

Appendix

Appendix A Biological Resources Technical Report

Appendix

This page intentionally left blank.

Biological Resources Technical Report

Creekside Specific Plan

City of San Juan Capistrano, Orange County, California

DRAFT REPORT



Vesting Tentative Tract Map No. 19009

Prepared for:

PLACEWORKS

3 MacArthur Place, Suite 1100

Santa Ana, CA 92707

Contact: Elizabeth Kim, (714) 966-9220

Prepared by:

Cadre Environmental

701 Palomar Airport Road, Suite 300

Carlsbad, CA 92011

Contact: Ruben Ramirez, (949) 300-0212

March 2020

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
PROJECT LOCATION	1
PROJECT DESCRIPTION	1
METHODOLOGY	4
LITERATURE REVIEW	4
FIELD SURVEY	4
EXISTING ENVIRONMENTAL SETTING	6
VEGETATION COMMUNITIES	6
GENERAL PLANT & WILDLIFE SPECIES	7
JURISDICTIONAL WETLAND RESOURCES	7
SENSITIVE BIOLOGICAL RESOURCES	11
FEDERAL PROTECTION AND CLASSIFICATIONS	11
STATE PROTECTION AND CLASSIFICATIONS	12
LOCAL PROTECTION AND CLASSIFICATION	15
SENSITIVE HABITATS	16
SENSITIVE PLANTS	16
SENSITIVE WILDLIFE	19
JURISDICTIONAL WETLAND RESOURCES	25
ENVIRONMENTAL IMPACTS	26
THRESHOLD OF SIGNIFICANCE	26
DIRECT IMPACTS	27
INDIRECT IMPACTS	30
CUMMULATIVE IMPACTS	32
CONSERVATION MEASURE	32
LITERATURE CITED	33

LIST OF FIGURES

	PAGE
1 – Regional Location Map	2
2 – Project Site and Extent of Impact Area Map	3
3 – Vegetation Communities Map	8
4 – Current Project Site Photographs	9
5 – Current Project Site Photographs	10
6 – Vegetation Communities Impact Map	31

LIST OF TABLES

	PAGE
1 – Project Site and Extent of Impact Area Vegetation Community Acreages	7
2 – Sensitive Plant Species Assessment	16
3 – Sensitive Wildlife Species Assessment	20
4 – Project Site and Extent of Impact Area Vegetation Community Impacts	28

INTRODUCTION

The following biological resources technical report describes a detailed assessment of potential sensitive natural resources located within and/or immediately adjacent to the Creekside Specific Plan, Vesting Tentative Tract Map No. 19009 project site. The report has been prepared to support compliance with the California Environmental Quality Act (CEQA) documentation including the preparation of an Initial Study (IS), Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) and environmental review process conducted by the City of San Juan Capistrano, California. As discussed below, the assessment included a thorough literature review, site reconnaissance characterizing existing conditions (including floral, faunal and dominant vegetation communities), impact analysis, and development of proposed mitigation/conservation measures to reduce impacts to a level of less than significant, as warranted.

PROJECT LOCATION

The 16.9-acre proposed project would be developed on a 15.3-acre site at 30700 Rancho Viejo Road in the City of San Juan Capistrano, Orange County (APN 650-111-15) including improvements and realignment of Rancho Viejo Road within the 1.6-acre adjacent parcel (APN 650-112-07) "Project Site", as shown in Figure 1, *Regional Location Map* and Figure 2, *Project Site and Extent of Impact area Map*. The off-site sloped open space area bordering the eastern property line is owned by the Marbella Homeowners Association (HOA), and is identified as the "Extent of Impact" area. The City of San Juan Capistrano is surrounded by the cities of San Clemente, Dana Point, Laguna Niguel, and Mission Viejo, and unincorporated Orange County. The Project Site is bordered by Rancho Viejo Road to the west, Malaspina Road to the north, a shared driveway with Fluid Master to the south, and open space to the east. The Project Site is currently accessed via two driveways from Rancho Viejo Road and a driveway from Malaspina Road.

PROJECT DESCRIPTION

The project applicant proposes to demolish the existing 123,000-square-foot building formerly used for manufacturing to construct 188 residential units on 15.3 acres through implementation of the Creekside Specific Plan (proposed project or Creekside SP). The 188 units would consist of 107 detached single-family units and 81 multi-family attached units (townhomes). The proposed project would also require realignment of Rancho Viejo Road that requires disturbance of the existing right-of-way and the adjacent 1.6-acre west of Rancho Viejo Road. Creekside would be developed following the Design Guideline Chapter of the Specific Plan, providing design framework for streetscape, landscape, and buildings to convey a unified community character. Any development plan submitted under the Specific Plan would be submitted to the City of San Juan Capistrano for Architectural Review Control review and approval.



Figure 1 - Regional Location Map
 Biological Resources Technical Report
 Creekside Vesting Tentative Tract Map No. 19009

CADRE
 Environmental





APN 650-111-15 & 650-112-07

Figure 2 - Project Site and Extent of Impact Area Map

Biological Resources Technical Report

Creekside Vesting Tentative Tract Map No. 19009

CADRE
Environmental



1 inch = 200 ft.

METHODOLOGY

The following section details the methods implemented prior and during the reconnaissance survey conducted within the Project Site and Extent of Impact area.

LITERATURE REVIEW

Existing biological resource conditions within and adjacent to the Project Site and Extent of Impact area were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) were also reviewed in conjunction with anticipated federally listed species potentially occurring within the region of the Project Site and Extent of Impact area. The California Natural Diversity Database (CNDDDB) (CDFW 2019a), a California Department of Fish and Wildlife (CDFW) Natural Heritage Division species account database, was also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the reviewed sources provided an excellent baseline from which to inventory the biological resources potentially occurring in the area. Other sources of information included the review of unpublished biological resource letter reports and assessments. Other CDFW reports and publications consulted include the following:

- Special Animals (CDFW 2019b);
- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2019c);
- Endangered, Threatened, and Rare Plants of California (CDFW 2018d); and
- Special Vascular Plants and Bryophytes List (CDFW 2018e).
- Creekside Tree Reconfiguration Report, 30700 Rancho Viejo Road, San Juan Capistrano (Plant and Pest Consultant March 2020)

FIELD SURVEY

A reconnaissance survey of the Project Site and Extent of Impact area was conducted by Ruben Ramirez of Cadre Environmental (USFWS Permit 780566-14, CDFW Permit 02243) on October 25th 2019 and February 24th 2020 in order to characterize and identify potential sensitive plant and wildlife habitats, and to establish the accuracy of the data identified in the literature search. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, vegetation and rare plant maps prepared for previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within or adjacent to the Project Site and Extent of Impact area. Habitat assessments were conducted for, but not limited to, the following target species/groups.

- Arroyo toad – FE/SSC
- Coastal California gnatcatcher – FT/SSC
- Least Bell's vireo – FE/SE

- Southwestern willow flycatcher – FE/SE
- Sensitive plants
- Protected heritage trees (City of San Juan Capistrano Municipal Code, Section 9-2.349)

Vegetation Communities/Habitat Classification Mapping

Natural community names and hierarchical structure follows the “*Manual of California Vegetation*” (Sayer and Keeler-Wolf 2009) classification system, which has been refined and augmented where appropriate to better characterize the habitat types observed onsite.

Floristic Plant Inventory

A general plant survey was conducted throughout the Project Site and Extent of Impact area during the reconnaissance in a collective effort to identify all species occurring onsite.

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Hickman (1993). Scientific nomenclature and common names used in this report generally follow Roberts et al. (2004) or Baldwin et al. (2012) for updated taxonomy. Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

Wildlife Resources Inventory

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were documented. In addition to species actually detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species.

Vertebrate taxonomy followed in this report is according to the Center for North American Herpetology (2019 for amphibians and reptiles), the American Ornithologists’ Union (1988 and supplemental) for birds, and Baker et al. (2003) for mammals. Both common and scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

Jurisdictional Resources Assessment

The Project Site and Extent of Impact area was assessed for jurisdiction by the United States Army Corps of Engineers (USACE), CDFW, and Regional Water Quality Control Board (RWQCB). Non-wetland waters of the United States were assessed based on the limits of the Ordinary High-Water Mark (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in vegetation and soil characteristics. The assessment utilized the methodology for routine wetland determination according to the methods outlined in the USACE Wetland Delineation Manual (Environmental Laboratory 1987) and the Arid West Wetland Delineation Supplement and updated

regulatory guidance letters (USACE 2008). Wetlands are identified by the presence of three characteristics: hydrophytic vegetation, wetland hydrology, and hydric soils. If any of these criteria were met, one or more transects were run to determine the extent of the wetland. Specifically, the presence of wetland hydrology was evaluated throughout the Project Site and Extent of Impact area by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil pits, where applicable. In addition, indicators of wetland or riverine hydrology were recorded, including water marks, drift lines, rack, debris, and sediment deposits, as warranted. Any indicators of hydric soils, such as redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor were also recorded.

EXISTING ENVIRONMENTAL SETTING

The Project Site is developed with a vacant one-level 123,000 square feet industrial building and associated surface parking lot, driveways, and walkways. The building was previously used for manufacturing by the Endevco Corporation. The building has been vacant since 2013 and has been an ongoing source of code enforcement issues related to graffiti, poorly maintained vegetation, illegal dumping, and unauthorized entry.

The following section presents the existing conditions of the Project Site and Extent of Impact area assessment area. The Project Site and Extent of Impact area gently slopes in a northwest direction with elevations ranging from 275 ft. above mean sea level (AMSL) and 225 ft. AMSL. Substrates are characterized as Yorba gravelly sandy loam, 2 to 9 percent slopes, Sorrento loam, 0 to 2 percent slopes, Calleguas clay loam, 50 to 75 percent slopes, eroded, and Bosank clay, 30 to 50 percent slopes. (USDA 2019).

VEGETATION COMMUNITIES

The 18.1-acre Project Site and Extent of Impact area are dominated by developed, ornamental landscaping and ruderal/non-native vegetation communities as described in this report, and illustrated in Figure 3, *Vegetation Communities Map*, and Figures 4 and 5, *Current Project Site Photographs*. Natural community names and hierarchical structure follows the “*Manual of California Vegetation*” (Sayer and Keeler-Wolf 2009) classification system, which has been refined and augmented where appropriate to better characterize the habitat types observed.

Developed/Ornamental

The majority of the Project Site is developed (vacant one-level 123,000 square feet industrial building) 14.46 acres and is dominated by ornamental shrubs, trees and ruderal vegetation. Ornamental vegetation documented onsite includes but is not limited to Peruvian pepper (*Schinus molle*), lemon scented gum (*Eucalyptus citriodora*), coral tree (*Erythrina caffra*), Canary Island pine (*Pinus canariensis*), Cajeput tree (*Melaleuca quinquenervia*), coral gum (*Eucalyptus torquanta*), Lantana (*Lantana verbenae*), rosemary (*Rosmarinus officinalis*), and creeping juniper (*Juniperus horizontalis*). Non-native weeds included Russian thistle (*Salsola tragus*), horseweed (*Erigeron canadensis*), bristly ox-tongue (*Helminthotheca echioides*), Australian saltbush (*Atriplex semibaccata*), and non-native grasses.

Ruderal/Non-Native Grassland

The northeastern region of the Project Site and Extent of Impact area is characterized as a manufactured slope dominated by an understory of ruderal and non-native grass species including black mustard (*Brassica nigra*), London rockets (*Sisymbrium irio*), totalote (*Centaurea melitensis*), Russian thistle, horseweed, wild oat (*Avena fatua*), and ripgut grass (*Bromus diandrus*). Scattered mature ornamental trees represent the overstory in this 3.40-acres vegetation community and include approximate 50+ trees including lemon scented gum and Canary Island pine.

Native Shrubs

Individual native shrubs are scattered onsite and within the Extent of Impact area primarily within the eastern ruderal/non-native grassland vegetation community and include lemonadeberry (*Rhus integrifolia*), toyon (*Heteromeles arbutifolia*), laurel sumac (*Malosma laurina*), and California sagebrush (*Artemisia californica*) as shown in Figure 5, *Current Project Site Photographs*.

Table 1 – Project Site and Extent of Impact Area Vegetation Community Acreages

Vegetation Community	Onsite Acres	Extent of Impact area (Offsite)	TOTAL Acres
Developed/Ornamental	14.46	0.00	14.46
Ruderal/Non-Native Grassland	2.26	1.14	3.40
Native Shrubs	0.18	0.06	0.24
TOTAL	16.90	1.20	18.10

Source: Cadre Environmental 2020.

GENERAL PLANT & WILDLIFE SPECIES

General plant species documented within the Project Site and Extent of Impact area are presented in the previous section. General wildlife species documented onsite or within the vicinity during the site assessment include but are not limited to American kestrel (*Falco sparverius*), mourning dove (*Zenaida macroura*), rock dove (*Columba livia*), Anna's hummingbird (*Calypte anna*), yellow-rumped warbler (*Setophaga coronata*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyclottos*), and house finch (*Haemorrhous mexicanus*).

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site of Extent of Impact area. Impacts to water quality would be less than significant during both construction and operation (i.e., compliance with National Pollutant Discharge Elimination System (NPDES) permit provisions would ensure no impacts to species, and compliance with County of Orange Stormwater Program permit requirements, Low Impact Development (LID) manual, Jurisdictional Runoff Management Plan and Best Management Design Manual Guidelines, as warranted - (Order No. R9-2015-0001).



Figure 3 - Vegetation Communities Map

*Biological Resources Technical Report
Creekside Vesting Tentative Tract Map No. 19009*



1 inch = 200 ft.



PHOTOGRAPH 1 - Northward view of Project Site from southern boundary adjacent to Rancho Viejo Road. The majority of the Project Site is characterized as developed and ornamental landscaping.



PHOTOGRAPH 2 - Westward view of Project Site from eastern property boundary.

Figure 4 - Current Project Site Photographs

*Biological Resources Technical Report
Creekside Vesting Tentative Tract Map No. 19009*



PHOTOGRAPH 3 - Northeast view of ruderal/non-native vegetation with a scattered overstory of ornamental trees and sparse distribution of native shrubs in the understory.



PHOTOGRAPH 4 - Southward view of Project Site from Malaspina Road.

Figure 5 - Current Project Site Photographs

*Biological Resources Technical Report
Creekside Vesting Tentative Tract Map No. 19009*

SENSITIVE BIOLOGICAL RESOURCES

The following discussion describes the plant and wildlife species present, or potentially present within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by state and/or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal endangered species act. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the USFWS. CDFW uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources. For the purpose of this assessment sources used to determine the sensitive status of biological resources are:

Plants: USFWS (2018), CNDDDB (CDFW 2019a), CDFW (2019b), CNPS (2019), and Skinner and Pavlik (1994),

Wildlife: California Wildlife Habitat Relationships (2008), USFWS (2019), CNDDDB (CDFW 2019a), and CDFW (2019b).

Habitats: CNDDDB (CDFW 2019a).

FEDERAL PROTECTION AND CLASSIFICATIONS

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range..." Threatened species are defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined as follows in Section 3(18) of the FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of a "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as

candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.

For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

The designation of critical habitat can also have a significant impact on the development of land designated as “*critical habitat*.” The FESA prohibits federal agencies from taking any action that will “*adversely modify or destroy*” critical habitat (16 U.S.C. § 1536(a)(2)). This provision of the FESA applies to the issuance of permits by federal agencies. Before approving an action affecting critical habitat, the federal agency is required to consult with the USFWS who then issues a biological opinion evaluating whether the action will “*adversely modify*” critical habitat. Thus, the designation of critical habitat effectively gives the USFWS extensive regulatory control over the development of land designated as critical habitat.

The Bald Eagle and Golden Eagle Protection Act explicitly protects the bald eagle and golden eagle and imposes its own prohibition on any taking of these species. As defined in this act, take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb. Current USFWS policy is not to refer the incidental take of bald eagles for prosecution under the Bald Eagle and Golden Eagle Protection Act (16 U.S.C. 668-668d).

STATE PROTECTION AND CLASSIFICATIONS

California's Endangered Species Act (CESA) defines an endangered species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” The State defines a threatened species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection

and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.” Candidate species are defined as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.” Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike FESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of CESA addresses the taking of threatened or endangered species by stating “No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided...” Under CESA, “take” is defined as “...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Exceptions authorized by the state to allow “take” require “...permits or memorandums of understanding...” and can be authorized for “...endangered species, threatened species, or candidate species for scientific, educational, or management purposes.” Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Migratory birds including resident raptors and passerines are protected under the federal CDFG Code Section 3503.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. SSC (“special” animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management (BLM) and US Forest Service (USFS) sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFW's CNDDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For the purposes of this assessment, the following acronyms are used for State status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected

SP	State Protected
SR	State Rare
SSC	California Species of Special Concern
CWL	California Watch List

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and endangered by CDFW. The CNPS has developed five categories of rarity (CRPR):

CRPR 1A	Presumed extinct in California.
CRPR 1B	Rare, threatened, or endangered in California and elsewhere.
CRPR 2A	Plants presumed extirpated in California but common elsewhere
CRPR 2B	Plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3	Plants about which we need more information – a review list.
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat.

As stated by the CNPS:

“Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B's, 2's, 4's, and the majority of California Rare Plant Rank 3's. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension.” (CNPS 2018)

0.1	Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

LOCAL PROTECTION AND CLASSIFICATIONS

As stated by the City of San Juan Capistrano:

“(a)Purpose and intent. The purpose and intent of this section is to establish procedures necessary to achieve all of the following objectives: (1)That the City continue to realize the benefits provided by its urban forest, including shade and microclimate control, soil stabilization and protection, watershed protection, maintenance of healthy air quality, preservation of scenic views, aesthetics and community character, maintenance of habitat for birds and other wildlife, and protection and enhancement of property values among other such benefits; (2)That suitable trees are maintained throughout the City, in a healthy and nonhazardous condition; (3)That heritage trees are identified and preserved; (4)That the use of native, drought resistant and California-friendly trees on public land private property is encouraged; (5)That a functional and manageable process for permitting tree removal is provided for properties where such removal is necessary or will not adversely impact adjacent properties or community character; and (6) that new tree planting is required or encouraged where appropriate on public and private property, in order to create and maintain a healthy urban forest of native and California-friendly trees, consistent with the natural environment and rural character of San Juan Capistrano.” (City of San Juan Capistrano Municipal Code, Section 9-2.349)

“For the purposes of this section, a tree shall be deemed a heritage tree and shall be protected from removal when such tree has a trunk diameter at breast height (dbh) of thirty-six (36) inches or greater, and is a specimen of the following species: Schinus molle (California pepper); Quercus spp. (oak); Cedar spp. (cedar); Eucalyptus globulus (blue gum eucalyptus); Juglans spp. (walnut); Olea europaea (olive); Platanus spp. (sycamore); Populus spp. (cottonwood); or as otherwise designated by the Planning Commission based on the tree’s unique and intrinsic value to the community because of its size, age, historic association or ecological value.” (City of San Juan Capistrano Municipal Code, Section 9-2.349)

A specimen tree analysis was conducted throughout the Project Site and Extent of Impact area by Dave Matias Plant and Pest Consultant, certified arborist #476 (Dave Matias Plant and Pest Consultant 2020). A total of 289 trees were mapped and assessed within the Project Site and Extent of Impact area. As stated by Mr. Dave Matias:

“The only tree species on site, California Pepper Schinus Molle has protective status as a Heritage Tree as defined by the City of San Juan Capistrano when it has DBH of 36” and greater. No California Pepper on site met this requirement. The only species (Erythrina spp.) that exceeds the 36” and greater criteria is not on the City’s protection heritage.” (Dave Matias Plant and Pest Consultant 2020)

SENSITIVE HABITATS

As stated by CDFW:

“One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe’s Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled” (CDFW 2017c)

No sensitive or undisturbed native habitats were documented within the Project Site or Extent of Impact area. The Project Site and Extent of Impact area are characterized as developed/ornamental and ruderal/non-native grassland.

SENSITIVE PLANTS

The Project Site and Extent of Impact area were assessed to determine the potential for sixteen (16) sensitive plant species known to occur within the region, to occur onsite, as presented in Table 2, *Sensitive Plant Species Assessment*. No suitable habitat for sensitive plant species including those listed as federal or state threatened/endangered was documented within the Project Site or Extent of Impact area. No sensitive plant species listed in Table 2 or undisturbed native habitats were documented within the Project Site and Extent of Impact area. The Project Site and Extent of Impact area are characterized as developed/ornamental and ruderal/non-native grassland.

Table 2. Sensitive Plant Species Assessment

Species Name (Scientific Name)	Habitat Description	Comments
Status		
Coulter’s saltbush (<i>Atriplex coulteri</i>) CRPR List 1B.2	Perennial herb generally blooming from March to October within coastal bluff scrub, coastal dunes, coastal sage scrub, valley and foothill grassland in alkaline or clay soils (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
Thread-leaved brodiaea (<i>Brodiaea filifolia</i>) FT/SE CRPR 1B.1	Perennial bulbiferous herb generally blooming from March to June in chaparral, cismontane woodland, coastal scrub, playas, valley and foothill grassland, and vernal pools – in association with clay substrates (CNPS).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
Intermediate mariposa lily (<i>Calochortus weedii</i> var. <i>intermedius</i>) CRPR 1B.2	Perennial bulbiferous herb generally blooming from May to July within chaparral, coastal scrub and alley and foothill grassland with rocky and calcareous substrates (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
Southern tarplant (<i>Centromadia pungens</i> ssp. <i>australis</i>) CRPR 1B.1	Annual herb generally blooming from April to September within chenopod scrub, meadows/seeps, playas, riparian woodland and valley and foothill grassland in association with alkaline soils.	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
Orcutt's pincushion (<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>) CRPR	Annual herb generally blooming from January to August within coastal bluff scrub and costal dune habitats (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat.
Summer holly (<i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>) CRPR 1B.2	Perennial evergreen shrub generally blooming from April to June in chaparral and cismontane woodland (CNPS 2019).	Not observed onsite.
Blochman's dudleya (<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>)	Perennial herb generally blooming from April to June in coastal bluff scrub, chaparral, coastal scrub, and valley and foothill grassland in association with rocky clay or serpentinite substrates (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils
Laguna Beach dudleya (<i>Dudleya stolonifera</i>) FT/ST CRPR 1B.1	Perennial stoloniferous herb generally blooming from May to July within rocky chaparral, cismontane woodland, coastal scrub, and alley and foothill grassland vegetation communities (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
Many-stemmed dudleya (<i>Dudleya multicaulis</i>) CRPR 1B.2	Perennial herb which generally blooms from April to July within chaparral, coastal scrub and valley and foothill grassland often associated with clay substrates. (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils
California satintail (<i>Imperata brevifolia</i>) CRPR 2B.1	Perennial rhizomatous herb generally blooming from September to May in mesic chaparral, coastal scrub, meadows/seeps, and riparian scrub (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils
Mud nama (<i>Nama stenocarpum</i>) CRPR 2B.2	Annual/perennial herb generally blooming from January to July within marshes and swamps (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat.
Allen's pentachaeta (<i>Pentachaeta aurea</i> ssp. <i>allenii</i>) CRPR List 1B.1	Openings in coastal sage scrub and valley and foothill grassland. Blooming period Mar-Jun. Elevation range 75-520m.	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
White-rabbit tobacco (<i>Pseudognaphalium leucocephalum</i>) CRPR 2B.2	Perennial herb which generally blooms from July to August within chaparral, cismontane woodland, coastal scrub, and riparian woodland with sandy or gravelly substrates. (CNPS 2019)	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
Nuttall's scrub oak (<i>Quercus dumosa</i>) CRPR 1B.1	Perennial evergreen shrub generally blooming from February to August in coniferous forest, chaparral, and coastal scrub in association with sandy clay loam substrates (CNPS 2019).	Not observed onsite.

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
Salt spring checkerbloom (<i>Sidalcea neomexicana</i>) CRPR 2.2	Perennial herb which generally blooms from March to June within chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub, and playas within alkaline and mesic substrates gravelly substrates. (CNPS 2019)	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
Big-leaved crownbeard (<i>Verbesina dissita</i>) FT/ST CRPR 1B.1	Perennial herb generally blooming from March to July within chaparral (maritime) and coastal sage scrub vegetation communities (CNPS 2019).	Not expected to occur onsite based on a lack of suitable habitat and undisturbed soils.
<p>California Native Plant Society (CNPS): California Rare Plant Rank (CRPR) CRPR 1A – plants presumed extinct in California CRPR 1B – plants rare, threatened, or endangered in California, but more common elsewhere CRPR 2 – plants rare, threatened, or endangered in California, but more common elsewhere CRPR 3 – Plants about which we need more information, a review list CRPR 4 – Plants of limited distribution, a watch list .1 – Seriously endangered in California .2 – Fairly endangered in California .3 – Not very endangered in California</p> <p>Federal (USFWS) Protection and Classification FE – Federally Endangered FC – Federal Candidate for Listing</p> <p>State (CDFW) Protection and Classification SE – State Endangered</p>		

SENSITIVE WILDLIFE

The Project Site and Extent of Impact area were assessed to determine the potential for twenty-five (25) sensitive wildlife species known to occur within the region, to occur onsite, as presented in Table 3, *Sensitive Wildlife Species Assessment*. No suitable habitat for species listed as federal or state threatened/endangered was documented within the Project Site and Extent of Impact area. No sensitive wildlife species or undisturbed native habitats were documented within the Project Site or Extent of Impact area. The Project Site and Extent of Impact area are characterized as developed/ornamental and ruderal/non-native grassland.

Coopers Hawk

Cooper's hawk (*Accipiter cooperii*) is a CDFW Watch List species when nesting. This species occurs in riparian areas and oak woodlands, and most commonly in montane canyons. This species is also known to use urban areas, occupying mature trees

associated with residential and commercial development and using utility poles as perches. The mature Eucalyptus trees documented onsite represent suitable nesting habitat.

Table 3. Sensitive Wildlife Species Assessment

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
INVERTEBRATES		
San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) FE	Seasonal vernal pools.	Not expected to occur onsite based on a lack of suitable habitat (vernal pools or seasonal depressions).
Quino checkerspot butterfly (<i>Euphydryas editha quino</i>) FE	Quino checkerspot butterfly (QCB) is restricted to low elevation meadow habitats or clearings usually characterized by clay or cryptogamic deposits, inhabited by host plants including <i>Plantago erecta</i> , <i>Plantago patagonica</i> , <i>Castilleja exserta</i> , and <i>Cordylanthus rigidus</i> . Adult QCB often occur on open or sparsely vegetated rounded hilltops, ridgelines, and occasionally rocky outcrops.	Not expected to occur onsite. No suitable host plant, soils or undisturbed habitats onsite.
Riverside fairy shrimp (<i>Streptocephalus woottoni</i>) FE	Riverside fairy shrimp is restricted to deep seasonal vernal pools, vernal pool like ephemeral ponds, and stock ponds and other human modified depressions. Riverside fairy shrimp prefer warm-water pools that have low to moderate dissolved solids, are less predictable, and remained filled for extended periods of time.	Not expected to occur onsite based on a lack of suitable habitat (vernal pools or seasonal depressions).

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
AMPHIBIANS		
Arroyo toad (<i>Anaxyrus californicus</i>) FE SSC	Breeds in intermittent drainages and aestivates within floodprone areas and adjacent scrub and woodland habitats. Not expected to occur onsite based on a lack of suitable habitat.	Not expected to occur onsite based on a lack of breeding and/or upland habitat within and/or adjacent to the Project Site and Extent of Impact Area. (Ruben Ramirez, arroyo toad USFWS Permit 780566-14, CDFW 02243)
Western spadefoot (<i>Spea hammondi</i>) SSC	Seasonal pools in coastal sage scrub, chaparral, and grassland habitats.	Not expected to occur onsite based on a lack of suitable breeding habitat.
REPTILES		
Orange-throat whiptail (<i>Aspidoscelis hyperythra</i>) SSC	Coastal sage scrub, chaparral, non-native grassland, oak woodland, and juniper woodland.	Not expected to occur onsite based on a lack of suitable habitat and developed/disturbed site conditions.
Red-diamond rattlesnake (<i>Crotalus ruber</i>) SSC	Habitats with heavy brush and rock outcrops, including coastal sage scrub and chaparral.	Not expected to occur onsite based on a lack of suitable habitat and developed/disturbed site conditions.
Coast horned lizard (<i>Phrynosoma blainvillii</i>) SSC	The horned lizard occurs primarily in scrub, chaparral, and grassland habitats in association with sandy substrates.	Not expected to occur onsite based on a lack of suitable habitat and developed/disturbed site conditions.
BIRDS		
Cooper's hawk (<i>Accipiter cooperii</i>) SSC	Cooper's hawk is most commonly found within or adjacent to riparian/oak forest and woodland habitats. This uncommon resident of California increases in numbers during winter migration.	Cooper's hawks occasionally nest in large pines and Eucalyptus trees. The mature Eucalyptus trees documented onsite represent potential nesting habitat.

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
Southern California rufous-crowned sparrow (<i>Aimophila ruficeps canescens</i>) CWL	Southern California rufous-crowned sparrow is a non-migratory bird species that primarily occurs within sage scrub and grassland habitats and to a lesser extent chaparral sub-associations. This species generally breeds on the ground within grassland and scrub communities in the western and central regions of California.	Not expected to occur onsite based on a lack of observations and/or suitable habitat.
Burrowing owl (<i>Athene cunicularia</i>) SSC	The burrowing owl uses predominantly open land, including grassland, agriculture (e.g., dry-land farming and grazing areas), playa, and sparse coastal sage scrub and desert scrub habitats. Some breeding burrowing owls are year-round residents and additional individuals from the north may winter throughout the region.	Not expected to occur onsite based on a lack of suitable burrows and foraging habitat.
Northern Harrier (<i>Circus cyaneus</i>) SSC	The northern harrier frequents open wetlands, wet and lightly grazed pastures, old fields, dry uplands, upland prairies, mesic grasslands, drained marshlands, croplands, shrub-steppe, meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands and is seldom found in wooded.	Not expected to occur onsite based on a lack of suitable breeding and foraging habitat.
Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>) FT/SE	The western yellow-billed cuckoo inhabits dense riparian and shrub communities.	Not expected to occur onsite based on a lack of suitable riparian habitat within or adjacent to the Project Site and Extent of Impact Area.

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
White-tailed kite (<i>Elanus leucurus</i>) SFP	The white-tailed kite is found in riparian, oak woodlands adjacent to open spaces including grasslands, wetlands, savannahs and agricultural fields. This non-migratory bird occurs in lower elevations of California.	Not expected to breed onsite based on a lack of suitable habitat.
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>) FE/SE	The southwestern willow flycatcher is narrowly distributed at few locations within the Plan Area. Although the preferred habitat, riparian woodland and select other forests, is well distributed within all bioregions and spread over the entire Plan Area, few current locations for the willow flycatcher have been documented.	Not expected to occur onsite based on a lack of suitable riparian habitat within or adjacent to the Project Site and Extent of Impact Area.
Merlin (<i>Falco columbarius</i>) CWL	Transient in the spring and fall and may occasionally winter within the area. It does not require specific conditions or locations for nesting because it does not nest in the region.	Not expected onsite. Breeds in the northern Great Plains.
Prairie falcon (<i>Falco mexicanus</i>) CWL	Habitat use of the prairie falcon includes annual grasslands to alpine meadows. The prairie falcon is associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields during the winter season, and desert scrub areas, all typically dry environments of western North American where there are cliffs or bluffs for nest sites.	Not expected to breed onsite based on a lack of suitable habitat.

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
Yellow-breasted Chat (<i>Icteria virens</i>) SSC	The yellow-breasted chat is associated with riparian woodland and riparian scrub habitats.	Not expected to occur onsite based on a lack of suitable riparian habitat within or adjacent to the Project Site and Extent of Impact Area.
Coastal California gnatcatcher (<i>Polioptila californica californica</i>) FT SSC	The coastal California gnatcatcher is a non-migratory bird species that primarily occurs within sage scrub habitats in coastal southern California dominated by California sagebrush (<i>Artemisia californica</i>), and California buckwheat (<i>Eriogonum fasciculatum</i>).	Not expected to occur onsite based on a lack of suitable habitat and/or observations. (Ruben Ramirez, coastal California gnatcatcher USFWS Permit 780566-14, CDFW 02243)
Yellow Warbler (<i>Setophaga petechia</i>) SSC	Habitat characteristics of the yellow warbler are well known to include riparian scrub, forest and woodland vegetation.	Not expected to occur onsite based on a lack of suitable riparian habitat within or adjacent to the Project Site and Extent of Impact Area.
Least Bell's vireo (<i>Vireo bellii pusillus</i>) FE/SE	Least Bell's vireo resides in riparian habitats with a well-defined understory including southern willow scrub, mule fat, and riparian forest/woodland habitats.	Not Expected: Not expected to occur onsite based on a lack of suitable riparian habitat within or adjacent to the Project Site and Extent of Impact Area.
MAMMALS		
Pallid bat (<i>Antrozous pallidus</i>) SSC	Roosts in rocky areas and forages in grassland, shrublands, and woodlands.	Not expected to occur onsite based on a lack of suitable habitat
Northwestern San Diego pocket mouse (<i>Chaetodipus fallax fallax</i>) SSC	The northwestern San Diego pocket mouse occurs in coastal sage, upland sage scrubs, and alluvial fan sage scrub, sage scrub/grassland ecotones, chaparral, and desert scrubs at all elevations up to 6,000 feet.	Not expected to occur onsite based on a lack of suitable habitat

Species Name (<i>Scientific Name</i>)	Habitat Description	Comments
Status		
Desert San Diego woodrat (<i>Neotoma lepida intermedia</i>) SSC	The San Diego desert woodrat is found in sage scrub, chaparral wherever there are rock outcrops, boulders, cactus patches and dense undergrowth.	Not expected to occur onsite based on a lack of suitable habitat.
Pacific pocket mouse (<i>Perognathus longimembris pacificus</i>) FE SSC	Occurs in river and marine alluvium within coastal regions dominated by open canopies of coastal sage scrub associations.	Not expected to occur onsite based on a lack of suitable habitat and/or soils. (Ruben Ramirez Pacific pocket mouse USFWS Permit 780566-14, CDFW 02243)
Federal (USFWS) Protection and Classification FE – Federally Endangered FC – Federal Candidate for Listing State (CDFW) Protection and Classification SE – State Endangered SSC – State Species of Special Concern CWL – California Watch List SPF – State Fully Protected		

The Project Site and Extent of Impact area do not occur within or adjacent to a USFWS designated critical habitat for any federally listed threatened or endangered species.

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site or the Extent of Impact area. Impacts to water quality would be less than significant during both construction and operation (i.e., compliance with NPDES permit provisions would ensure no impacts to species, and compliance with County of Orange Stormwater Program permit requirements, Low Impact Development (LID) manual, Jurisdictional Runoff Management Plan and Best Management Design Manual Guidelines, as warranted - (Order No. R9-2015-0001).

ENVIRONMENTAL IMPACTS

The following section includes an analysis of the direct and/or indirect impacts of the proposed action on sensitive biological resources. This analysis characterizes the project related activities that are anticipated to adversely impact the species, and when feasible, quantifies such impacts. Direct effects are defined as actions that may cause an immediate effect on the species or its habitat, including the effects of interrelated actions and interdependent actions. Indirect effects are caused by or result from the proposed actions, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the area directly affected by the proposed action.

THRESHOLD OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance criteria which mirror the policy statement contained in the CEQA at Section 21001 (c) of the Public Resources Code. This section reflects that the legislature has established it to be the policy of the state to:

“Prevent the elimination of fish and wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...”

The following definitions apply to the significance criteria for biological resources:

- “*Endangered*” means that the species is listed as endangered under state or federal law.
- “*Threatened*” means that the species is listed as threatened under state or federal law.
- “*Rare*” means that the species exists in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens.
- “*Region*” refers to the area within southern California that is within the range of the individual species.
- “*Sensitive habitat*” refers to habitat for plants and animals (1) which plays a special role in perpetuating species utilizing the habitat on the property, and (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.
- “*Substantial effect*” means significance loss or harm of a magnitude which, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

Also, the determination of impacts has been made according to the federal definition of “take”. FESA prohibits the “taking” of a member of an endangered or threatened wildlife species or removing, damaging, or destroying a listed plant species by any person (including private individuals and private or government entities). FESA defines “take” as “to harass, harm, pursue, hunt, shoot, would, kill, trap, capture or collect” an endangered or threatened species, or to attempt to engage in these activities.

DIRECT IMPACTS

Specifically, the biological resources assessment report addresses the following CEQA Environmental Checklist items.

Environmental Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?*

No Impact. The proposed project is a redevelopment of an abandoned manufacturing facility. Impacts to the associated ornamental landscaping and manufactured slope dominated by ruderal/non-native grassland would not have an adverse effect, either directly or through habitat modifications, on any plant or wildlife species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. No native undisturbed suitable habitat or sensitive plant/wildlife species observations were documented within the Project Site or Extent of Impact area. Therefore, no mitigation is required or proposed.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?*

No Impact. No riparian, sensitive or undisturbed native habitats were documented within or adjacent to the Project Site or Extent of Impact area as outlined in Table 4, *Project Site and Extent of Impact Area Vegetation Community Impacts*, and Figure 6, *Vegetation Communities Impact Map*. The Project Site and Extent of Impact area are characterized as a redevelopment of an abandoned manufacturing facility and associated, ornamental landscaping and manufactured slope dominated by ruderal/non-native grassland. Therefore, no mitigation is required or proposed.

Table 4 – Project Site and Extent of Impact Area Vegetation Community Impacts

Vegetation Community	Onsite Acres	Offsite Acres Extent of Impact area	Permanent Impacts (Onsite)	Temporary Impacts (Extent of Impact area)
Developed/Ornamental	14.46	0.00	14.46	0.00
Ruderal/Non-Native Grassland	2.26	1.14	2.26	1.14
Native Shrubs	0.18	0.06	0.18	0.06
TOTAL	16.90	1.20	16.90	1.20

Source: Cadre Environmental 2020.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site or Extent of Impact area. Therefore, no mitigation is required or proposed.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less Than Significant Impact. The proposed project is a redevelopment of an existing (abandoned) manufacturing facility and realignment of Ranch Viejo Road. Specifically, the Project Site is located immediately east and west of Rancho Viejo Road, east of Interstate 5 and north of the Fluidmaster manufacturing facility. The eastern region of the Project Site extends offsite within the Extent of Impact area up an existing manufactured slope toward existing general open space lands located offsite. The closest significant wildlife movement corridors to the Project Site include Trabuco Canyon (0.7 miles northwest) and San Juan Creek (1.3 miles southeast) both of which would not be directly or indirectly impacted as a result of redevelopment of the property. Based on the existing developed condition of the Project Site, the property does not meet the definition or is expected to serve or contribute to a wildlife movement corridor for ground dwelling species. Therefore, no mitigation is required or proposed.

Regulatory requirements for potential direct/indirect impacts to nesting common and sensitive bird and raptor species will require compliance with the CDFG Code Section 3503. Construction outside the nesting season (between September 1st and January 31st) do not require pre-removal nesting bird surveys. If construction is proposed between February 1st and August 31st, a qualified biologist must conduct a nesting bird survey(s) no more than fourteen (14) days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project Site or Extent of Impact area as outlined in BIO-CM 1, Regulatory CDFG Code.

Cooper's hawk is a CDFW Watch List species when nesting. This species occurs in riparian areas and oak woodlands, and most commonly in montane canyons. This species is also known to use urban areas, occupying mature trees associated with residential and commercial development and using utility poles as perches. The mature Eucalyptus trees represent suitable nesting habitat. Potential impacts to nesting habitat for this species would be avoided by implementing BIO-CM 1, Regulatory CDFG Code

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less Than Significant Impact. the City of San Juan Capistrano's tree permit ordinance regulates the removal of heritage specimens (Section 9-2.349). As stated by the City of San Juan Capistrano:

"For the purposes of this section, a tree shall be deemed a heritage tree and shall be protected from removal when such tree has a trunk diameter at breast height (dbh) of thirty-six (36) inches or greater, and is a specimen of the following species: Schinus molle (California pepper); Quercus spp. (oak); Cedar spp. (cedar); Eucalyptus globulus (blue gum eucalyptus); Juglans spp. (walnut); Olea europaea (olive); Platanus spp. (sycamore); Populus spp. (cottonwood); or as otherwise designated by the Planning Commission based on the tree's unique and intrinsic value to the community because of its size, age, historic association or ecological value. (City of San Juan Capistrano 2019)"

A specimen tree analysis was conducted throughout the Project Site and Extent of Impact area by Dave Matias Plant and Pest Consultant, certified arborist #476 (Dave Matias Plant and Pest Consultant 2020). A total of 289 trees were mapped and

assessed within the Project Site and Extent of Impact area. As stated by Mr. Dave Matias:

“The only tree species on site, California Pepper Schinus Molle has protective status as a Heritage Tree as defined by the City of San Juan Capistrano when it has DBH of 36” and greater. No California Pepper on site met this requirement. The only species (Erythrina spp.) that exceeds the 36” and greater criteria is not on the City’s protection heritage.” (Dave Matias Plant and Pest Consultant 2020)

No mitigation is required or proposed.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. The Project Site and Extent of Impact area are located within the Orange County Southern Sub-Region Habitat Conservation Plan (HCP) and adjacent to the Central and Coastal Subregion of Orange County NCCP/HCP. The Project Site is zoned as Industrial Park and redevelopment of the property would not conflict with Orange County Southern Sub-Region HCP. Therefore, implementation of the project would not result in a conflict with the provisions of an adopted habitat conservation plan and no impact would occur. Therefore, no mitigation is required or proposed.

INDIRECT IMPACTS

Potential indirect impacts include hydrological modification, discharges, lighting, and construction noise. Compliance with all the following guidelines will ensure that the proposed project will not result in significant indirect impacts to habitats and associated floral and faunal species within and/or adjacent to the Project Site and Extent of Impact area.

Water Quality

Impacts to water quality would be less than significant during both construction and operation (i.e., compliance with NPDES permit provisions would ensure no impacts to species, and compliance with County of Orange Stormwater Program permit requirements, Low Impact Development manual, Jurisdictional Runoff Management Plan and Best Management Design Manual Guidelines, as warranted - (Order No. R9-2015-0001).

Toxics

Toxic sources within the Project Site would be limited to those commonly associated with residential developments such as pesticides, insecticides, herbicides, fertilizers, and vehicle emissions. In order to mitigate for the potential effects of these toxics, the project will incorporate structural BMPs, as required in association with compliance with the NPDES permit system, in order to reduce the level of toxins introduced into the drainage system. Water quality measures will be implemented and no significant impacts are anticipated.



APN 650-111-15 & 650-112-07 - - - - - Project Impact Boundary

Figure 6 - Vegetation Communities Impact Map

Biological Resources Technical Report
Creekside Vesting Tentative Tract Map No. 19009

CADRE
Environmental



1 inch = 200 ft.

Lighting

Impacts related to lighting would be less than significant during both construction and operation. Although, no native habitat is located adjacent to the Project Site, lighting would be directed away from the general open space lands located adjacent to the northeast Project Site boundary and no indirect impacts to wildlife species will occur. No significant impacts are anticipated.

Noise

Indirect temporal noise impacts may occur to nesting bird species located adjacent to the Project Site and Extent of Impact area during project construction. Noise and vibration associated with the use of heavy equipment during project construction has the potential to disrupt bird nesting, foraging and breeding behavior within and adjacent to sensitive receptor sites. Compliance with CDFG Code Section 3503 as discussed under the Regulatory Conservation Measure would collectively contribute to reducing potential indirect noise impacts to nesting bird species potentially located within and adjacent to the Project Site and Extent of Impact area to the level of less than significance. No significant impacts are anticipated.

CUMULATIVE IMPACTS

The temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Section 15310) to environmental resources within the region of the Project Site. Cumulative impacts refer to incremental effects of an individual project when assessed with the effects of past, current, and proposed projects. The project represents the enhancement (redevelopment) and development of previously disturbed and developed habitats within its approximately 15.32-acre project area and therefore will not result in an adverse cumulative impact.

REGULATORY CONSERVATION MEASURE

The following biological conservation measure addresses the potential adverse impact determined to be potentially significant or are relevant to the protection of biological resources to the extent practicable as part of ensuring all potential impacts are mitigated to a level of less than significant.

Regulatory Requirement CDFG Code

Regulatory requirement for potential direct/indirect impacts to nesting common and sensitive bird and raptor species will require compliance with the CDFG Code Section 3503. Construction outside the nesting season (between September 1st and January 31st) do not require pre-removal nesting bird surveys. If construction is proposed between February 1st and August 31st, a qualified biologist must conduct a nesting bird survey(s) no more than fourteen (14) days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project Site and Extent of Impact area.

The survey(s) will focus on identifying any raptors and/or bird nests that are directly or indirectly affected by construction activities. If active nests are documented, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted to the City of San Juan Capistrano for review and approval prior to initiation of grading in the nest-setback zone.

The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A final monitoring report of the findings, prepared by a qualified biologist, shall be submitted to the City of San Juan Capistrano documenting compliance with the CDFG Code. Any nest permanently vacated for the season would not warrant protection pursuant to the CDFG Code.

Implementation of the Regulatory Conservation Measure as described above would reduce all potential significant unavoidable impacts on biological resources below a level of significance.

LITERATURE CITED

American Ornithologist Union (AOU). 1998. Check-list of North American Birds. 7th ed. American Ornithologists' Union, Washington, DC.

Baker, R. J., L. C. Bradley, R. D. Bradley, J. W. Dragoo, M. D. Engstrom, R. S. Hoffman, C. A. Jones, F. Reid, D. W. Rice, and C. Jones. 2003. Revised checklist of North American mammals north of Mexico. Occasional Papers of the Museum of Texas Tech University. No. 229: 1-23.

California Department of Fish and Wildlife (CDFW), Natural Diversity Data Base (CNDDDB). 2019a. Sensitive Element Record Search for the San Juan Capistrano Quadrangle. California Department of Fish and Wildlife. Sacramento, California. Accessed November 2019.

California Department of Fish and Wildlife (CDFW). 2019b. Special Animals. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Wildlife (CDFW). 2019c. State and Federally Listed Endangered and Threatened Animals of California. Natural Heritage Division, Natural Diversity Data Base.

California Department of Fish and Wildlife (CDFW). 2019d. Endangered, Threatened, and Rare Plants of California. Natural Heritage Division, Natural Diversity Data Base.

- California Department of Fish and Wildlife (CDFW). 2019e. Special Vascular Plants, Bryophytes, and Lichens. Natural Heritage Division, Natural Diversity Data Base.
- California Department of Fish and Wildlife (CDFW). 2019f. California Sensitive Natural Communities, www.wildlife.ca.gov/Data/VegCAMP/Naturalcommunities#sensitive natural communities. Accessed November 2019.
- California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency.
- California Native Plant Society. 2019. <http://cnps.org/>
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.
- North American Herpetology. 2019. <http://www.cnah.org/>. Accessed November 2019.
- Plant and Pest Consultant. 2020. Creekside Tree Reconfiguration Report, 30700 Rancho Viejo Road, San Juan Capistrano
- Santa Ana Regional Water Quality Control Board. 2017. Water Code Section 13383 Order to Submit Method to Comply with Statewide Trash Provisions; Requirements for Phase 1 Municipal Separate Storm Sewer (MS4) Co-Permittees within the Jurisdiction of the Santa Ana Regional Water Quality Control Board.
- Sayer and Keeler-Wolf. 2009. *A Manual of California Vegetation*.
- Skinner, M. W. and B. M. Pavlik. 1994. California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society. Special Publication, no. 1, 5th ed. Sacramento, California.
- Tibor, D. [ed.]. 2001. California Native Plant Society. Inventory of Rare and Endangered Plants of California. California Native Plant Society, Special Publication Number 1, Sixth Edition.
- U.S. Army Corps of Engineers, Engineer Research and Development Center (ERDC). September 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).
- U.S. Department of Agriculture. 2019. Custom Soil Resources Report for Orange County, California. Natural Resources Conservation Service.
- U.S. Fish and Wildlife Service (USFWS). November 2019. Threatened and Endangered Species Occurrence Database. Pacific Southwest Region. Carlsbad Office. Accessed November 2019.

Certification *"I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge".*

Author:  Date: March 23rd, 2020

Contact: Ruben S. Ramirez, Jr. 949-300-0212, r.ramirez@cadreenvironmental.com