

APPENDIX E

BIOLOGICAL RESOURCES REPORT



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Subject: Biological Resources Report Addendum for El Corazon Project, City of Oceanside, San Diego County, California; SPA Z17-00004, TM T17-00004

Dear Mr. Radelow,

REC Consultants, Inc. has prepared this letter report in support of an Addendum to the Final Environmental Impact Report (FEIR) for the El Corazon Specific Plan (referred to herein as the “approved Specific Plan”), which was certified in 2009 (State Clearinghouse No. 1998091006). This letter report evaluates whether Specific Plan Amendment (Z17-00004) or development of Tentative Map (T-17-00004) would result in new or substantially more severe significant environmental impacts compared to the impacts disclosed in the certified FEIR.

1.0 Project Description

The project proposes a Specific Plan Amendment (SPA) and Tentative Map (TM) for development within an 82.9 acre area of the El Corazon Specific Plan. The TM would divide the 82.9-acre project site into four lots ranging in size from 5.3 acres to 37.3 acres to support commercial and residential uses, consistent with Village Commercial and Oceanside Boulevard Commercial Districts, with the necessary public streets and utilities, as envisioned by the Specific Plan. The proposed Tentative Map and Specific Plan Amendment present additional street sections and designs for circulation routes and pedestrian pathways associated with development of the Village Commercial (VC) Districts. These proposed street sections meet the design intent and functionality of the existing sections included in the Specific Plan. In conjunction with the TM, amendments to the Specific Plan are also proposed as necessary to address acreage adjustments for the various land use districts. Therefore, the proposed Specific Plan Amendments are applicable to the larger 465-acre portion of the El Corazon area.

The proposed project would result in a change in the boundary of the eastern 20-acre Habitat District, located parallel to Oceanside Boulevard, to accommodate the construction of a storm water detention basin. Under the 2009 FEIR, this area is required to contain restoration of native coastal sage scrub habitat. The proposed project would be consistent with the 20-acre coastal sage scrub restoration requirement, although the eastern boundary of the Oceanside Boulevard Habitat District would be shifted slightly from those identified within the 2009 FEIR. To the west, the boundary has been slightly adjusted to remain outside of the proposed slope grading for the planned Oceanside Boulevard Commercial area. This slope area would now be a part of Park

9 as a landscape buffer/slope, rather than part of the Oceanside Boulevard Habitat District. Additionally, the Habitat District boundary has been expanded slightly northward, in order to maintain its original 20-acre size while accommodating the landscaped biofiltration basin. The net total of these adjustments is approximately 1.8 acres, with this area being directly exchanged between the Habitat and Park 9 areas, resulting in no net change to either district. As required by the Mitigation Monitoring and Reporting Program (MMRP), all mitigation for habitat impacts will be provided upon project completion. The proposed project includes movement of soil/fill from within the TM to other areas of the TM. The soil/fill excavation and deposition is located entirely within the existing Specific Plan boundaries and previously analyzed impact footprint of the 2009 FEIR and will not result in any new or additional impacts to sensitive biological impacts.

2.0 2009 El Corazon FEIR Significance Findings and 2018 Consistency Analysis

The 2009 El Corazon FEIR provided both a program-level analysis of impacts resulting from implementation of the El Corazon Specific Plan. This letter report evaluates whether Specific Plan Amendment (Z17-00004) or development of Tentative Map (T-17-00004) would result in new or substantially more severe significant environmental impacts compared to the impacts disclosed in the certified FEIR. The evaluation of impacts to biological resources within this letter report follows the order as Section 4.3.4 of the FEIR. Findings for Phase 1 trails are not included because they are not within or adjacent to the TM.

2.1 Significance Threshold 1

Does the project 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 CDFG or USFWS?

1.a. Sensitive Vegetation Communities: Significant

The 2009 FEIR determined that the El Corazon Specific Plan project would impact 183.9 acres of non-native grassland. Since non-native grassland provides raptor foraging habitat, this impact was considered significant and mitigation was required. Mitigation for this impact is specified in measure BIO-1a.

1.b. Sensitive Plant Species: Less than Significant

The 2009 FEIR determined that sensitive plant species covered by the Draft Oceanside Subarea Plan were not identified within the Specific Plan area and are considered to have low potential to occur. Therefore, impacts to sensitive plants were determined to be less than significant impact.

1.c. Sensitive Wildlife Species: Potentially Significant

The 2009 FEIR determined that construction and use of Phase 2 Trails (outside the Habitat District) had the potential to result in an indirect impact to sensitive wildlife species. Should these adverse effects occur within during the breeding season for migratory birds (February 1 through September 15), indirect impacts would be significant. Therefore, construction and use of the Phase 2 Trails would result in a

potentially significant indirect impact and mitigation was required. Mitigation for this impact is specified in measures BIO-2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 27, 28, and 29.

1.d. Raptor Habitat, Nesting, and Foraging: Significant

Within the El Corazon Specific Plan area, the 2009 FEIR determined that existing non-native grassland provided raptor foraging habitat. Therefore, the loss of foraging habitat through conversion of non-native grassland into parks and recreation, commercial, and civic service land uses was considered a significant impact. Mitigation for this impact is specified in measure BIO-1a.

20182019 Consistency Analysis

CONSISTENT. The proposed project is consistent with the findings of the 2009 FEIR. The proposed land use changes and TM map would not increase substantial adverse effects to any of the subject species because the TM changes are located entirely within an area that has already been mass graded and there would be no net loss of creation and restoration of coastal sage scrub within the Oceanside Boulevard Habitat District.

Although the project proposes to locate a biofiltration basin within in the eastern edge of the Oceanside Boulevard Habitat District footprint, the proposed project would be consistent with the 20-acre coastal sage scrub restoration requirement. To accommodate the basin, while maintaining the 20-acre coastal sage scrub requirement, the eastern boundary of the Oceanside Boulevard Habitat District would be shifted slightly westward from those identified within the 2009 FEIR. The boundary has been slightly adjusted to remain outside of the proposed slope grading for the planned Oceanside Boulevard Commercial area. This slope area would now be a part of Park 9 as a landscape buffer/slope, rather than part of the Oceanside Boulevard Habitat District. Additionally, the Habitat District boundary has been expanded slightly northward, in order to maintain its original 20-acre design while accommodating the landscaped biofiltration basin. The net total of these adjustments is approximately 1.8 acres, with this area being directly exchanged between the Habitat and Park 9 areas, resulting in no net change to either district. Although the dimensions of the Oceanside Boulevard Habitat District have changed, the function and value of the district have not. The original dimensions were 3,000 linear feet in length by 300 feet wide (north to south) on average. The proposed change could increase functionality and value by reducing the ratio of edge to total area, which can reduce edge effects.

Consistent with the findings of the 2009 FEIR, the proposed project meets the 20-acre requirement for creation and restoration of coastal sage scrub within the Oceanside Boulevard Habitat District. Future Phase 2 trail alignments that could impact subject species remain conceptual and subject to approval and mitigation upon finalization and City and Wildlife Agency review. Requirements for biological monitoring to protect sensitive species and habitats will not be affected by the proposed project changes (BIO-11, 12, 13, 14, 15, 16, and 17). The proposed project would not result in any new or substantially more severe significant environmental impacts, when compared to the impacts disclosed in the 2009 certified FEIR.

2.2 *Significance Threshold 2*

Does the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS?

Significant

The 2009 FEIR determined that implementation of the Specific Plan would impact 183.9 acres of non-native grassland, which is a sensitive habitat and supports raptors. Therefore, the 2009 Specific Plan was determined to result in a significant impact to non-native grassland. The placement for the subsequent Phase 2 trails is conceptual at this time and detailed plans for those trails have not been prepared. Based upon the preliminary Phase 2 trail design, it is anticipated that the Phase 2 trails would be constructed and maintained through minor clearing of vegetation within the existing pathways; however, a determination of vegetation impacts would be necessary when the final engineering plans are available. This determination would be completed by the City prior to consultation with the Wildlife Agencies. Because impacts to vegetation have yet to be determined, a potentially significant impact to sensitive vegetation habitats is identified.

| **20182019** Consistency Analysis

CONSISTENT. The proposed changes are consistent with the findings of the 2009 FEIR because the TM changes are located entirely within an area that has already been mass graded, and for which any required mitigation was already approved. The proposed biofiltration basin is located in the eastern edge of the 2009 identified Oceanside Boulevard Habitat District footprint and would be landscaped. To ensure a no net loss of the 20 acres required to be revegetated as coastal sage scrub, boundaries of the Habitat District have been shifted slightly to the north. Phase 2 trail alignments are not included as part of the proposed project and therefore remain conceptual and subject to approval and mitigation (if required) upon finalization and City and Wildlife Agency review. Consistent with the findings of the FEIR, the proposed project would include planned buffers at the edge of riparian habitat, wetlands, and Habitat Management Districts. The proposed project would not result in any new or substantially more severe significant environmental impacts, when compared to the impacts disclosed in the 2009 certified FEIR.

2.3 *Significance Threshold 3*

Does the project 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?

Significant

The 2009 FEIR determined that development within the Specific Plan area and in proximity to jurisdictional wetland areas may result in indirect impacts in the form of erosion, runoff, lighting, etc. This was identified as a significant impact.

20182019 Consistency Analysis

CONSISTENT. The proposed project would not result in any development within proximity to any jurisdictional wetlands. The TM changes are located entirely within an area that has already been mass graded and for which any required mitigation was already approved. The biofiltration basin would not be located in or near wetlands. Phase 2 trail alignments remain conceptual and subject to approval and mitigation (if required) upon finalization and City and Wildlife Agency review. The proposed project would not result in any new or substantially more severe significant environmental impacts, when compared to the impacts disclosed in the 2009 certified FEIR.

2.4 Significance Threshold 4

Does the project 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?

SIGNIFICANT

The 2009 FEIR determined that the western portion of the proposed 2009 Specific Plan Habitat District is identified as a Wildlife Corridor within the draft Oceanside Subarea Plan. The construction and use of trails within the Habitat Districts therefore have the potential to interfere with the movement of the California gnatcatcher and other species that may utilize the Wildlife Corridor in the western portion of the site. This would result in indirect impacts to the California gnatcatcher and other species, and a significant impact was identified.

20182019 Consistency Analysis

CONSISTENT. Although the proposed project includes a change in configuration of the boundaries of the Wildlife Corridor area in the Habitat District area along Oceanside Boulevard, the net acreage will remain the same with proposed project changes. Additionally, the proposed project does not result in any modifications to the western Habitat District and the Phase 2 trail alignments remain conceptual and subject to approval and mitigation (if required) upon finalization and City and Wildlife Agency review. The proposed project would not result in any new or substantially more severe significant environmental impacts, when compared to the impacts disclosed in the 2009 certified FEIR.

2.5 Significance Threshold 5

Does the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

LESS THAN SIGNIFICANT

The 2009 FEIR determined that the City of Oceanside does not have local policies or ordinances in addition to the draft Oceanside Subarea Plan. No impact was identified.

20182019 Consistency Analysis

CONSISTENT. The proposed project is consistent with the findings of the 2009 FEIR because the TM is located entirely within an area that has already been mass graded, and for which any required mitigation was already approved. The biofiltration basin would be located in the eastern edge of the Oceanside Boulevard Habitat District footprint, including 20 acres that would be revegetated as coastal sage scrub. Although the boundaries of the Oceanside Boulevard Habitat District have shifted, no loss of coastal sage scrub restoration/creation would occur. Phase 2 trail alignments remain conceptual and subject to approval and mitigation (if required) upon finalization and City and Wildlife Agency review. The proposed project would not result in any new or substantially more severe significant environmental impacts, when compared to the impacts disclosed in the 2009 certified FEIR.

2.6 Significance Threshold 6

Does the project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or state habitat conservation plan.

LESS THAN SIGNIFICANT

The 2009 FEIR determined that any impacts or potential impacts resulting from the proposed project would be mitigated in accordance with the draft Oceanside Subarea Plan and associated federal and state regulations. The MHCP is the adopted regional HCP applicable to the proposed project. Because the Subarea Plan is the implementation tool for the adopted MHCP, compliance with the Subarea Plan ensures consistency with the provisions of the adopted MHCP. Therefore, a less than significant impact was identified.

20182019 Consistency Analysis

CONSISTENT. The proposed project is consistent with the findings of the 2009 FEIR because the TM is located entirely within an area that has already been mass graded, and for which any required mitigation was already approved. Although the biofiltration basin is located in the eastern edge of the Oceanside Boulevard Habitat District footprint, the boundaries of this District have been expanded to ensure that all 20 acres of the required coastal sage scrub revegetation would still occur. The proposed project would not affect the 120 acres of contiguous biological open space within the western portion of the project site in which no structures shall be allowed. Phase 2 trail alignments remain conceptual and subject to approval and mitigation (if required) upon finalization and City and Wildlife Agency review. The proposed project would not result in any new or substantially more severe significant environmental impacts, when compared to the impacts disclosed in the 2009 certified FEIR.

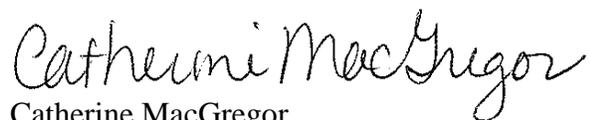
3.0 Conclusion

In conclusion, all proposed changes in the TM and SPA are fully consistent with the 2009 FEIR findings for biological resources. No revised findings for significance of biological impacts or changes in mitigation measures are required at this time. Although the location of the biofiltration basin would be vegetated with landscaping that would not be converted to coastal sage scrub, the boundaries of the Habitat District have been shifted to ensure no change in the net acreage of the Oceanside Boulevard Habitat District. Creation of the detention basin at the proposed location would be offset by the equivalent amount of coastal sage scrub restoration/creation within the adjusted 20-acre Habitat District. Therefore, the detention basin will not result in a change to required mitigation.

The following mitigation measures for impacts to biological resources pertain to buildout of the TM area and the biofiltration basin outside the western edge of the TM:

<u>2009 FEIR Mitigation Measure</u>	<u>Relevant Significance Threshold</u>
BIO-6	1, 2, and 3
BIO-8	1, 2, and 4
BIO-9	1 and 4
BIO-10	1, 2, 3, and 4
BIO-11	1, 2, and 3
BIO-12 and 13	1
BIO-14 through 18	1, 2, and 3
BIO-19 and 20	1
BIO-21 through 24	1, 2, and 3
BIO-28 and 29	1 and 2
BIO-30	1

Sincerely,


 Catherine MacGregor
 Senior Biologist

6.0 References

Hunsaker & Associates. 2018. Tentative Parcel Map, El Corazon, City of Oceanside, California.

HDR. 2009. El Corazon Specific Plan, Oceanside, California Final Environmental Impact Report, State Clearinghouse # 1998091006, Appendices. Prepared for City of Oceanside. March 2009.

R.C. Biological Consulting, Inc. 2006. Biological Report for El Corazon Site in Oceanside, California. Prepared for HDR Engineering. December 2006.

Sudberry Development, Inc. Proposed Specific Plan Amendment (SPA) Z17-0004, April 2018
Redline Draft of Amended Pages.