBTA and California Fish and Game Code. No active or inactive nests were detected during the site visit.

Jurisdictional Features

During the visits, the site was assessed for features that could be considered jurisdictional by the Corps, CDFW, and the RWQCB. Features searched for included wetland vegetation, drainages, bed and bank, soils, and other features indicative of the presence of jurisdictional (wetland) features. The proposed project is an existing school and does not support any natural drainage features or wetland vegetation. As such, the site does not support jurisdictional features that would require permits from the agencies if impacted.

PROJECT IMPACTS

Project Impacts

Vegetation Communities

The project would remain almost entirely within the fenced limits of the existing school, with the exception of small areas for the stormwater outfall repairs. The repairs of one of the outfalls, located along the southern project boundary, would encroach slightly into sensitive southern maritime chaparral (Figure 3; Table 2). This encroachment would be temporary and less than 0.01 acre in size; therefore, this impact is considered to be less than significant. The remaining project impacts would be limited to non-sensitive developed, disturbed, and ornamental areas.

Table 2
Impacts to Vegetation Communities

Vegetation Community	Acreage[1]
Southern Maritime Chaparral	-[2]
Disturbed Land	0.1
Ornamental	0.9
Developed	8.3
Total	**9.2**

[1]Rounded to nearest tenth.
[2]Less than 0.01 acre would be impacted.

Sensitive Plant Species

No sensitive plant species were observed within the project footprint and none are anticipated to occur. As such, the project would not result in impacts to sensitive plant species.

Sensitive Animal Species

Virtually the entire site is a developed school and has little to no potential to support sensitive animal species, therefore no impacts would occur.

Nesting Birds

The ornamental landscaping on site and the sensitive habitat located to the west and south have the potential to support nesting bird species that could be impacted should construction occur during the general avian nesting season (February 1 through August 31). The project would comply with MBTA and California Fish and Game Code bird nesting season restrictions and, therefore, would not result in impacts to nesting birds protected by the MBTA and California Fish and Game Code.

Jurisdictional Areas (Corps, CDFW, and RWQCB)

No wetland, riparian, or drainage areas were observed on site that would be considered jurisdictional by the regulatory agencies. Given the lack of jurisdictional features, no impacts would occur, and no agency permits or mitigation would be required.

Wildlife Corridors

The site is adjacent to the City of San Diego's MHPA; however, all impacts would occur outside of the MHPA within the existing school parcel boundary and disturbance area. Additionally, the project design includes measures specifically intended to avoid impacts to the adjacent preserve area. As such, no significant impacts to wildlife corridors or the adjacent preserve would occur.

MITIGATION MEASURES

The project design incorporates measures intended to avoid sensitive biological impacts. As such, the project would not result in any significant impacts to sensitive biological resources; therefore, no mitigation measures are required.

CONCLUSION

The site is developed, and the project would not significantly impact any sensitive vegetation community. In addition, no sensitive plant or animal species occur or are expected to occur within the project limits. The project would comply with applicable MBTA and California Fish and Game Code avian nesting season restrictions; therefore, there would be no nesting bird issues. Given the lack of significant impacts to biological resources, no mitigation measures would be required.

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

Sincerely,

Greg Mason
Senior Biologist

Enclosures:
Figure 1 – Regional Location
Figure 2 – Project Location
Figure 3 – Biological Resources/Impacts
Attachment A – Plant Species Observed
Attachment B – Animal Species Observed
Attachment C – Representative Photographs

Figure 1

Regional Location

DEL MAR HEIGHTS SCHOOL

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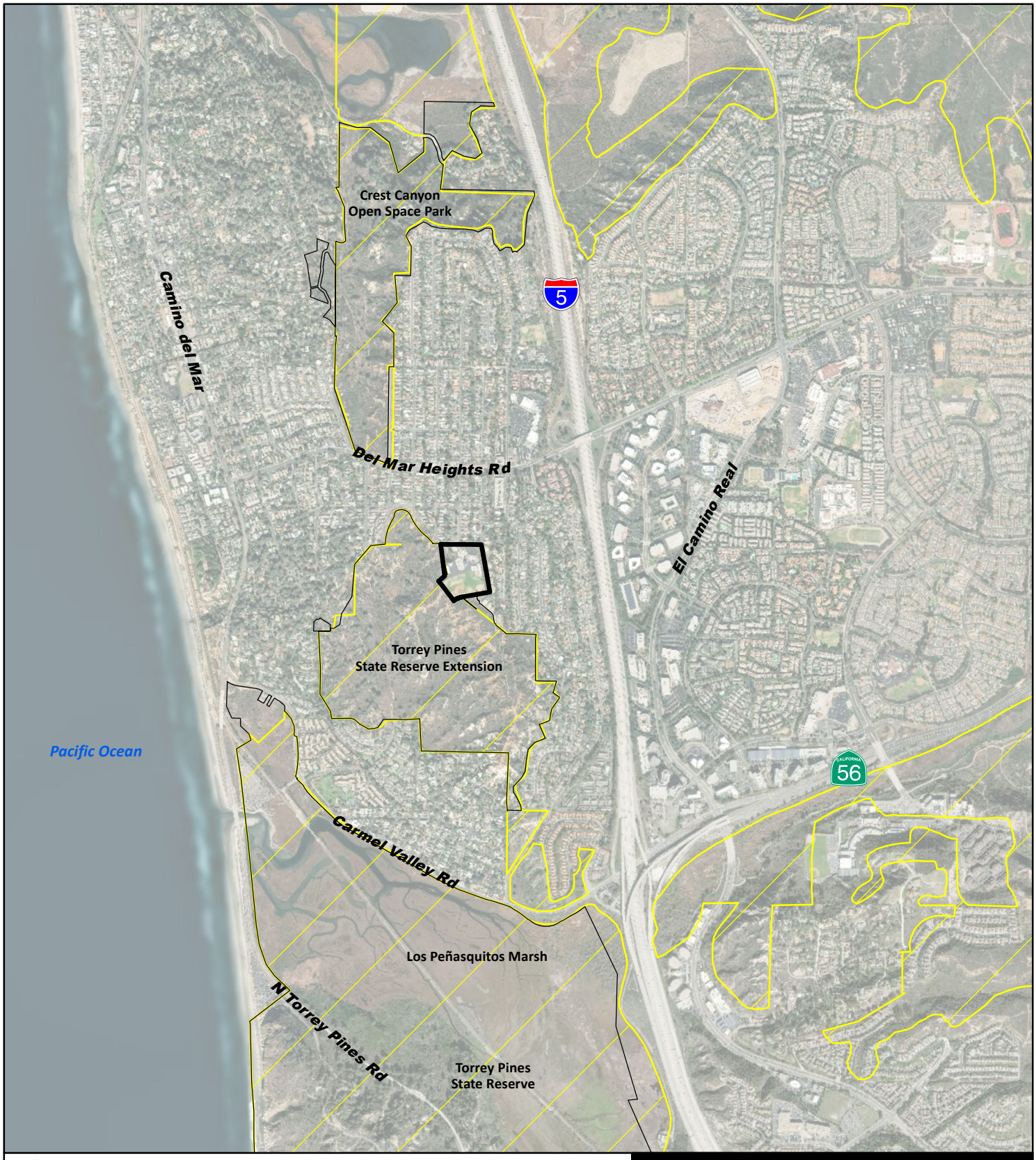

Project Boundary
City of San Diego
Multi-Habitat Planning Area (MHPA)

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0 1,000 2,000
Feet

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Figure 2

Project Location

DEL MAR HEIGHTS SCHOOL

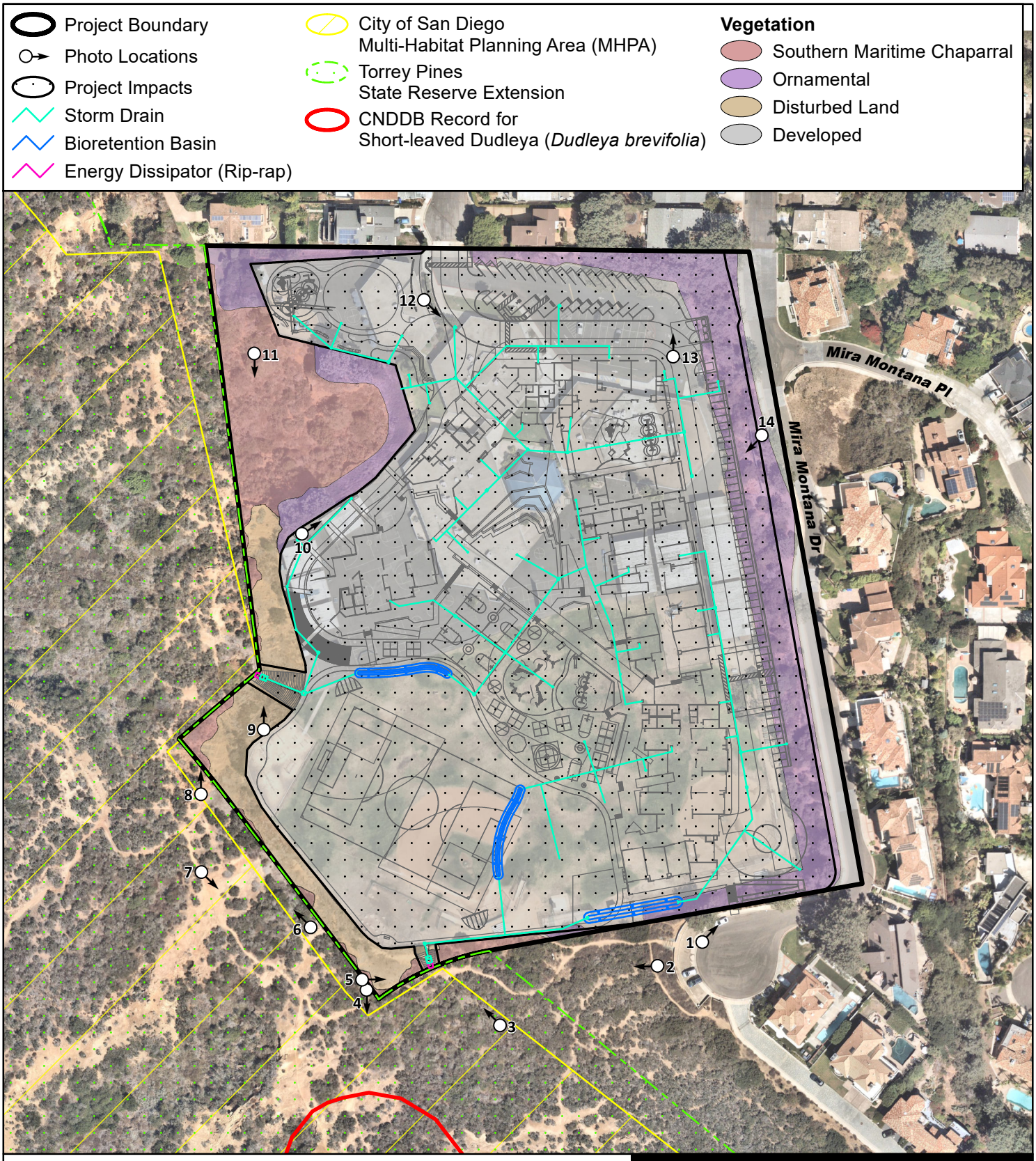

Figure 3

Biological Resources

DEL MAR HEIGHTS SCHOOL

N
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0 75 150 Feet

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Attachment A
PLANT SPECIES OBSERVED

SCIENTIFIC NAME	COMMON NAME	VEGETATION COMMUNITY[1]
Agavaceae -Agave Family		
Agave Americana	American agave	ORN, DEV
Yucca schidigera	Mohave yucca	SMC
Aizoaceae -Fig-marigold Family		
Carpobrotus edulis[2]	hottentot-fig	ORN, DSMC
Mesembryanthemum crystallinum[2]	crystalline iceplant	DSCM
Anacardiaceae – Sumac Family		
Malosma laurina	laurel sumac	SMC
Rhus integrifolia	lemonadeberry	SMC, DSMC
Schinus sp[2]	pepper tree	DEV
Aracaceae – Palm Family		
Syagrus romanzoffiana[2]	queen palm	DEV, ORN
Washingtonia robusta[2]	Mexican fan palm	ORN, DEV
Asteraceae (Compositae) – Sunflower Family		
Artemisia californica	California sagebrush	SMC, DSCM
Baccharis sarothroides	broom baccharis	SMC, DSMC
Encelia californica	California encelia	SMC
Erigeron canadensis	horseweed	DSMC
Heterotheca grandiflora	telegraph weed	DSMC
Isocoma menziesii	goldenbush	SMC, DSMC
Laennecia coulteri	Coulter's fleabane	DSMC
Pseudognaphalium californicum	California everlasting	SMC, DSMC
Stephanomeria diegensis	San Diego wreath-plant	DSCM
Boraginaceae – Borage/ Forget-Me-Not Family		
Eriodictyon crassifolium	felt-leaf yerba santa	SMC, DSMC
Cactaceae – Cactus Family		
Opuntia littoralis	coastal prickly pear	SMC
Caprifoliaceae – Honeysuckle Family		
Lonicera subspicata var. *denudate*	San Diego honeysuckle	SMC, DSMC
Ericaceae – Heath Family		
Arctostaphylos glandulosa	manzanita	SMC

Attachment A (cont.)
PLANT SPECIES OBSERVED

SCIENTIFIC NAME	COMMON NAME	VEGETATION COMMUNITY[1]
Fabaceae (Leguminosae) – Pea Family		
Acmispon glaber	deerweed	SMC, D-SMC
Acacia cyclops[2]	acacia	ORN, D-SMC
Fagaceae – Oak/Beech Family		
Quercus dumosa[3]	Nuttall's scrub oak	SMC
Lamiaceae – Mint Family		
Salvia mellifera	black sage	SMC, D-SMC
Myrtaceae – Myrtle Family		
Eucalyptus sp.[2]	Eucalyptus	ORN
Papaveraceae – Poppy Family		
Dendromecon rigida	bush poppy	SMC
Phrymaceae – Lopseed Family		
Mimulus aurantiacus	monkey-flower	SMC, D-SMC
Pinaceae – Pine Family		
Pinus sp.[2]	pine tree	DEV, ORN
Pinus torreyana[3]	Torrey pine	ORN, DEV, SMC, D-SMC
Poaceae (Gramineae) – Grass Family		
Avena fatua[2]	wild oat	ORN, D-SMC
Bromus madritensis[2]	foxtail chess	ORN, D-SCM
Polygonaceae – Buckwheat Family		
Eriogonum fasciculatum	buckwheat	SMC
Rhamnaceae – Buckthorn Family		
Ceanothus verrucosus[3]	wart-stemmed ceanothus	SMC
Rosaceae – Rose Family		
Adenostoma fasciculatum	chamise	SMC, D-SMC
Heteromeles arbutifolia	toyon	SMC, D-SCM
Scrophulariaceae – Figwort Family		
Myoporum laetum[2]	myoporum	ORN, D-SMC

Attachment A (cont.)
PLANT SPECIES OBSERVED

SCIENTIFIC NAME	COMMON NAME	VEGETATION COMMUNITY[1]
Solanaceae – Nightshade family		
Nicotiana glauca[2]	tree tobacco	SMC, D-SMC
Solanum parishii[2]	Parish's nightshade	D-SMC

[1]Vegetation community acronyms: DEV = developed, ORN = Ornamental, SMC = Southern Maritime Chaparral, D-SMC = Disturbed Southern Maritime Chaparral
[2] Sensitive species
[3] Non-native species

Attachment B
ANIMAL SPECIES OBSERVED OR DETECTED

SCIENTIFIC NAME	COMMON NAME	HABITAT[1]
Birds		
Corvidae		
Corvus brachyrhynchos	American crow	DEV
Emberizidae		
Melozone crissalis	California towhee	SMC, ORN
Pipilo maculatus	Spotted towhee	SMC
Fringillidae		
Haemorhous mexicanus	House finch	DEV
Carduelis psaltria	Lesser goldfinch	ORN
Mimidae		
Toxostoma redivivum	California Thrasher	SMC
Timaliidae		
Chamaea fasciata	Wrentit	SMC
Trochilidae		
Calypte anna	Anna's hummingbird	DEV
Turdidae		
Sialia mexicana	Western Bluebird	SMC
Reptiles		
Phrynosomatidae		
Sceloporus occidentalis	Western fence lizard	SMC

[1]Vegetation community acronyms: DEV = developed, ORN = Ornamental, SMC = Southern Maritime Chaparral

REPRESENTATIVE PHOTOGRAPHS

Photo Point 1. 08/15/19

Photo Point 2. 08/15/19

Photo Point 3. 08/15/19

Photo Point 4. 08/15/19

Photo Point 5. 08/15/19

Photo Point 6. 08/15/19

Photo Point 7. 08/15/19

Photo Point 8. 08/15/19

Photo Point 9. 08/15/19

Photo Point 10. 08/15/19

Photo Point 11. 08/15/19

Photo Point 12. 08/15/19

Photo Point 13. 08/15/19

Photo Point 14. 08/15/19